Skill and the commodification of labour in New South Wales 1840-1915

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In the several years after the 1901 strike the engineering works and shipyards lapsed back into a spasmodic pattern of activity and inactivity. Early in 1903 the ASE referred to 'The large number of good competent mechanics who are unemployed at the present time.'\(^1\) By the end of 1903 the iron trades employers were referring to '... the increasing depression in the engineering trades ...', and the iron trades unions were comparing the level of unemployment with that of 1893.\(^2\) The most salient indicator of the extent of the slump was the level of employment at the largest establishments; Franki referred in 1903 to '... the shortening of hands at some of the large engineering works ...', citing that at Mort's Dock 'In place of 1500 or 1600 men who should be at work ... there were ... perhaps 700 to 800 men.'\(^3\) His assessment in mid-1904 that 'Never during the past 35 years had he known the iron trades to be in such a depressed condition ...' was a mixture of hyperbole and truth.\(^4\)

If this context of flux provided propitious circumstances in which the artisanal concept of skill was comprehensively displaced by the industrial in the consciousness of "unskilled" workers in the iron trades, for 'skilled'

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1. G.L. Radford, District Secretary, ASE, letter 'To the Editor', *The Daily Telegraph*, 10th January 1903, p. 10.
2. Ibid., 13th November 1903, p. 7; 20th November 1903, p. 4.
3. Ibid.
4. Ibid., 16th April 1904, p. 7.
workers in the iron trades it rather served as a context for the reiteration of the artisanal concept of skill at the conceptual centre. The ASE continued to orient itself in the industrial and social world of the early twentieth century through co-ordinates provided by the artisanal concept of skill. It railed against the decline in apprenticeship, and its accompaniment, the development of an intermediate class of engineering workers who:

are capable of doing some of the inferior classes of work, ... class themselves as mechanics, ... and of course ... are not competent to command even our minimum rate of wage. Little wonder that we are prejudiced against this class, and it is scarcely likely that we will assist them to learn a trade. With the genuine apprentices it is quite different, ... as we recognise in him the mechanic of the future.  

Little wonder, too, that a contemporary commentator observed that the ‘... engine fitters and turners, owing to the high class of skill demanded, style themselves as “the aristocracy of labour”’.  

Within the Boilermakers’ Society similar attitudes persisted. And as in the late nineteenth century, the skilled iron trades unions were capable of adopting an aggressive stance against capitalism. As the Secretary of the ASE put it in 1903:

we turn not into the path that the American worker is treading, but away from it. Have the gentlemen [i.e. iron trades employers] difficulties to face? In a measure we can sympathise, but we must fight our own cause, not theirs. ... what they ask is that we commit suicide. ... and at every call we must be prepared to fight.  

Thus in the early twentieth century employers in the iron trades continued to be confronted by skilled workers intent on resisting, from positions of considerable strength and status within the industrial world, all attempts to erode the artisanal structures which they had devised, erected and reproduced as a defence against the trajectory of capitalist development over the preceding half century. Confronted with this unchanged industrial equation, the approach of the iron trades employers to their skilled workers in this period continued with as well as departed from the

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5 G.L. Radford, op. cit.
6 *The Daily Telegraph*, 12th January 1903, p. 5.
7 See above Chapter Ten, p. 306.
8 Robert Howe, District Secretary ASE, *SMII*, 11th December 1903, p. 7.
strategies of the preceding decades. At a series of conferences between the ITEA and most of the iron trades unions at the end of 1903 and beginning of 1904 the employers pursued traditional strategies in regard to the skilled iron workers. They proposed to the unions such typical changes as a 10% reduction in wage rates, reductions in overtime rates, and '... amended conditions of labor ...'. The latter included their traditional demands: removal of limitations on apprenticeship, the lifting of restrictions on the numbers of machines which could be worked by one worker, and an agreement to work under piecework conditions.

While iron trades employers were thus prepared to draw on these traditional measures, at the same time their approach to skilled workers contained elements of a developing perspective which departed from precedent. Although during this period the employers did not immediately set about applying the lesson of the 1901 assistants' strike - the technique of classification - to the labour of their skilled workers, their stance in regard to the latter was marked by an aggression largely absent from their pre-1890 approach. Whereas previously the ITEA had shown itself willing to work within the framework of craft unionism and its rules, now there was a distinct and widespread drawing away from that consensual approach. At a Royal Commission into the Manufacture of Locomotives, attention was given to assessing the 'INFLUENCE OF UNIONS ON PRODUCTION', The Herald commenting that it was '... apparent from the evidence that employers ... view with some concern the influence which trades unionism is exerting on the industrial life of the State ...'. Reflecting this concern, the ITEA representatives at a union/employer conference in 1903 obliquely served

9 The unions involved were the USB, the Australasian Society of Engineers, the Federated Ironmoulders; The Daily Telegraph, 19th November 1903, p. 7. The ASE was notable by its absence, pursuing in this period an ultra-separatist line. For the ASE's account of its reasons for not joining with the other unions, see SMH, 11th December 1903, p. 7.
10 For the details of employers' proposals, see ibid., 13th November 1903, p. 7; 19th November 1903, p. 7.
11 SMH, 12th April 1904, p. 5.
notice on the unions of its intention to combat that influence, by pointing out that ‘There were several things in the rules of the various unions which the employers had [previously] not taken cognisance of, and they had worked harmoniously without taking notice of them.’. Now, however, they hoped that ‘... some of the restrictions might be removed and others modified.’. Elsewhere, individual employers specified the details. Charles Hoskins considered that ‘... the Australian workmen have no ambition to raise themselves ...’, a characteristic which he in part attributed to the influence of iron trades unions, which he considered ‘... [made] them indolent by not allowing them to turn out too much work.’. Noakes, the managing director of the Clyde Engineering Co, referred to the same phenomenon when he commented on the prevalence of ‘... the “Government stroke”...’ amongst iron trades workers. Hoskins also argued that the unions influenced production by preferring ‘... the old slow method to the latest improved machines.’, and claimed as evidence that when he had installed hydraulic riveting machines in his pipe works, his employees responded by slowing production down to less than the hand rate. Similarly, the ITEA sought also to shift the unions’ rules on the ‘... limitation of work ...’ by arguing that ‘... in many cases it would impose no hardship upon a man to work two or more machines.’.

Whilst the unions remained intransigent on these issues, it was the issue of piecework which aroused their greatest animosity. Alone of all the subjects discussed in conference, piecework ‘... evoked a heated debate ...’. And that it did so was testament to the increasing rift between the craft unions and their employers in conceptualising labour. For the latter were

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12 The Daily Telegraph, 19th November 1903, p. 7.
13 SMH, 13th April 1904, p. 7.
14 Ibid.
15 Ibid.
16 The Daily Telegraph, 19th November 1903, p. 7.
17 Ibid., 19th November 1903, p. 7.
less concerned with the details of how a piecework system might work, than with using it as the issue with which to make in-roads into the unions' collectivist ethos in regard to labour. Thus Franki stressed, during discussions with the unions on piecework during 1903 and 1904, that the employers required that '... the principle [of piecework] should be admitted as far as the union rules were concerned.', and that 'At present all the men were asked to do was to admit the principle.', of piecework, rather than to thrash out the details of the system itself.\textsuperscript{18} Hoskins made the same distinction, pointing out to the union delegates that 'The men were not asked to enter into any arrangement ... immediately, ... All that they were asked to do now was to admit the principle, and agree to discuss details when the time arrived.'\textsuperscript{19} And what was this "principle"? As the joint statement of the unions pointed out in 1904, '... the employers desired the system of piecework they proposed to be on the basis of individual agreements rather than by collective negotiation.'\textsuperscript{20} And, as they had earlier put it, '... individual bargaining was a principle they could not admit.'\textsuperscript{21}

Whilst the approach of the employers to their skilled employees in these years was not a direct application of the lessons learnt in the 1901 assistants' strike, they nonetheless carried over into their approach to the "skilled" the interest in the techniques of commodification which they had displayed and developed in the struggle with the "unskilled". As yet, however, it remained an unarticulated goal, and one whose realisation seemed to the iron trades employers even further off when their

\textsuperscript{18} Respectively ibid., and SMII, 21st April 1904, p. 5. When Mr. Knight of the Australian Society of Engineers pressed the employers as to whether they would '... be willing to have a board appointed to settle the price of piecework from time to time?', Franki replied that '... there would be no necessity for that.' issue to be resolved as 'At present all the men were asked to do was to admit the principle.'; ibid. Even when piecework was allowed by arbitration, it was not widely made use of until the mass production conditions of World War 1. See Buckley, The Amalgamated Engineers, op. cit., p. 173.

\textsuperscript{19} SMII, 21st April 1904, p. 5.

\textsuperscript{20} Ibid., 29th April 1904, p. 3.

\textsuperscript{21} The Daily Telegraph, 19th November 1903, p. 7.
negotiations with the iron trades unions produced only unwavering rejection of all of their proposals. Unable to resolve their disagreements privately, in 1904 the ITEA filed claims against the individual iron trades unions in the New South Wales Arbitration Court. It did so with little hope that this forum would prove any more receptive to their aims than the unions themselves. Noakes asserted that '... the Arbitration Court and the unions will not allow piecework.'\textsuperscript{22} Franki considered that the Court's existence had '... given the men such an air of independence that at the least thing you do which does not meet their views they are up in arms at once.' He illustrated his opinion that the Court's decisions favoured labour, by commenting that the Shipwrights' Award recently handed down by the Court made '... the proprietor a secondary consideration as to whether a man is a good or a bad workman.'\textsuperscript{23} Franki's choice of this example, and the features he emphasised within it, illustrated the interest which was now developing amongst iron trades employers in commodifying skilled labour.

II

Due to the backlog of cases it was not until 1908 that the ASE and the ITEA met in the Arbitration Court. When they did so the employers were starting to apply to "skilled" labour those insights and arguments which they had developed in 1901. However, this was not simply a matter of mechanically transferring to the "skilled" the approach which they had developed in their struggle with the "unskilled". Rather, the application of the logic of the industrial concept of skill to the occupational groups in the ASE involved a much more intricate process of dissolving and combating

\textsuperscript{22} SMH, 13th April 1904, p. 2.
\textsuperscript{23} Ibid. For the terms of the Shipwright's Award see New South Wales Arbitration Reports Vol. 3, 1904, pp. 341-53. The Award laid out demarcations between shipwrights', carpenters' and engineers' work, as well as providing for a "last-on, first-off" provision in the employment of caulking and coppering workers.
the sets of artisanal ideas and representations which surrounded those occupations. To this end we find Franki - as always in this period the dominating figure within the ITEA\textsuperscript{24} - approaching the case as a conscious attempt to displace the engineering occupations from the pedestal which they occupied. When E. Riley, Judge Heydon's assistant on the union side\textsuperscript{25}, asked Franki in a rather leading manner - 'Do you think the engineering business as a whole is the highest skilled trade in the country? ', Franki's reply - that it was 'Not the highest skilled trade ...' but as skilled as any other - was an attempt to deflate the mystique attached to engineers.\textsuperscript{26}

As insubstantial and subjective as this critique may have appeared, in fact it was a foundation of the ITEA's approach to the engineers. In his deflating comments Franki was suggesting that the high esteem in which engineers were held was essentially mistaken. They were skilled workers, but only as skilled as other skilled occupations. This observation was given a cutting edge when put into a perspective on the comparative wage differences between engineers and other skilled occupations. As Franki commented elsewhere in the case '... the engineers ... have had a very fair wage all along, more so than any other mechanics in any other trade.'\textsuperscript{27} Here Franki was implying that engineers had secured a wage rate which unwarrantedly placed them above the wage rates of those occupations with which they were equal in terms of skill. His comments implied that the attitude to engineers which had been expressed by Riley was in part responsible for the disjunction which he (Franki) observed between the wage paid to engineers and the quality of labour power which employers purchased with it.

