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Reel  
146

Box  
51

Folder  
89

The Coming Industrial Struggle - the Open vs. the Closed Shop,  
1920.



LECTURE BY RABBI ABBA H. SILVER, ON  
"THE COMING INDUSTRIAL STRUGGLE--THE  
OPEN VS. THE CLOSED SHOP," AT THE  
TEMPLE, SUNDAY MORNING, DECEMBER 19,  
1920, CLEVELAND, OHIO.

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If what I say this morning does not meet with the approval of many of you--and I am quite sure that before I am through there is very little that I shall say that will have met with the approval of any of you--I hope that you will console yourself with the thought of that philosopher who said that there are three sides to every question:

"My side, your side, and the right side."

*Ben.* That a crusade is on foot to universalize the open shop is evident to all. Manufacturers have organized locally and nationally; workers and propagandists have been employed and literature has been freely spread throughout the land advocating the open shop. Organized labor, too, is making an appeal to the public through speakers and literature. And it is a very encouraging sign of the times that neither organized labor nor organized capital is any longer of the same frame of mind that it was in years gone by, when both of them said, "The public be damned." )  
✓ There is no doubt ~~but~~ that a struggle is imminent. The reasons why this struggle should take place at this particular time is, of course, easy to find. The fall of



prices has thrown many workingmen out of employment, and for the first time in years the supply is greater than the demand, and so the propagandists of the open shop reason that this is the auspicious moment to break the power of organized labor and to win back complete control for capital.

I suppose the remarkable, overwhelming triumph of the reactionary or conservative forces in the last national election has, in some measure, encouraged this movement at this particular time.) I believe also that it is the natural reaction which many of us anticipated--the natural reaction from the excesses and abuses of organized labor during the last few years when the demand was greater than the supply, when organized labor was on the high horse and in a dominating mood.

Now, I am not so naive as to believe that some sort of friction and strain will never exist between capital and labor. I believe that some sort of strain has existed, and, in a measure, will always continue to exist. The question of proper remuneration for services and proper distribution of profits will always be a subject for contention and dispute. This particular campaign at this time may lose its intensity in a few months if labor conditions become normal again and the demand for labor becomes greater again, but the causes for friction and differences will always remain, and it is the problem of every thinking man and woman, and the problem of that vague but powerful entity which we call the public, to try to find



a way by which this struggle would become a little more sane and rational; that antagonisms as far as possible be removed; that violence and bad blood be eliminated; and that forums be established for the exchange of ideas in these competitive experiences of capital and labor.

In other words, our problem is how to civilize, how to rationalize, how to introduce a bit of common sense into this perennial, I might say, struggle of capital and labor, because as long as our present form of economic organization lasts--and to my mind it will last for a good, long while to come--this struggle is bound to be, and our problem is how to civilize it and humanize it, as far as possible.

I say that in this problem the public is vitally concerned, for in the long run it is the public that pays the bill to every industrial dispute, and we must approach this particular problem of the open versus the closed shop from the point of view not of any inalienable rights of the employer to run his business as he sees fit, nor from any constitutional rights of any workingman to sell his labor when or where he wishes, nor from any divine rights of labor to do as it pleases because it is labor; but we must in all fairness approach this problem from the point of view of the social utility and beneficence, from the point of view of the highest good of the commonwealth, of the people, of the community as a whole.

There are no inalienable rights that any of us



possesses. We have the right to enjoy our social rights bestowed upon us by society, and society may at any moment, as in the past, deprive us of every right which we possess, even of our very life in time of need and war. By that I do not mean to say that society should deprive us of these rights, or that it is to the best interests of society that the rights of the individual be abrogated or restricted. What I do say is that society has the right to, and at critical times should, abrogate or restrict. Every contract that you make is a limitation of your rights; every agreement that you enter into is by so much a diminishing of your freedom and your liberty.

And so in this problem of the open versus the closed shop, I shall not speak of inalienable rights, and I shall not speak of fundamental rights of liberty and freedom, because to me they are terms which must be carefully defined; but I shall speak of the subject from the point of view of one who is interested in the growth and the development of human life through labor and through production.