\textsuperscript{24} Franki was President of the ITEA from 1886 to 1911, except for the brief reign of Henry Hudson, 1901-04. See the file entitled 'History', Metal Trades Industry Association records.
\textsuperscript{25} For Riley, see Markey, \textit{In Case of Oppression}, op. cit., p. 139.
\textsuperscript{26} Engineers' Case, op. cit., p. 474.
\textsuperscript{27} Ibid., p. 443.
If the concern among iron trades employers with the value of the labour power purchased in paying engineering workers can be discerned even within such apparently tangential comments about the status of engineering occupations, it is no surprise to also find that concern expressed in the employer’s approach to the more directly material aspects of engineering and the practices of the ASE. Thus when Franki explained to the Court the difficulties which stood in the way of calculating the average cost of labour in engineering he referred - not to the immensely varied mix of machinery and hand labour likely to be required on different jobs, or to the variety of situations which might be encountered, but to the variations in the quality of skilled labour. As he put it, considering ‘... two engines made by two different men .... - ... the same engine exactly in every respect .... - ... one will be 10% higher in value than the other.’ The emphasis here was centred on the different “value” added by different workers. This perspective was shared by Thomas Irons, the manager of Meadowbank Engineering Works, whose evidence more directly implicated the ASE as intervening to hinder the alignment of ability with the cost of its purchase. He described how, when he trained men in specific aspects of locomotive manufacture he ‘... had to pay the average rate to a second class man until he becomes first class.’, because of the ASE insistence on the uniform standard rate of pay. Franki probably summed up the attitude of the ITEA to the ASE when he remarked that ‘As a whole [the ASE] would have the effect of strangling the building up of the engineering industry in NSW.’

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29 Ibid., p. 400.
30 Ibid., p. 576.
31 Ibid., p. 312.
In these rather different critiques we can see the development in the employers' argument of a counter-artisanal approach. Despite their differences, they each described factors arising in the employment of engineering labour - and in particular of ASE members - which either demonstrated the existence of different levels of ability ("skill") among engineers, or identified factors impeding an accurate alignment of engineering wages with levels of ability.

These concerns were also reflected in the claims made by the ITEA, and the arguments with which they were supported before the Court. Reiterating the perspectives they had been developing in 1903 and 1904, Irons emphasised that the significance of piecework was that it simultaneously effected the commodification of labour on both the material and mental planes. On the one hand, piecework made it possible for employers to tap into the variation in the quality of labour power between individual workers, effecting an alignment of the price employers paid for labour, with its quality. Simultaneously, he saw piecework as fostering an appreciation within workers of the commodified character of their labour. The system, he thought, '... brings out the best of the man in his initiative; he thinks, and he gets to know the commercial value of his labour, which as a day worker he never thinks of ...'. In general, for Irons piecework gave the individualised worker '... a commercial knowledge of his own value ... '.

The terms in which Irons advocated piecework were one manifestation of the sway which the ethos and project of commodification held amongst iron trades employers by 1908. That ethos was also reflected in the presence of the other classically anti-artisanal strategy, classification. As yet the employers were still experimenting with how that technique might best be deployed against skilled workers, and so in 1908 it formed a

\[32\] Ibid., p. 579 and p. 354 respectively.
part of the more general intentions of the employers within the case. Because of this they confined their attention to a section of the union which they considered particularly vulnerable to attack on the grounds of classification - the turners.

The vulnerability of this occupation lay in the extent to which their work shaded imperceptibly into that of the "machinists", who worked the increasingly numerous machines which populated late nineteenth century and early twentieth century engineering shops. Thus although the employers readily admitted that some turners were highly skilled, they also maintained that there existed a significant group of occupations classed as "turners" by the ASE who in reality were not highly skilled. On the basis of this argument the ITEA claimed that the Court should recognise the heterogeneous nature of the category "turner", and following through the logical consequences of that, overturn the standard minimum of 1s 3d an hour which the ASE claimed for turners. In its place, the ITEA claimed, the Court should establish a three-tiered scale of payments for turners, from 1s to 1s 3d.

If the suggestion to establish a three-tiered scale of wages for turners strongly recalled the form of classification devised by the ITEA in 1901 it did so because in the 1908 case the employers were drawing on the perspectives and logic which they had developed in the 1901 assistants strike. When Franki asserted that ASE members were not all of the same ability, the union responded that this was provided for in the ASE rules covering "Old and Infirm Workers", who were permitted to work at a lesser rate of wages. However Franki rejected a scheme which connected unequal levels of ability to age "... because a man at 60 is perhaps a good man ...; he might very
well be a better man than a man at 50; ...'. This was a reiteration, not just of the argument which the employers had made against the IWA's age-based scheme of classification in 1901, but of the very phraseology which they had used to do it. But what is striking about the employers' argument is that the actual guiding principle behind Franki's critique - that wages should be paid according to ability, not according to the arbitrary alignments of the artisanal concept of skill - remained implicit rather than explicit.

III

If the employers' claims led towards a strategy of commodification, the techniques of opposition to that process adopted by the ASE were rooted in and reflected the continued dominance of the artisanal concept of skill at the conceptual centre of the union. The union's main aim in the case was to win increased rates of wages and at the same time to secure recognition in an award for the salience of the occupational taxonomy which it delineated. Thus one of the first tasks of the ASE's advocate, Cecil Coghlan, was to present to the Court the union's definitions of all the occupations grouped within it in order, as Coghlan put it, '... to make definite what might otherwise be vague.' The ASE identified twelve separate occupations which it grouped into two central categories, "engineers" and "machinists. Each of these categories was itself internally divided into two sub-categories. This rather complex occupational taxonomy reflected the manner in which the ASE had attempted to resolve the tensions between amalgamation and the artisanal concept of the trade as a community of the

36 Compare Franki's comments here with those in Chapter 10, p. 295.
37 Engineers' Case, op. cit., p. 61.
38 Ibid., p. 61. The categories were: fitter, turner, smith, copper-smith, brass-finisher, pattern-maker, driller, screw machinist, planer, borer, slitter, miller. The division into "engineers' and "machinists" was contentious. See the discussion loc. cit., pp. 384-6.
equally skilled. For what prevented this taxonomy from dissolving, was the central artisanal tenet that each of these categories and sub-categories - rather than the union as a whole - represented a community of the equally-skilled. The importance of this was reflected by Coghlan, who made it his first point in outlining the ASE’s case. The proof that each of the engineering trades was a community of the equally-skilled was demonstrated, he argued, by the fact that not just in theory but ‘As a matter of practice there are no engine fitters and patternmakers getting more than anyone else, they are all getting the same wage.’ (i.e. that deemed as the wage for each occupation). 39

This basic artisanal characterisation and logic was the centrepiece of the union’s case. Howe, the union secretary and a patternmaker, asserted that despite the ‘... entirely different ...’ work of fitters and of turners they were equal in skill. Other categories of engineering labour were considered in the same way. Brass-finishers, for example, were considered by Howe to be ‘On the same level ...’ compared with fitters and engine smiths. 40 These perspectives did not simply represent Howe’s individual opinion, but were the attitude of the ASE officials in general. For example, George Long, the ASE President considered with Howe that the various branches of the engineering trade ‘... all stand on the one plane so far as wages are concerned ... and so far as skill is concerned.’ 41 Nor was it solely the office holders of the union who espoused the idea of the equality in skill of all members of the engineering trade. Dawson, a fitter - doubtlessly selected by the union for his suitability in perspective for the union case and aims - expressed something of this attitude in an exchange with Judge Heydon. Dawson was describing how in England ‘... the better quality work was invariably put into the day work shop; the commoner classes were done in the piece work

39 Ibid., p. 18.
40 Ibid., p. 79.
41 Ibid., p. 221.
shop.' While Dawson had been careful in his description to specify that the difference in quality lay in the work itself, Heydon attempted to transform Dawson's evidence into a reflection on the differences in quality of engineering workers: 'You mean work requiring the better workmen?', he badgered; but Dawson, forced to clarify, responded that the difference in work between piece and day work men lay in that the latter took '... more care.' but that '... no doubt the men in the other [piece work] shop were ... equally competent ...'.

The conceptualisation of a trade as a community of equally-skilled workers provided the central co-ordinates through which the ASE positioned itself amidst and against the process of commodification. Howe expressed something of the organic nature of this stance as an essential organising assumption within the engineering trade when Coghlan asked him whether he could see '... any reason why a turner should get 1s as a minimum and a fitter should get 1s 3d?', as the employers had proposed. Howe responded that he found the proposal '... simply incomprehensible.', and that he did '... not understand the meaning of it ...'. And as is indicated by the union's opposition to the employers' proposal to increase the rate of pay for coppersmiths, the ASE's position in 1907 was not simply a stance adopted as defence against wage reductions, but as a bulwark against the penetration of supply and demand considerations per se into the whole wage/classification nexus. In this understanding alone, the attitude to labour in the ASE in 1907 was continuous with that expressed by engineering workers fifty years beforehand.

42 Ibid., p. 296.
43 Ibid., p. 78.
44 The employers proposed to raise the rate of pay for coppersmiths from the standard 1s 4d paid previously to 1s 41/2d. On this claim Howe commented that '... why the distinction is made here I cannot say, unless they [the employers] see a scarcity of coppersmiths and are competing for these men's services.'; ibid., p. 79.
Giving force to these artisanal practices was the accompanying artisanal conception of skilled work as an expression of the internal capacities of the skilled human being. Although it was to take rather different circumstances - an attack on the whole concept of the trade - to induce ASE members to mobilise essential artisanal categories such as “instinct”\textsuperscript{45} - echoes of that conception of skilled work were present in the 1908 case. Underlying the conception of the trade as a community of the equally-skilled was the idea that skilled workers did not simply activate a repertoire of technical abilities, but expressed in their work the interior qualities of the skilled. We find this understanding preserved in the rather antique terminology which occasionally surfaced in the testimony of ASE witnesses. Dawson considered that there was no branch of engineering which ‘... ought not to have all a mechanics care shown on it.’, and this was given a distinctly medieval inflection when he added that ‘... a thing built on honour will last ...’.\textsuperscript{46} This was engineers’ ability expressed in terms of the internal character traits denoted by “care” and “honour”, rather than simply on a range of technical abilities and knowledge. That understanding also appeared in more modern guise, in the reasons which engineers gave for opposing piecework. Coghlan set out the artisanal basis of the ASE’s opposition to piecework, when he argued that the pay of a skilled engineer should be the amount paid for the labour ‘... which a normal man ought to give working normally at his trade ...’. Drawing on the experience of piecework in England, Coghlan went on to argue that the system there meant that the wages paid were not based on ‘... a minimum wage for a normal degree of work turned out by normal men, but a minimum degree of wage for a very enlarged capacity ...’ - that which was induced by the speeding-up tendencies of the system.\textsuperscript{47} To illustrate the point Howe

\textsuperscript{45} See below, p. 353.
\textsuperscript{46} Engineers’ Case, op. cit., p. 299.
\textsuperscript{47} Ibid., pp. 27-8.
analogised that 'The normal speed for a man to walk is a certain number of feet a minute, a man can run a hundred yards in 10 seconds; the employer would want him to go at that rate'.

These arguments against piecework relied on the concept of the rate of work for a "normal" skilled human being operating in a "normal" way. However, the point was not just that piecework did '... not offer adequate remuneration for the normal amount of work turned out by the normal worker'; another element was also involved. Try as he might to explain what that was, Coghlan could only offer a rather inadequate '[It - piecework] makes the normal worker come down'. Howe was much better able to explain that the effect of piecework was that it '... takes out of a man something for which he does not receive a recompense no matter what wage you may guarantee him'. This "something" - that which could not be measured, described or paid for - revealed the artisanal core which continued to characterise the union's conceptualisation of its members' abilities. Still in 1908, the engineers considered that their skill was not a commodified entity which could be separated out from the human being within which it was located.

The concept of the "normal worker" which was used by Howe went straight to the heart of the artisanal understanding of skill. For although never consciously elaborated, the discriminations made by the ASE were all aimed at centring the definition of the "normal worker" as the engineering journeyman - defined as an adult male who had completed an apprenticeship. In this respect the artisanal alignment of categories of skill with those of socio-biology remained important. Apprentices' work was described as '... child's play ...', a choice of term which, far from being a casual

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48 Ibid., p. 165.
49 Ibid., p. 38.
50 Ibid., p. 97.
use of slang, connected the alignment of categories of skill with those of age in the classic artisanal style typical of the ASE.\textsuperscript{51} The justification offered by John Crompton - a fitter and turner at the Fitzroy Dockyard - for describing the work he did as an apprentice as ‘... child’s play ...’ strongly recalled the connections between age and skill which were revealed in the ASE’s arguments against the 1876 Apprenticeship Bill. Crompton commented that because ‘... a man under 21 is called an infant I consider as a child I did the work ...’ as an apprentice. Crompton also noted in passing that ‘... he [the apprentice/infant] cannot give evidence in a court of law ...’, which likewise recalled the comments made by ‘Prentice Boy and Garran in 1875.\textsuperscript{52}

\textbf{IV}

In view of the reception which was given to such classically artisanal logic in other court cases, it was perhaps to be expected that the arguments presented by the ASE in 1908 would have been subjected to a similar critique.\textsuperscript{53} However, although the trajectory of the employers' argument was precisely in the direction of an attack on the artisanal understanding of skill, their whole approach was a strategy in the process of development rather than one already fully-formed. Although they were keen to break down the artisanal idea of the equality in skill of members of a trade in the case of turners, their pursuit of this goal was overshadowed by their general acceptance of the occupational classifications and descriptions put forward by the ASE. Wegg-Horne, the employers' advocate, summed-up the ITEA's approach in 1908 when he commented that the employers did ‘... not want to invade the rights of the engineer at all ...’.\textsuperscript{54}

\textsuperscript{51} For the use of this phrase see ibid., p. 80 and pp. 148-9.
\textsuperscript{52} For Crompton see ibid., p. 251; for ‘Prentice Boy and Garran see above, Chapter 4, pp. 142-4.
\textsuperscript{53} See above Chapter 7.
\textsuperscript{54} Engineers' Case, op. cit., pp. 521-22.
An employers' assault on artisanal logic was not assisted by Heydon’s approach to the engineering occupations. When at the start of the case Coghlan began outlining that the core of the union’s case would be ‘... to prove that the [engineering] trades ... are skilled trades ...’, Heydon abruptly cut him off with the comment ‘... that the engineers are skilled workers I do not suppose anyone will dispute.’ 55 Elsewhere he described them as ‘... a skilled trade ... the Aristocracy of labour ...’ - precisely the mystique against which Franki’s deflating discourse had been directed. 56 When set in the light of Heydon’s later admission that his opinion of engineering was made despite ‘... knowing nothing about it ...’, the Arbitration Court in 1908 was hardly an environment which encouraged an assault on the artisanal concept of skill when applied to engineering trades. 57

Yet whilst Heydon was respectful of the status of the engineers, that factor is hardly adequate to explain his reluctance to attack the artisanal perspectives disseminated by the ASE. From the outset of his career in the Arbitration Court he had approached workers’ claims about the levels of difficulty or ability they used in their work with a scepticism which stemmed as much from his legal as from his bourgeois outlook. 58 Far from being bedazzled by the mystique of engineering work, he viewed it with the same sceptical eye as was his usual practice. Thus when an employer claimed that in some engineering operations the assistants used the tools of the tradesman, while the latter looked on, merely directing the work, Howe denied the practice with the comment that ‘We [the ASE] cannot admit it in

55 Ibid., pp. 18-9.
56 Ibid., p. 654.
57 Ibid., p. 144.
58 There are many examples of Heydon’s bourgeois outlook. He believed, for instance, that ‘... the higher and more skilled the trade the nearer it approaches to a profession ...’; Ibid., p. 110. When a lawyer commented that ‘... in the wool season you get all sorts of professional men doing the work [labouring in yards and wool-sheds].’, Heydon remarked that, ‘They must have come down in the world ... I don’t think you will find University men in the ranks of labour, unless they are failures. ... you don’t get University men into positions of that kind unless they are very inferior men.’ See Sawmillers Case, op. cit., pp. 309-10.
any way. ... using the tools is part of the engineer’s work, and if you let the labourer do it, you are shirking your work, and teaching him the trade.’.59

To Heydon such an argument was clearly ridiculous, implying as it did that the use of tools was the exclusive preserve of trained journeymen. At this point he introduced his brand of “common-sense” scepticism by recounting that ‘... when I used to ride a bicycle I knew all about the spanner and everybody in the community can use the spanner ...’.60 Equipped with this perspective he felt ‘... perfectly certain ... ’ that the practice of labourers using the tools of the tradesmen while the latter looked-on in a supervisory capacity was ‘... frequently done ...’.61

Although Heydon had, by submitting artisanal statements to the test of practical experience and “common sense”, found them wanting, the conclusions which he drew from these insights were more limited than might initially have been expected. Thus although he felt ‘... no doubt at all that ...’ the use of tradesman’s tools by assistants was ‘... often done ...’, he blunted the force of this observation with the qualifying statement that ‘... that is quite a different thing to the Amalgamated Engineers recognising it as a system ...’.62 Once Heydon had made this observation it allowed Howe to finally agree with him, and he did so by distinguishing between on one hand the assent given by the ASE to the practice of labourers using tools, and on the other hand to the development of this as the basis for whom employers chose to employ. It was one thing for the ASE to admit the practice, and another for the employers to draw on this practice by choosing ‘... to take them [assistants] in preference to ... or to the exclusion [of the journeyman] ...’. This he said was ‘... an entirely different thing.’.63 In this Heydon agreed with the ASE, and throughout the discussion on the

59 Engineers’ Case, op. cit., p. 520.
60 Ibid., p. 521.
61 Ibid.
62 Ibid.
63 Ibid.
respective work of engineers and labourers he continually made a
distinction between actual practices - in this instance those of labourers
using certain tools - and recognition of those practices as a "system", as he
put it. Thus, Heydon pointed out that engineers were prepared to allow the
practice of labourers using tools '... so long as his right to do that piece of
work is recognised ...'.'64

This was only an incident, but it reflected at a detailed level the more
general dynamics between Heydon and such artisanal claims as were made
by Howe. The central feature of the claims made by the ASE was their
reliance on a notion of engineers as a community which had certain
"rights" which could be either upheld or transgressed. The notion of
"rights" in production implied that there was a normative basis to
engineers' claims on certain work and to rates of wages. Reflecting this, the
ASE consistently rooted its arguments in an appeal to "custom" - the
practices of the past - which were seen as having their own inherent
veracity. Coghlan went out of his way at the start of the case to draw
attention to the fact that the rate of 1s 3d per hour had been paid to
engineers for a quarter of a century.65 Similarly, Howe rejected the
employers' claim to pay coppersmiths above their usual rate because '... to
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64 Ibid., p. 520.
66 Ibid., p. 79.
67 Ibid., p. 14. Howe noted that, 'The general custom ... is to pay them [patternmakers] a higher rate'; loc. cit., p. 80. The concept of "custom" was also used to explain the differential in rates of pay between skilled and non-skilled workers in engineering, Coghlan remarking that his aim in the case was '... to show it is the custom of the trade that the various grades are separated by not more than a certain amount'; loc. cit., p. 62.
Expressed in these ways the appeals to "custom" appear as relatively unexceptionable examples of the craftsman's typically backward-looking stance. However the force of the appeal to custom lay not so much in its backward orientation, but in the normative appeal which it invoked, and the reinforcement which this gave to the sense of trades as occupations with specific sets of rights. We can see this most clearly in the substance of the union's objection to the employers proposal to allow one man to work two machines. The union's principal argument against this was that employers would be able to use unskilled workers on machines which '... must be worked according to the custom of the trade by a fitter or some skilled employee.' 68 The union's objection to this provision was, in short that '... it allows them [the employers] to do what they like ...'. 69 In this there was a strong sense of production being governed by normative considerations.

What is significant about the arguments presented by the ASE was their foundation in and reliance on the notion of "rights" in production. With this in mind, we can return to Heydon and his reluctance to lend his considerable weight to the employers' attempts to erode artisanal logic and its structures in the 1908 Engineers Case, even when the latter was based on the apparently frail and normative grounds of "custom" or "rights". For the assertion of "rights" by the union also introduced the issue of the "rights" of the employers. In unravelling how Heydon negotiated this conflict-ridden terrain, we are identifying the considerations which governed Heydon's approach to the two concepts of skill.

To apprehend Heydon's approach to the "rights" of the ASE and the intentions of the ITEA it is necessary to look beyond the confines of the Engineers Case, and to identify the broad considerations which Heydon brought to bear on the task of legal regulation of the conditions of employment. Rather than operating as a conduit through which the needs

68 Ibid., p. 39.
69 Ibid., p. 11.
of employers were simply translated into legal form, Heydon was guided by a complex of considerations. The intentions of the framers of the legislation under which he operated - the 1901 New South Wales Arbitration Act - provided Heydon with a definite yet widely spaced set of parentheses within which to operate. At one end lay the comment of the New South Wales Attorney General, Bernhard Wise, who on introducing the Act described it as a measure which would ‘... as it were crystallise the current industrial morality ...’ in New South Wales. At the same time, Wise made it clear that the Act was also designed to facilitate the industrial development of the state. Although the relative novelty of the legislation, as well as the diffuse framing objectives, were a frequent source of frustration to Heydon, his judgements capture him steering a course between simultaneously creating the conditions of economic growth and yet preserving the established or “recognised” conditions - Wise’s ‘... current industrial morality ...’ - of workers who were inevitably subjected to it.

Heydon’s approach to industrial matters in part took its bearings from the liberal perspective on political economy. He believed that:

It is in the interests of everybody that goods should be turned out as rapidly as cheaply, and of as good quality as possible. This is the benefit which civilization has derived from labour saving machinery, and the organization of industries and methods of labour are often all a labour saving machinery.

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71 In the Sawmillers Case, already noted as significant because in it Heydon attempted to formulate a systematic approach to arbitration, Heydon commented that in the Act ‘... there is no definition clause given as to what minimum means. ... It is not defined in any way ... They might have given us a principle to go on.’. Sawmillers Case, op. cit., p. 513. A. Coolican, ‘Master builders and the beginnings of arbitration in New South Wales', S. Macintyre and R. Mitchell (eds.), Foundations of Arbitration: The Origins and Effects of State Compulsory Arbitration 1890-1914, Oxford University Press, Melbourne, 1989, p. 262, notes that the 1905 Carpenters Case had a similar significance.

72 It is interesting to note that Heydon's brother - L.F. Heydon - was a regular attendee at the Australian Economic Association meetings. It is unclear whether Judge Heydon himself was a participant, but his brother's participation gives some indication of the types of economic and social perspectives circulating within Heydon's social milieu. Judge Heydon - along with figures such as Wise and possibly Andrew Carran - may best be understood as the New South Wales version of Victorian liberals such as Higginbotham and Syme. Heydon operates very much as a “Tory-liberal”, displaying in his attitudes in the Arbitration Court the “liberal moral economy” of his Victorian counterparts. See S. Macintyre, A Colonial Liberalism. The Lost World of Three Victorian Visionaries, Oxford University Press Australia, Melbourne, 1991, pp. 87-96.

73 Engineers Case, op. cit., p. 346.
On the basis of this perspective Heydon looked favourably on those measures which to him seemed to encourage industrial development, noting for example, that 'In the progress of industry, specialization is one of the accompanying circumstances.'\textsuperscript{74} and that '... if they [referring to mattress manufacturers] can divide their labour, so that by having a skilled man who understands the machines, all that is left is only boys work, I do not see why they should not do it.'\textsuperscript{75} In general, Heydon believed that:

> anything which unnecessarily limits output is fatal ... It must be evident that wages cannot be paid unless wealth is produced ..., and that the more wealth is produced, the higher wages can be paid. It is therefore in the interests of the men to help their employers to produce as abundantly and as cheaply, and to realise as large profits as possible, so long as they get a fair share of it.\textsuperscript{76}

Yet even here the influences attenuating what would otherwise be an astringent economic rationalism - the limitations implicit in what is '... possible ...', and the '... fair share of profits ...' - can be seen. This was not an isolated instance, but a position which Heydon consistently maintained from the outset of his Presidency. His comment in 1905 that:

> legislation and the whole opinion of the community is dead against using for the purpose of cheapening articles ... anything like oppression of the human element - the man. They are not merely machines and wealth producers, but they are also members of the community for whom the community exists. It exists for them as well as anybody else.\textsuperscript{77}

cogently stated a perspective which was diffused throughout Heydon's activities in the Arbitration Court.\textsuperscript{78}

Heydon's conception of social and industrial change meant that there were distinct limits to the assent which he was prepared to give to the types of measures which employers approached the Court to implement. Thus when employers in freezing works sought exemption from a Common Rule establishing a six day week for stationary engine drivers on the

\textsuperscript{74} Carpenters Case, op. cit., pp. 123-4.
\textsuperscript{75} Mattress Makers Case, op. cit., pp. 136-7.
\textsuperscript{76} Stovemakers Case, op. cit., pp. 346-7.
\textsuperscript{77} Ibid., p. 293.
\textsuperscript{78} See, for example, his comments that, 'The country must not benefit by doing an injustice to any class in the country.'; Engineers Case, op. cit., p. 447.
grounds that it was an '... inconvenience ...' for employers whose works needed to be in operation seven days a week due to the perishable nature of the goods they stored, Heydon reminded them that '... while we wish to consider the convenience of the employers we must consider the convenience of the men too.' Moreover this "convenience" was closely connected to prevailing community standards, Heydon continuing that '... the rule in the community is that the man has the seventh day to himself.'

Similar considerations entered into Heydon's handling of the issue of the employment of boys in stove-making factories. On one hand he noted that from a purely economic perspective, '... the employment of boys is like the employment of a labour saving machine - it enables cheap production, which is a good thing for the country; ...'. On the other hand, he continued, distancing himself from this perspective, '... but then the ... machine can be thrown away when it is done with [whereas] you have to look to the future of the boy as a citizen ...'.

The concern with the social consequences of industrial change also was reflected in his receptivity to arguments about the living wage. Against an employer's protests about being forced under Common Rule provisions to pay the union's rates of wages for engine drivers Heydon commented that 'A man works six days a week of eight hours a day, then he ought to get a living wage for that.' He went on to explain that the union had arrived at its wage rate by posing the question to itself '"What is a fair living wage for that ...[?]"', that is the way they arrive at it, the principle on which their application is based. To my mind, there is a great deal of weight ...' in their argument, he concluded.

Similarly elsewhere Heydon commented that although the Court was involved in '... encouraging the largest amount of production ...', he also

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80 Stovemakers Case, op. cit., p. 186.
81 Shore Drivers Common Rule Application, op. cit., p. 236.
noted that '... if it cannot be done with justice to the working man then it must not be done.'\textsuperscript{82} In these respects Heydon was the most important example in New South Wales of arbitration judges whose historical significance was that of attempting to manage the pacific transition from a pre-industrial to an industrial capitalist society.\textsuperscript{83}

In the light of this broader historical positioning, we can return to consider Heydon's usage of skill during his presidency over the Arbitration Court. At first sight his usage of skill, displaying affiliations to both the artisanal and industrial understandings, appears to be characterised by inconsistency and contradiction. On one hand, as his comments on skill in the Sawmillers' Case demonstrate, Heydon operated on a profoundly artisanal basis, differentiating between "skill" and "a knowledge of things". On the other hand, he was also capable of drawing on a profoundly industrial understanding of skill, such as in then frequency of his comments about the individual nature of skill differences. In brief, Heydon's use of skill varied greatly.

Considered simply as instances of discourse, the variations in Heydon's usages of the artisanal and industrial understandings of skill have an apparently random character. However, when set within the much larger historical context of Heydon's positioning within the arbitration system, and the latter's historical role as a manager of the process of transition to industrial capitalism, Heydon's approach to skill becomes explicable. While the artisanal concept of skill was a blockage against the development of capitalist relations of production, it was also a stabilising force through which rights in production of various groups of workers were defined. This meant

\textsuperscript{82} Engineers Case, op. cit., pp. 33-4.

that although Heydon was on one hand inclined to pour scorn on typically artisanal justifications and logic, he was on the other hand constrained by his awareness of his mediatory historical role as a manager of, not just the economic, but also the social transitions, accompanying industrial capitalism. To illustrate this it is only necessary to recall the ambiguities within Heydon's response to such ultra-artisanal statements as those made by the Secretary of the Stonemasons' union in 1906. Where the Secretary claimed that all the union's members were of the same level of skill, Heydon commented that he had '... never yet met any class of men where there were not inequalities ... one man better on one thing and one better on another; each having his own variety of excellence and defects.' But in his response to the union's comment that 'One man is not to be entitled to get a higher wage on the ground of superior skill ...', Heydon rather appeared to diminish the force of his initial observation. He qualified his annoyance at the union portrayal of this standard wage as a function of the actual equality in ability between its members, by remarking that 'I can understand there are very good reasons for that rule, ... It may be a very good rule to lay down, and there may be good reasons ...' for its continuance.84

In noticing Heydon's cognisance of these discriminations between practices and rules we can return to the Engineers' Case, and examine more closely Heydon's usage of the concepts of skill within it. In doing so it is necessary to recall the seminal nature of the Sawmillers' Case in 1905, in which Heydon had first differentiated for himself the meaning of artisanal skill, and had made the important distinction between "skill" and "knowledge" of "things".85 Now, in 1908, he used those distinctions as his cardinal point of orientation within the mass of claims and counter-claims made by both sides, and the evidence they adduced to support them. But his

84 Carpenters' Case, op. cit., p. 228; also see above Chapter 7, p. 217.
85 See above, Chapter 8, pp. 238-9.
primary motivation was not to support one concept of skill over another, but to use the artisanal concept of skill as a point of stability against which the claims of both union and employers could be set.

We have already noticed that Heydon made a differentiation between the systems and practices recognised by the ASE, and practices which actually existed but were not recognised in regard to the work of "tradesmen" and "labourers". The central point of reference in Heydon's consideration here was the notion of recognised and established rights in production, such as the "right" of the ASE to claim exclusive control over tools, regardless of the frequency with which labourers used the tools. In this instance Heydon was not prepared to set aside those "rights", despite the fact that in reality labourers frequently displayed their capacity to use the tools. Similarly, it was through the same reference to existing industrial structures, practices and conditions, that Heydon rejected the exploratory but innovatory classificatory intentions of the ITEA in regard to fitters, brassfinishers and turners. As he commented during the case, 'The whole tendency of our legislation in this country is that whilst you may do things ... cheap ... there must be a supervision over you doing it cheap by means of human beings.'

If the result of Heydon's adherence to the structures and practices associated with the artisanal understanding was an inclination not to disrupt the artisanal taxonomy, that did not necessarily mean that Heydon supported the ASE's claims over those of the ITEA. On the contrary; Heydon frequently used the artisanal concept of skill, understood as the distinction between skill and knowledge, against the claims of the ASE. Thus when the union argued that "improvers" employed by Mort's Dock should be considered as having "... large skill ..." and paid as such, Heydon rejected this claim by drawing-on the differentiations he had made in the

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86 Engineers' Case, op. cit., p. 661.
Sawmillers' Case. He noted that 'The way a man learns to do skilled work is by doing skilled work ...'; so '... the mere fact that he is doing it does not prove that he is an absolutely skilled worker; ...'. Here Heydon made the essentially artisanal distinction between '... an absolutely skilled worker ...', one who had '... the high degree of skill which a journeyman should have.', and a '... partially skilled ...' worker, with the effect of setting aside the ASE's attempt to increase the wage rate of drillers to the level of turners.87

The union's claim that specialist patternmakers who were employed making patterns for motor engines should be paid at the same rate of pay as that of "all round" patternmakers elicited a similar response from Heydon. Where the union argued that the parity of skill between all-rounders and specialists was indicated by the particular efforts which the employer (Mort's Dock) made to recruit such specialists, Heydon responded that this did not necessarily mean that they were as skilled as traditional trade patternmakers, because the difference between them was more properly described as '... a matter of knowledge, and not of skill.' 88 Similarly, where the union attempted to get the Court to limit the number of boys which could be employed on drilling machines, Heydon noted that it was only the practice to limit the numbers of boys employed in skilled trades. The issue of drillers as boys or men resolved itself in Heydon's mind to 'The question is, is this a skilled trade?'. In Heydon's eyes, seeing through the lens of artisanal skill, the answer was clearly that it was not: '... the drillers are put onto drills ...', he pointed out, '... and then turned out, then they are not learning a skilled trade, and it is not a skilled trade ...'. And, in the final denouement of artisanal logic, he observed that in view of the fact that boys were working drilling machines in engineering workshops 'It cannot very well be a skilled trade ...'.89

87 Ibid., pp. 87-8.
88 Ibid., p. 146.
89 Ibid., p. 659.
While the artisanal understanding of skill was thus central to Heydon’s approach to the labour of the engineering occupations, his was not a rigid adherence to the precepts of artisanal skill. Guided by his determination to make judgements on the basis of ‘... encouraging the largest amount of production ...’, he was quite prepared to operate in ways cognate with the industrial understanding of skill. This was especially so in instances where employers sought to set in place schemes of production which to Heydon seemed to facilitate industrial development without disrupting the “rights” of skilled workers. This preparedness was most evident in his support for piecework. The reasons for Heydon’s strong attraction to piecework become clear by paying attention to the terms in which he expressed his support for it. For him its advantage was that under it workers could ‘... earn up to their full ability ...’, and this formulation satisfied both the considerations which Heydon operated within. By tapping into the ‘... difference between men’s capacity.’, piecework secured what Heydon saw as being the central condition for economic growth, the liberation of individual productive capacities from their confinement within collective productivity norms. At the same time piecework ensured that the industrial growth which would thereby ensue did not take place at the expense of workers, whose earnings would keep pace with their increasing ability and productiveness.90 For Heydon piecework would thus simultaneously deliver the dual objectives of economic growth and the social harmony which he assumed to accompany rising living standards. So partial was he to piecework that he openly attacked the union’s opposition to the system, at one point in the case interrupting a union witness who had just finished giving evidence about the speed-up of work at Cockatoo Island under piecework conditions, to testily advise ‘... you fellows start a co-

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90 Ibid., pp. 33-4.
operative shop and then you will be your own masters; then you will see that there are two sides to this question.'

Although in his Award Heydon made provision for piecework, this was as far as he was prepared to go in establishing conditions coherent with the industrial understanding of skill and the commodification of engineering labour. During the case he reiterated the essentially industrial perspective that skill was an individual thing, but that it was not the Court’s place to give expression to that distinction. In doing so he signalled that he did not conceived his role as being to erode the stabilising structures associated with the artisanal taxonomy. It was thus Heydon’s overall approach to his role and purpose as arbitrator, rather than simply an inflated appreciation of the skill of the ASE members which militated against the immediate application of the industrial understanding of skill and its logic to the core engineering trades within the ASE during the 1908 case. This concern to balance stability with industrial growth was also manifest in Heydon’s approach to innovative claims of the ASE. If Heydon mobilised the artisanal understanding against the ASE, he did so precisely when the ASE sought to enfold the process of industrial growth within the artisanal taxonomy, such as when they argued that specialists were equally-skilled with traditional craftsmen.

Given these considerations it is thus not surprising to find Heydon, preparing the ground for his Award, expressing himself in terms which reproduced the critical features of the artisanal paradigm in engineering. He considered the discussion over wages to be the ‘... most important claim,’ and in the explanation which he offered for his Award he displayed his intention to maintain the artisanal dichotomy, and the sway of the appeal to "custom". The occupations grouped in the ASE, he claimed, were ‘... highly

91 Ibid., p. 304.
skilled trades, which have long received a high rate of wages. They are assisted by labourers, who do most of the heavy work." 92 This was a remarkably cogent reiteration of the principal tenets of the artisanal paradigm, with the artisanal dichotomy in place, and the “highly skilled” work of the trades counterposed to the heavy, assisting work of the “unskilled”. 93

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While unions and employers were unravelling the skein of artisanal logic and its practices before the powerfully discriminating gaze of Judge Heydon, the United Society of Boilermakers looked on with increasing alarm. Initially the USB’s approach to state arbitration was constructed around the rather self-centred assumption that the Arbitration Court would adopt the perspective of the artisanal paradigm, and give support to the “rights” of the trade, and the “customary” practices devised to protect them. Thus soon after the Court began its operations in 1902 members were suggesting that the issue of labourers doing riveting - a typical example of the breaching of the artisanal taxonomy - could be best redressed by taking the employers concerned to the Arbitration Court. 94 Similarly, in 1903 members looked on the Court - still in its first year of operation - as an institution which would support the basic artisanal principle of the trade as a community of equally-skilled individuals. The membership voted by 207 to 67 to register with the Court, in the expectation that through that mechanism “handymen” could be eradicated from the trade. 95

92 Ibid., p. 924.
93 Buckley, The Amalgamated Engineers, op. cit., p. 133 notes that in the wage structure of the 1908 Engineers Award, “the customary relationship between skilled and unskilled ... was restored ...”
94 USB Minutes, 2nd September, 16th September and 30th September 1902.
95 Ibid. The “General Secretary’s Half-Yearly Report, to June 1903”, contains the voting figures included at loc. cit., 7th July 1903.
In voting overwhelmingly for recourse to the Arbitration Court the members of the USB put to one side the warning given at the time by several members ‘... that there was a danger in going to the Arbitration Court ...’ because it was likely the Court ‘... would grade the men and so cut the wages down ...’. The Secretary summed up the more influential strand of opinion in the union when he commented at the end of 1903 that ‘... I believe we shall get justice, [in the Court] and will not be reduced below a fair wage, which is what we receive [now] ...’. The emphasis here was on the Court as a preserver of an order of work defined by reference to artisanally-centred concepts of justice and fairness.

When the dispute between the ITEA and the individual iron trades unions was filed in the already heavily congested Arbitration Court in 1904, the USB was fortieth on the list of cases to be heard. While waiting (its case was not expected to be heard until 1906) the union had a chance to observe more closely the trend of judgements in the Court under Heydon. By the end of 1905, and after having had the opportunity to observe the treatment meted out to craft unions such as the Carpenters and Joiners, the attitude to the Arbitration Court within the union altered significantly. Taking ‘... the cases that have been tried by the present Court as a criterion ...,’ the Secretary now advised his members that ‘... any Union that could get a fair agreement with their employers to accept it rather than fight the case out in the Court.’, and by February 1906 the USB had dropped its counter-claims against the employers, effectively withdrawing from the Arbitration process by virtue of denying the existence of a dispute between the parties. This reassessment was reinforced in 1908 when ‘... in consequence of the adverse award obtained by the Engineers ...’, the union decided to once again

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96 USB Minutes, 5th May 1903.
97 ‘General Secretary’s Annual Report for 1903’, enclosed ibid., 5th January 1904.
100 Ibid., 27th February 1906.
remove itself from the Arbitration process, resolving not ‘... to proceed with our case under the New [Industrial Disputes] Act.’.  

In its removal from the processes of Arbitration the USB was thrown back on the methods and tactics which it had adopted before 1900. It continued to use whatever influence it could to reproduce the artisanal taxonomy, and the salience of the categories “skilled” and “unskilled” in boilermaking. The period between 1900 and 1908 was marked by a particularly high incidence of labourers and tradesmen crossing over boundaries and doing the others’ work, and the USB was correspondingly active in attempting to eradicate this practice. Similarly it continually attempted in this period to suppress the development of “handymen”, by enrolling them in the union if considered eligible or by approaching foremen and employers directly to eradicate the practice. The union also attempted to eradicate the production of “handymen” by reiterating that apprentices must be kept constantly employed in the boilermaking shops, not moved around from task to task, and by engaging on a campaign to “capture” for its members the operation of the machines which were at this stage becoming more widely used in boiler and iron work.

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101 Ibid., 11th August 1908.
102 It is difficult to quantify this incidence, given the differences in size of the industry in another similar decade, such as the 1880s. Nevertheless, the first decade of the twentieth century stands out in the union records as being qualitatively and quantitatively different from preceding decades. As with inter-trade demarcation, the practice of “skilled” and “unskilled” crossing overreach others became exceedingly common. See for a sample, the cases: Briggs (USB Minutes, 26th November 1901); labourers doing boilermakers’ work at Clyde Engineering Works (Loc. cit., 18th March 1901); Paddy Davis (2nd August 1904); Brother Harrison doing labourers’ work (24th May 1904); ‘Labourers striking on the snap ...’ (loc. cit., 24th October 1905); ‘Boilermakers doing Labourers work ...’ (loc. cit., 7th November 1905). See also the agreement between the USB and Franki during the 1901 strike, that ‘... no other than the class of men would get the class of work they were used to ...’ (loc. cit., 4th June 1901).
103 Of the many instances see: that in which the use of ‘... handymen ...’ in the Railway workshops was stopped by drawing the practice to the attention of the Works Manager (ibid., 5th January 1904); the case of Heathcot (loc. cit., 8th February 1902); “handymen” riveting (loc. cit., 7th June 1904); ‘... handymen caulking...’ (loc. cit., 2nd and 16th January 1906). For the importance placed on foremen in controlling the practice see loc. cit. 6th and 20th August 1908 (Calman’s case); 19th January, 30th August and 20th December 1904 (Cogger’s case); and also 10th April, 19th June 1906; 8th January 1907; 1st December 1908; 9th February 1909.
104 For these conditions of apprenticeship see ibid., 4th February 1900, 25th August 1903, and 12th June 1906. For the diffusion of machinery in early twentieth century boilermaking see Shields, op. cit., pp. 181-2. For the response of the USB see, for instance, USB Minutes, 25th August 1903; and Hele’s case (loc. cit., 20th April, 4th May, 18th May 1909).
The success of the USB in reproducing the artisanal taxonomy was limited or, when successful, only served to highlight that this division of labour no longer sprang organically from the technical features of the "trade". The union had only limited success in controlling the levels of specialisation and the conditions under which the resultant "handymen" were employed. This was especially true in rolling stock factories and on the structural iron works such as bridge and building construction, neither of which required "boilermakers" with "all-round" levels of ability, such as caulking, riveting and marking off as well as the knowledge of the full range of hand tools.\textsuperscript{105} The union remained caught between the practice of portraying itself as a community of the equally-skilled, and the vulnerability of leaving specialists outside the union. Although it continued to make discriminations in those it admitted to membership, its admission policy began to once again broaden in the first decade of the twentieth century.\textsuperscript{106}

The USB had more success in reproducing the artisanal differentiation into "skilled" and "unskilled" categories. In this they were aided by and relied upon the concurrence of the IWA. Beginning during the 1901 strike, both unions agreed informally to the existing differentiation between "skilled" and "unskilled" work, and in the following years co-operated to ensure that their members adhered to the distinction in practice.\textsuperscript{107} But even here, at perhaps the highest point of the USB's success,

\textsuperscript{105} See, for example, the USB inability to assert itself in rolling stock works (ibid., 27th January, 9th February, 9th and 26th March 1905).

\textsuperscript{106} This is at variance with Shields, op. cit., pp. 182-4, which in my view overly stresses the purity of the USB in this era. The issue of the qualifications for membership became in this decade, as it had also been in the early 1880s, a flashpoint within the USB. See, for instance, the discussions over Harrison's admission (USB Minutes, 10th June, 8th July 1902); Keddie's case (loc. cit., 25th November, 9th and 16th December 1902); Watts' case (loc. cit., 17th February 1902); Hele's admission (see fn. 104). The union continued to be characterised by a variegated and specialist membership as a result of this broad admissions policy. See the case in which USB members were discharged from a job, and another put on, because "... the man put off were incapable of doing the work being classed as rivetters, the man taken on was a planer ..." (loc. cit., 30th June 1908).

\textsuperscript{107} See for example the instances: letter to the USB from the IWA "... conveying that Unions Appreasion at the Action of Mr Harper in refusing to hold up." (sic) (ibid., 13th May 1902); the USB's concern to validate allegations by the IWA "... of Boilermakers doing their work ..." (loc. cit., 28th February 1905); the disciplining of Brother Porteous "... for allowing a Labourer to use a file ..." (loc. cit., 8th May 1906); the address by an IWA member at a USB meeting, describing the work he (cont'd over)
the erosion of the artisanal concept as a plausible framework within which work could be understood can be discerned. By 1907 the USB was feeling so uncertain of its position within the existing division of labour that it moved ‘... to confer with the Assistants Union with a view of laying down a scale of work to be observed by both Unions.’\textsuperscript{108} While on one hand this agreement expressed the extent of the USB’s commitment to the artisanal taxonomy, at the same time it also revealed that its claims to the “rights” of the trade were essentially arbitrary, at a time when it was quite clear that labourers could do and did do tradesmen’s work. The union in this period displayed a marked tendency to develop an ever more elaborate code of rules with which to reproduce the artisanal dichotomy.\textsuperscript{109}

If the USB was pressed on one side by the mobilisation of the industrial concept of skill by the IWA, it was also being pressed by employers intent on securing a more precise alignment of ability with cost. The employers’ continual clamour for the unions to agree to piecework in the years before 1908 was directed especially towards boilermakers employed in shipbuilding.\textsuperscript{110} At this stage there was little attempt to attack the artisanal standard wage by directly attacking the category “boilermakers”. However, in the two separate sets of negotiations the ITEA attempted to bring about a back-door classification of boilermakers by proposing that the union establish a provision in its rules for the category “Old and Slow Workers”, who would be paid below the union’s standard minimum rate.

\textsuperscript{108} Ibid., 27th August, 1907.
\textsuperscript{109} For the terms of this agreement see ibid., 17th December 1907. Subsequently, the USB drew up a list of ‘... machines claimed to be Boilermakers work ...’, which was distributed to the ITEA. The list was intended to reproduce the clear distinction between “unskilled” and “skilled”, with the latter maintaining control over the technical, hand and supervisory aspects of the labour process. See ibid., 3rd March 1908.
\textsuperscript{110} See Franki’s comments, Engineers Case, op. cit., pp. 415-7, pp. 461-4. In 1905 Franki had asked for a conference with the USB over the question of piecework in shipbuilding. The USB held an acrimonious meeting over the issue, in which opinions were divided over piecework to such an extent that ‘Chaos ensued’. The meeting ended by rejecting Franki’s request. Franki wrote again to the USB in 1908 ‘... asking for a permit to allow [USB] members to work piecework.’ The request was denied. See USB Minutes, 7th November, 12th and 20th December, 1905, and 9th February 1908.
On each occasion the USB was able to deflect these attempts by simply breaking off negotiations with the employers, conditions reverting to the status quo.\textsuperscript{111} In this way the USB’s removal from the arbitration process between 1900 and 1908 confined it to a back-eddy in which it was possible to preserve untouched the central features of artisanal practice.

After 1908 the tensions within the USB increased, as the division of labour splintered around it. Especially traumatic was the collapse in established relationships with the IWA, when the latter began to apply the logical consequence of the industrial concept of skill to its own position within the iron trades division of labour. In contrast to the overtly respectful attitude which the union had displayed in 1907 to the boundaries erected in the artisanal taxonomy, after 1908 this was rapidly replaced with a much more aggressive stance. By 1911 the USB Minutes worriedly recorded that the IWA, now registered in the Federal Court, had changed its name from ‘Ironworkers Assistants to the Ironworkers only ...’. Recognising the implications of this name change, the USB vowed to ‘... fight them to the bitter end in registering under this name and in condoning the offence of allowing their members to do work which is generally recognised as Boilermakers ...’.\textsuperscript{112}

However, the tide had turned against this typical artisanal mode of argument, with its appeal to rights upheld and transgressed. The union’s representative at the Industrial Registrar Court in Melbourne in mid-1911, reporting that their opposition had been unsuccessful, warned that ‘... it was evident that we are going to have trouble, not with our employers but with the men who are now our Assistants as they had said they would fight us all along the line.’\textsuperscript{113}

\textsuperscript{111} See ibid., 26th November 1903; 29th March and 26th April 1904.
\textsuperscript{112} Ibid., 21st March 1911.
\textsuperscript{113} Ibid., 16th May 1911.
VI

As bleak as this assessment was, it also contained a fatally misplaced optimism in regard to the position of the employers. Although between 1901 and 1908 the ITEA gradually began to draw on the possibilities contained in the industrial concept of skill for reshaping its relations with skilled iron trades workers, that line of development was given a much sharper focus and more concrete expression after 1908. By 1911 the USB and the ASE were confronted by an employers' association in which the strategies implicit in the logic of the industrial concept of skill had matured. From this point the ITEA abandoned its previous half-hearted commitment to the technique of occupational classification, and made it the centre of its approach to skilled iron trades occupations.

The critical factor in this development was the passing of the 1908 Industrial Disputes Act by Wade's New South Wales Government. Although this Act has been little noticed by historians, it established a structure of industrial regulation which encouraged the ITEA to solidify into policy a strategy based on the logic of the industrial concept of skill.

The form taken by the Industrial Disputes Act was influenced by several considerations. On the face of it the Act was simply intended to redress the problem of congestion. This had arisen through the centralised structure established by the 1901 Arbitration Act, which had routed the unexpectedly large number of disputes through the chicane of the single Arbitration Court. Under the Industrial Disputes Act it was hoped that the much more decentralised structure which was thereby enacted - an unlimited number of Wages Boards, constituted and overseen by an Industrial Court - would obviate these difficulties. Other, less benign, considerations were also at work. In its original incarnation as a Bill it was clear that Wade was attempting to diminish the role of unions in the
industrial relations process - an aim also connected to his wider aim of curbing the rise of political Labour. However, Labour members of the New South Wales Legislative Assembly were able to secure amendments to the Bill which preserved the centrality of the union as ‘... the effective unit in the system.’, and as a result the Act prompted a new wave of union formation analogous to, but less intense than, that which had followed from the 1901 Act. While in its final form the Act preserved the role of unions, at the same time it circumscribed the range of strategies open to them. Most notably it provided heavy penalties for strike activity, the coercive effect of which was greatly strengthened in 1909 by the rushing through Parliament of an amendment which increased the penalties for striking.114

In New South Wales, the years immediately following the passing of the Industrial Disputes Act were characterised by ‘... the domestication of trade unions to the arbitration process.’, as Turner usefully puts it.115 Yet that domestication did not simply devolve from the overtly coercive nature of the Act. Rather, other conditions of the Act made it virtually incumbent upon those unions which had previously remained outside the arbitration system - and particularly craft unions - to now participate in order to protect their members' interests. For although the Act preserved the role of unions, it positioned them in the arbitral process rather differently than had previously been the case.


115 This useful way of conceptualising in a general sense what happened to unions in New South Wales as the web of arbitration was spun more finely, imposing its own logic of participation, belongs to Turner, Industrial Labour and Politics, op. cit., p. 40. Turner's analysis principally concentrates on the coercive context in which "domestication" occurred, with the defeat of the miners in 1909 being especially important. My contention is that "domestication" also involved unions such as the USB being drawn inexorably into the arbitral process by virtue of its power to divide "crafts" due to the industrial, rather than institutional terrain of operation from 1908. Buckley, The Amalgamated Engineers, op. cit., p. 174, makes a similar point in regard to the ASE.
The 1901 Arbitration Act was framed within an outlook which saw industrial disputes as conflict between sets of institutions - unions of employees and unions of employers, and this automatically gave trade unions an important structural position at the centre of the process. Their existence was utterly necessary for the operation of the Arbitration Court, and its activities thereby took the character of managing the relations between two sets of institutions. As against this, the central feature of the Industrial Disputes Act - the establishment of a Wages Boards system - gave primacy to an industry and its employers and employees, rather than simply to unions and associations. Although unions were allowed into the system, the system itself no longer simply reflected the institutional forms taken by capital and labour. Rather, the Wages Boards system operating beneath this institutional surface, reflected much more directly the pattern of industrial development in New South Wales. In addition the Act allowed Wages Boards to adjudicate on industrial “matters”, not simply “disputes” as had been necessary under the 1901 Act.

It was the combination of these provisions - rather than simply its coercive components - which made the Industrial Disputes Act a real opportunity for employers. It provided them with a mechanism through which they could re-direct the efforts of arbitration away from the management of institutions, and towards shaping conditions of industry. As a union advocate put it in arguing a case before Heydon, who was the first judge in the new Industrial Court which was brought into being by the Act, ‘All that came before the [previous] Arbitration Court were claims by different classes of mechanics, and you did not deal with any industry ... It is only under this Industrial Disputes Act, which enables a Board to be granted

116 Ryan, op. cit., p. 28.
117 Merritt, JIA, op. cit., p. 30.
118 Portus, op. cit., p. 111.
for the articles to be made, that [employers] could possibly claim ...' that
those employed making rolling stock were not skilled tradesmen.\textsuperscript{120}

As these comments indicate, almost at once the ITEA began to take
advantage of the possibilities opened up by the Industrial Disputes Act.
Several of its members who manufactured rolling stock applied to the
Industrial Court to be considered as constituting an "industry" in their own
right, and hence eligible to be covered by a separate board.\textsuperscript{121} Although
Heydon disallowed this, he did not force those ITEA members to retire once
again into the general engineering industry. Instead, he allowed them to be
considered a part of the coachmaking industry, whose conditions were
governed by the Coachmaking (Rail) Board\textsuperscript{122}; and although this did not
meet their objective of having a board for themselves, the Secretary of the
ITEA, Mr Wegg-Horne, commented that the ITEA considered that it '... was
enough.' to be in this way separated from the conditions governing general
engineering firms.\textsuperscript{123} And well might it have been "enough", for although
the application for a Rolling Stock Board had been made in the name of
individual firms, it was part of a wider strategy which was now quickening
within the ITEA to dismantle the artisanal practices which dominated
conditions of employment within the iron trades. For while the
Association considered that the application was made '... in order that all
work associated with Railway Rolling Stock might be included ...', it

\textsuperscript{120} Industrial Court of New South Wales: Appeal by the Amalgamated Society of Engineers, the
Australian Society of Engineers, the Amalgamated Coachmakers' Society, United Society of
Boilermakers, Iron Workers' Assistants' against Award of Coachmakers Board (hereinafter Appeal
against Award of Coachmakers Board), August 1910, Vol. 99, NSWSA 2/151, address of Mr.
Tayler, p. 288.

\textsuperscript{121} ITEA Minutes, 28th June 1909 records 'Clyde Engineering Co's application for board for the
building of Railway Rolling Stock. This application was made ... in order that all work associated
with Railway Rolling Stock might be included, especially that of building steel wagons.'

\textsuperscript{122} Industrial Court of New South Wales: re. Iron Trades (Boilermakers) Board. Transcript.
Application for Nomination of Members (herein after Boilermakers Board - Nomination of
53-4.

\textsuperscript{123} Ibid., p. 53.
emphasised that this was part of a wider strategy, with their interest being on its implications '... especially [for the work ] of building steel wagons.'\textsuperscript{124}

It did not take long before it became evident that the establishment of the Coachmakers (Rail) Board, as it was titled, posed a real threat to the trade status of the occupations encompassed in the ASE and USB. As a union advocate complained:

because the Industrial Disputes Act is passed ... the employers set up [i.e. claim] that "we are a separate industry, ... [and] the man who is working on a railway waggon is a railway waggon smith". The man who is working on a coach would be, I suppose, a coachbuilding smith, and the man who is working on a locomotive would be a locomotive blacksmith, and so it would go until the engineers, taking them as an example of the trade, would be split up into every class there is of an article to be manufactured and they would no longer be engineers, but they would be the particular smiths or the particular engineers in the article they were making.\textsuperscript{125}

From the employers' perspective, that was exactly the point. They pursued a similar strategy of fracturing the unitary artisanal classification of the craft unions wherever it was possible. Thus when the ITEA applied for a Board to cover the boilermaking and iron shipbuilding industry their application specifically stressed that the industry was differentiated into the '... essentially different interests ...' of the shipbuilding /boilermaking section on one hand, and the section concerned with bridge and other structural iron and steel firms on the other. The latter had become, they claimed '... a specialty with certain firms and certain classes of workmen.', and Wegg-Horne argued that workers in bridge and structural iron and steel work constituted '... certain classes of workmen'. The employers pounced on the evidence adduced in the hearing that 'It had been virtually shown by evidence even by the claimants, that the work of riveting, in connection with bridge and girder work, was by no means of so high a character as that which has to be put onto Boilermaking, and Iron Ship-building.'\textsuperscript{126} As

\textsuperscript{124} ITEA Minutes, Special Extraordinary Meeting, 28th June 1909.
\textsuperscript{125} Appeal against Award of Coachmakers Board, op. cit., Tayler, p. 286.
\textsuperscript{126} Ibid.
Wegg-Horne commented portentously, 'It is an industry that has never been before the Court to have it thoroughly thrashed out.'

Heydon's decisions to allow the hiving-off of rolling stock workers to the Coachmaking Board, and agreeing that the structure of the Boilermakers Board should reflect the division into shipbuilding/boilermaking and structural work, sparked off renewed discussion within the USB about its involvement in the arbitral process. Some argued that '... as a protest against the action of Judge Heydon in splitting the Boilermakers Society into different sections.', the society should once again remove itself from the arbitral system, perhaps resorting to strike action instead. A stronger current of opinion argued that '... it was futile to go against the law of the land ...', and that if the USB cancelled its registration:

what are we going to do [?] [H]ow is our men going to get work [?] [W]e have shops who are starting to infringe our rules and customs [,] unless we make a stand and get into the Court the masters [,] after making us lose the customs and conditions [,] will take us there [,] and then what sort of a chance will we have [?] [punctuation added] 

This statement of possibilities opened up and others foreclosed exemplifies how the system established by the Industrial Disputes Act operated as a domesticating force; despite the ambivalence within the union, the USB decided to operate within the framework set by the Industrial Disputes Act.

Having decided to stay in the arbitration system, the USB did all it could to maintain the concept of the "trade". When the Coachmakers Board began its deliberations the USB requested its chair, Wilfred Blackett, to at least '... put the iron part [of railway wagon making] under the Boilermakers Board, and if unable to do that to keep the evidence of all trades separate and distinct.' Blackett chose not to accede to these requests, and in February 1910 handed down the first Coachmakers (Rail)

127 Boilermakers Board - Nomination of Members, op. cit., p. 54.
128 See USB Minutes, 29th June 1909. For the prospect of strike action loc. cit., 23rd February, 1909.
129 Ibid., 6th July 1909. Brothers McDougall and Grant.
130 Ibid., 5th October 1909.
Award. Some idea of the importance of it can be gained from the official response of the USB, whose Secretary described the award as '... a scandalous and ridiculous one.', his main objection being that Blackett had '... altered the term "Plater", which has been in use for the past 70 years, to the term "Assembler", and has reduced the wages of those workers ...'.

Blackett's award pleased the ITEA to the same degree - and for precisely the same reasons- that it angered the USB. While the Award meant that several ITEA members could now undertake rolling stock-making free of the wages and conditions established by the craft unions, it was principally its ancillary effects which interested ITEA members involved in more general engineering and shipbuilding. The Award provided them with important ammunition in precedent and evidence, with which an attack could be mounted on the USB's claim to be a community of the equally-skilled. Wegg-Horne, who had by now become the ITEA's permanent secretary and sometime industrial advocate, succinctly explained to the Association's membership the relationship of Blackett's award to the Association's overall aim - although the work considered by the Coachmaking Board:

was not actually included in the Industry of Iron Trades still it dealt with the features of riveting plates etc. claimed by the Boilermakers, ... in a manner suggestive of important evidence in connection with the Boilermakers Board shortly to sit, with the same Chairman.

Wegg-Horne continued, drawing out the implications even more fully, by pointing out that the evidence adduced before the Board was '... that the men who did riveting only, were not held to be Boilermakers, and therefore not entitled to Boilermakers wages.' In view of Wegg-Horne's obvious appreciation of the significance of these details it was unnecessary - although perhaps to be expected- for the members of the Association to subsequently instruct their legal employee that '... these facts must be

132 'Secretary's Report, for the Half Year to 30th June 1910', enclosed at USB Minutes, 9th August 1910.
pressed home ...' by him in representations for them before the Boilermakers Board. Wegg-Horne noted in his annual report for 1909/1910 that the actions of the Coachmakers' Board were important:

because this class of work and workmen were graded. This was markedly to the benefit of the Iron Trades in subsequent proceedings in connection with the Boilermakers. It was held that a waggon riveter was not a boilermaker or shipbuilder and [as the Boilermakers Board would shortly be sitting] the countervailing claims put in by the Association were for classification and grading.

VII

Given the consequences of the Coachmakers' Award, it was no surprise the unions in the iron trades launched an appeal to the Industrial Court. Heard before Judge Heydon - who described it as '... undoubtedly the heaviest and most intricate case that had come before the Court.' it demonstrated in spectacular fashion that the foundation of the employers' tactic of fragmentation was the erosion of the logic and the concepts through which the artisanal paradigm was articulated. Inversely, it also demonstrated the ascendant position held by the industrial paradigm and its logic.

Throughout the case, Cecil Coghlan, who was advocate in the case for both the engineers societies, as well as the USB, put before the Court an argument saturated in the categories and perspectives of the artisanal concept of skill. He referred successively to blacksmithing, turning, caulking and riveting as "art". This was not casual wording, but a term

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133 ITEA Minutes, 14th March 1910.
134 Ibid., Special Extraordinary Meeting, 13th May 1910.
135 Quoted Ibid., 12th September, 1910.
136 Appeal against Coachmakers Award, op. cit. For blacksmithing see pp. 144-9. And further securing this artisanal representation, Coghlan drew on evidence given in the 1908 Engineers Case by one employer, who argued that blacksmiths were '... not made ...', and that '... blacksmithing work is work particularly requiring a natural gift ...'. For the use of this evidence in 1908 see Engineers Case, op. cit., p. 650. For its use by Coghlan in 1910 see Appeal against Coachmakers Award, op. cit., p. 44. For turning as 'art' see loc. cit., p. 156; for caulking, loc. cit., p. 457; for fitting, p. 177.
designed to draw out and impress upon Heydon the rare nature of the qualities required in those particular occupations. And to conceptualise occupations in those terms was to almost automatically reintroduce the typically artisanal modes of description and explanation of skill. Thus Alexander Easton, a blacksmith at Meadowbank, described that he could assess when metal was at precisely the right temperature to work, through his ‘... practical experience ...’, ‘... judgement ...’ and ‘Instinct, with the eye ...’.

Similarly John Kennedy, a riveter, described his knowledge of when a rivet was tight enough to stop hammering as ‘... merely instinct ...’.

These modes of explanation had little chance of adhering in the discursive context of a case which was portrayed as ‘... a sort of scientific inquiry of ... work ...’ and it is as good a measure as any of the collapse of the artisanal paradigm that neither the employers’ advocate, Broomfield, nor Heydon, felt the need to engage in a sustained attack on them. Indeed the anti-artisanal context dominated the case so comprehensively that inference was enough to combat what such “unlikely” “explanations” as those of artisanal skill. The blacksmith Easton claimed that power-hammer blacksmiths had to be able to detect whether the proper degree of heat had been obtained, but although he was able to attribute this to ‘... practical experience ...’ he could not be more definite because ‘... it is a thing I cannot explain.’. In a transcript bereft of dramatic inflection, the sarcasm still drips from Broomfield’s cross-examination: ‘What is this mystic indication you get ...?’, he enquired. Heydon lent his assent to this demystification of artisanal categories and descriptions when he commented that as a boy ‘... seeing blacksmiths making horses’ shoes ... They did not seem to me ... to

137 Ibid., p. 147.
138 Ibid., p. 457.
139 Ibid., p. 294. Tayler described it in the way quoted, and Heydon concurred, agreeing ‘That is part of it ...’; loc. cit.
140 Ibid., p. 147.
require a great deal of skill; I think I could have judged myself ...'.

This was hardly rousing endorsement for the "mystery" of blacksmithing.

A similar fate met Coghlan's attempts to argue that the metal working occupations employed in rolling stock manufacture should all be considered members of the "trade" of boilermaking, or of one of the various engineering trades. It was almost a routine question and answer format which induced from witness after witness "evidence" that variously riveters, turners, fitters, and blacksmiths who were employed making wagons were equal in skill to those employed in engineering or ship and boiler building.142 Heydon displayed his by now predictable response to such arguments, pointing out that if it was the case that all aspects of boilermakers' or engineers' work required equal levels of skill, then it was difficult to explain how apprentices could be produced.143 Echoing this line of argument, Broomfield chose a more direct approach, describing the attempt by a USB witness to argue that wagon riveters were equal in skill to boilermakers employed on shipbuilding, as '... insulting to the intelligence ...'.144

Here the employers were drawing fully on the possibilities contained in the industrial paradigm. If they did not actively use the language of skill this was because the separation of "skill" from the person of the worker allowed such a skill-less language. For this was principally the dynamic against which the iron trades unions were fighting in their Appeal against the Coachmakers' Award. It was best summed up by the argument of Tayler, the advocate for the Iron Moulders Union, who commented that because the Industrial Disputes Act '... enables the Court to appoint a Board

141 Ibid., p. 148.
143 Ibid., p. 164. For the same line of reasoning see above, p. 000.
144 Ibid., p. 526.
to deal with an industry', it thereby allowed employers to say that:

these men are no longer mechanics in their particular trade, ... no longer tradesmen as defined by their particular Unions, but tradesmen classified by the particular work which they are doing. ... I submit that ... neither the Arbitration Act nor the Industrial Disputes Act was ever intended ... to separate tradesmen from their particular class of trade which they call themselves. [emphasis added] 145

In these remarks, Tayler summarised the importance of the possibilities opened-up in the creation of wages boards, eroding the emphasis within arbitration on customary artisanal structures and self-definitions, and making work the focus of arbitration, rather than workers; levels of industrial "skill" rather than classes of artisanally "unskilled" and "skilled" workers.

The possibilities illustrated in the Coachmakers' Board propelled the ITEA further towards the strategy of classification. In the next case in which it was involved, that of the Moulders, Wegg-Horne rather smugly reported to the ITEA members that the claims put forward by the ITEA '... had astonished the Employees Union on account of the grading which had taken place, ...'. 146 Subsequently the Award - which instituted some grading of iron moulders - indicated to the employers the sympathy with which such an approach was greeted, by that Board at least. 147

This trajectory of development had reached a peak by the beginning of 1911. In March 1911 Irons pointed out to the ITEA members at a General Meeting that the results of the Moulders' Board indicated that other boards would be likely to assent to that technique. The Moulders Award, he argued, indicated '... how very necessary it was for employers now to insist on Grading wherever applicable.' Franki - always the avatar of grading - went even further, commenting that 'Without [grading] ... it would be difficult indeed to carry on ...'. Thus a decade after the connections between

145 Ibid., p. 289.
146 ITEA Minutes, 10th October 1910.
147 New South Wales Industrial Gazette, July, 1912, pp. 460-4.
classification and commodification had been forged in the 1901 assistants' strike, classification had come to occupy the central position in the ITEA's approach to the skill of their employees. This centrality was well expressed by Franki when he went on to remark that "... members could rest assured that the Association would pass that claim in every case." 148

VIII

Making good this promise, from 1911 the grading of skilled engineering and boilermaking occupations was the central point at issue between the ITEA and the iron trades unions. Thus in formulating their strategy in the Boilermakers Board hearing in early 1911 Franki suggested that while the employers might make "... some little concessions ..." on issues like payment for meal breaks or additional payment for working in hot places "... of course as to grading and the wages for the different grades they must stand firm." Other members agreed. Ritchie, referring to grading as a "... necessity ...", supported Franki's tactics and especially "... his remarks as to grading and the wages for the different grades ..." and that on this issue "... they must stand firm." 149 Similarly, when the Engineering Wages Board began its hearing in 1912, the employers noted that one of the central points of evidence "... they would have to be strong on were Machinists not being skilled workmen." 150

If from 1911 the ITEA was determined to erode the artisanal idea of the equality in skill of "artisans" in the iron trades, this was the beginning of a long term strategy which was transferred over and manifest in a much more spectacular fashion in the important iron trades cases in the

148 The statements in this paragraph are drawn from ITEA Minutes, General Meeting, 7th March 1911.
149 Ibid., 'Special Meeting in re. Boilermakers', 27th April 1911.
150 Ibid., Special Meeting, 15th February 1912.
Commonwealth Court in the 1920s. Although it is beyond the scope of this thesis to trace this history in detail, it should be noted that what made it possible were the transformations outlined in this thesis. There were many intervening circumstances between the articulation and the realisation of this goal. For example, the USB was fortuitously saved from the obvious classifying intentions of the ITEA in 1911 by the death of the President of the Boilermakers' Board in the middle of its sittings. Spencer had listened to and been impressed by the evidence presented by the employers about the different abilities required in different types of riveting work. Moreover, the union's claim that all types of riveter were equal in skill was weakened when the union's lawyer '... admitted that Waggon Riveting was inferior to other classes of Riveting and by doing that admitted grading ...'. When Spencer died and it subsequently proved difficult to find a replacement President, the USB was given a temporary reprieve when it entered into private negotiations with the ITEA. At first the employers continued with the line of argument which they had been developing in front of the Wages Boards, but now the USB was able to simply deny the force of their arguments about grading, and the negotiations deadlocked around the issue. The union considered that the deadlock would continue '... unless we agree to ourselves being graded, as it is the employer contention that Bridge, Girder and Roofing is all of an inferior character.' The deadlock was only broken when the union threatened to withdraw from any further negotiations with the employers, '... unless they had abandoned this claim for grading ...'. Under this pressure, intensified by the prospect of strike

151 For these transformations see Sheridan, op. cit., pp. 73-107. Also see S. Cockfield, 'Arbitration, Mass production and Workplace Relations: "Metal Industry" Developments in the 1920s', The Journal of Industrial Relations, March 1993, pp. 26-7.

152 USB Minutes, 18th April 1911.

153 For Spencer's death and the delay in finding a replacement see the comments in ITEA Minutes, 8th May 1911.

154 USB Minutes, 16th May 1911.

155 Ibid., 20th May 1911. This was an 'Extraordinary Special Meeting', attended by over 400 USB members - an extremely high turn-out.
action at a time when their business was finally reviving, the employers relinquished their claim for grading. They settled instead for the time-honoured result, a compromise between the employers’ desired wage rate of 1s 4d and the union’s of 1s 5d, agreeing finally on a wage rate of 1s 41/2.\textsuperscript{156} Thus the Award handed down in July 1911 by the new Chairman W.T. Dick, was a ratification of the outcome of these negotiations, preserving as it did the essential artisanal condition that ‘The minimum rate of wage for journeymen shall be 1s 4 1/2 per hour (...’\textsuperscript{157} This however, was only a temporary reprieve, and in the years to come the members of the USB were classified and organised on an hierarchical wage scale according to degrees of skill which their labour was deemed to embody.\textsuperscript{158}

In contrast, the engineering occupations were subjected almost immediately to classification. The terms of their 1908 Award, which had recognised twelve occupations, were extended by an Interim Award granted in August 1911, until the outcome of the hearing of the new claims was settled, which was in April 1912. In the new Award the classifying intentions of the ITEA were clearly registered. The classification of engineering occupations had been increased to twenty-two occupational groups, not because the union had expanded the range of occupations it covered, but because the employers’ arguments as to grading had adhered in the decision of the Board’s Chairman. In the 1908 Award the single category “Smiths”, existed; and it was on wage parity with both fitters and turners. In the 1912 Award, however, “Smiths’ wage rate was set slightly above that of both fitters and turners, and this separation was accompanied by the recognition of five other categories of smiths, at lesser wage rates. A similar transformation occurred with “Fitters”, which in the 1912 Award was divided into “Fitters” and “Spring-fitters”; in addition, there was

\textsuperscript{156} Ibid., 13th June 1911; ITEA Minutes, 12th June 1911.
\textsuperscript{157} New South Wales Industrial Gazette, July 1912, pp. 451-6.
\textsuperscript{158} Shields, op. cit., p. 165.
recognition given to a category which was a hybrid of the fitter and turner, the grinder. Although not appearing in the 1908 Award, in the 1912 Award grinders were divided into two distinct classes with different wage rates.\textsuperscript{159}

\section*{IX}

To be sure this did not mean that artisanal logic had simply melted away. In 1915 the IWA - now transformed into the Federal body, the Federated Ironworkers Association (FIA)\textsuperscript{160} - applying the logic of industrial skill, served the employers with a new log of claims which, as the ITEA noted with alarm, '... embodied a Classification of Work and considerable increase in Wages.' In discussing how they could respond, one employer suggested that they should '... abandon the term "skilled labourers"' in describing ironworkers assistants, and refer to them as '"assistants to Mechanics"'.\textsuperscript{161} This suggestion simultaneously articulated the centrality of the industrial paradigm and its categories - "skilled labourers" - in the current idiom of work, while at the same time voicing the value of returning to the artisanal taxonomy in which "skill" resided simply with the "skilled artisan".

In employers circles the revival of the artisanal paradigm required peculiar circumstances - in this case a process of commodification which had escaped from their control. In the iron trades themselves it persisted as a much more organic part of their outlook. It was still strongly in evidence in 1912 when the New South Wales District Secretary of the ASE, Arthur

\textsuperscript{159} For the 1908 Engineers' Award see New South Wales Arbitration Reports, Vol. 7, 1908, pp. 2565-79. The classifications are on p. 276; for the Interim Award see New South Wales Industrial Gazette, July, 1912, pp. 466-70. For the 1912 Award see loc. cit., pp. 471-6.
\textsuperscript{160} Murray and White, op. cit., pp. 13-18.
\textsuperscript{161} ITEA Minutes, 8th March 1915 and 'Minutes of Special Committee Meeting', 22nd March 1915. The suggestion was made by Mr. Hoino, and was followed by a discussion which resolved that the ITEA '"... stand upon existing conditions as to Wages and Classification of Labour ...' - which in effect was a re-confirmation of the ITEA position in regard to industrial skill and its classificatory possibilities.
Dengate, agreed with the suggestion made to him by the Royal Commissioner into the Wages Board System, A.B. Piddington, that the union's '... ultimate object ... is to have only two classes in the trade - journeymen and apprentices[?]'. And when Piddington referred to the existence in the engineering industry of '... the intermediate man ...' who did not '... make his living as an unskilled labourer ...', he unwittingly called forth the full panoply of time-honoured pejorative artisanal discourse which was submerged just beneath the surface of the everyday language of the ASE. Strongly recalling the terms in which the craft unions had discussed the matter at the 1888 Intercolonial Trades Union Congress, Dengate maintained that '... a man of that [intermediate] description [],... not competent ...' - was called a "handyman" in the engineering trades, as '... the term "improver" ...' was not recognised.162

The persistence of the key features of the artisanal understanding and its logic within the practices and discourse of the ASE and the USB was undoubted. By this time, however, they had a distinctly anachronistic feel. Although in 1912 Dengate produced an example of artisanal discourse which was indistinguishable from that produced by "artisans" in the 1880s, he did so in a radically different context. Whereas in the middle of the nineteenth century the artisanal understanding of skill and its practices were virtually unassailed as the framework within which work was understood in the iron trades in New South Wales, by the early decades of the twentieth century this was no longer the case. Although unions such as the ASE and the USB might continue to operate on the basis of the taxonomy and logic of the artisanal paradigm, they now did so as relatively isolated islands of meaning whose shores were subjected to a persistent erosion by the lapping of the wider sea; a sea in which the logic of artisanal

skill had been contested and displaced by that of the industrial concept of skill. Where standard artisanal terminology persisted, it did so transformed to such an extent that its meanings were no longer those of the artisanal paradigm. Thus Dengate’s apparently classical artisanal discourse was presented before a Commissioner whose whole outlook was inimical to that logic. In his Report on the inquiry Piddington explained that:

By a craft or calling I mean to include all forms of manual vocation, and not merely those to which the term “craft” has come to be applied as indicating a sort of aristocracy in labour such as is only reached where a long period of apprenticeship and training ends in the formation of a skilled worker. The term “craft” is properly used perhaps of only such workers ... But ... I use the term as it has come to be used in the vernacular ... as meaning not only skilled crafts but of any distinctive callings whether skilled, partly skilled, or not skilled at all. 163

Piddington’s whole approach here was suffused with the industrial concept of skill and its logic. And as his reference to the “vernacular meaning” of craft indicates, neither was this approach unique to Piddington.164 Rather, it was a widely disseminated understanding, the dominance of which expressed the displacement of the artisanal by the industrial concept of skill. And emblematic of the extent of that displacement, it was in this context finally possible for Drake, the Secretary of the artisanally “unskilled” in the iron trades - “ironworkers assistants” - to claim that their work was ‘... highly skilled ...’.165 Such a description was impossible at any time before 1900.

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163 Ibid., Chapter II: ‘The Mode of Mapping Out the Field of Industrial Arbitration’, p. xlvii.
164 Such understandings appear to have been prevalent in the legal sphere. Whilst a Sydney barrister F.A.A. Russell considered in 1915 that “… the crafts [sic.] system can be applied in its perfection only in the cases of recognised and very definitely distinct crafts and callings …”, he meant by this that ‘… it need not be merely limited to those trades or occupations, which, for a long time have been recognised as skilful ... Carters are not apprenticed, they are not classed as craftsmen. In a complete sense of that word, but you can separate carters out of the industry in which they find themselves and put all carters in one Union.’; F.A.A. Russell, ‘Industrial Arbitration in Relation to Socialism’, M. Atkinson (ed.), Trade Unionism in Australia. Report of a Conference Held in June, 1915, under the auspices of the Workers Education Association of New South Wales, the Economic Research Society of Sydney, and the Labor Council of New South Wales, Sydney, 1915, pp. 92-104, p. 98.
165 Royal Commission of Inquiry on Industrial Arbitration, op. cit., q. 16886. Drake’s comment was that all categories of ironworkers assistants – ‘... blacksmiths’ strikers, boilermakers’ helpers, and engineers’ helpers …’ – ‘... do highly skilled work though they are termed labourers.’