✓ I want at the very outset to scotch an idea which, to my mind, is pernicious--an idea which is being injected into this controversy. Some protagonists for the open shop have appropriated for their particular form of organization the name "American." Theirs is the American plan--implying that any other plan is un-American. And I want to say at the outset that all this talk of one form



of shop organization being American and Christian and patriotic, while another is the very reverse of it, is all unmitigated balderdash and bunk, and particularly pernicious at this time. /

A breed of professional, self-ordained saviours of America has sprung up in recent years, composed mostly of jobless and discredited newspaper men and magazine writers, who believe in saving America daily at so much per, and who believe in shaking down the employer of labor for all sorts of contributions to all sorts of anti-labor, anti-Bolsheviki, anti-Socialistic funds.

I am not an employer of labor, and I do not know why I am subjected to these things, but almost weekly some saviour of society comes to my study, some news agency representative, who promises to manufacture news and to disseminate news throughout the country against union labor, or against bolshevism, or against socialism, or against anything you wish at so much per.

Now, the question ought not at all be confused and rendered ugly and passionate by the injection of the question of patriotism and Americanism. America will endure a thousand years from today and ten thousand years from today, when a half a dozen forms of industrial organizations shall have come and gone. Furthermore, if the policy of an organization like the Bethlehem company, in refusing to sell structural steel to a contractor who employs union labor only, is American, then I, for one, am



at a loss to understand what "American" stands for. Bez.

I believe that the issue of the open versus the closed shop is really not the real issue; it is only the projected issue in this campaign. I believe that the employer who is in this crusade is interested less in the problem of the open shop than he is in the real question at the bottom of it: the question of collective bargaining, and the right of representation of labor in the management of industry. stop.

( Furthermore, the unions have not, in recent years, made the closed shop the real issue. As I look back upon the history of industrial struggles in the United States, I find very few strikes of national importance, from the Homestead strike in 1892 to the last steel strike in 1919, that were called in the name of the closed shop. The real issues have been higher wages, less hours, improved conditions of work, and the right of collective bargaining. |

I confess that I may be wrong, and I confess, furthermore, that my knowledge is from reading and observation and not from close contact, and therefore you may take my opinions and my views for what they are worth, Bez.  
but my belief is that this campaign for the open shop is an attempt to destroy trade unionism in the United States. While it is true that the open shop does not discriminate in theory against the union workingman, in practice the union man is always subject to a blacklist, which the



employer may call into being at any time; and, furthermore, if the union is ignored in the open shop, the workman might just as well join a golf club as to join a union.

(As the secretary of the National Catholic Welfare Council said: "Of what value is the union to him if it cannot speak for him, and act for him, and bargain for him?" )

✓ Now, if the struggle is, as I conceive it, an attempt to destroy trade unionism in the United States, there are <sup>a few</sup> ~~three~~ fundamental propositions which, to my mind, are telling and decisive in our deliberations.

The first is that trade unionism in some form or other is here to stay. (No one who has followed up the development or the checkered career of the union idea in this land or abroad has any doubt about the subject. Trade unionism may lose a skirmish and a battle, but it cannot be permanently denied, and the tendency today in Europe, and undoubtedly the tendency in this land, after conditions will have become more normal, will be in the direction of labor's greater control of industry than a less control of industry. These are perhaps unpalatable facts, but they are facts, nevertheless.)

I say, trade unionism has come to stay. And why?

✓ Because after all is said and done, the workman sees in his union his one safeguard against exploitation, his one protection against selfishness and aggrandizement on the part of capital. The workman knows that all his gains of yesterday, all the progress which he has made in the



way of a higher standard of living--higher wages, better, <sup>working</sup> hours, elimination of child labor, factory inspection, and what not,--that all these gains have been won by the united and corporate efforts of organized labor against the consistent and continuous hostility of capital, with a few, very fine and illustrious exceptions. *shp*

The right of labor to organize is, of course, beyond question. At a time such as this when business men are organizing, when farmers have their unions, when professional men are all organizing in order to mutually advance their interests, it would be folly to expect the workingmen in the various trades to remain unorganized. And, furthermore, I do honestly believe that the destruction of trade unionism, as far as the advancing improvement of labor conditions is concerned, and as far as the ascendent development of labor in the United States is concerned,-- I say, the crushing of trade unionism would be a calamity of the first magnitude. *Bea*

With the idea of the union goes the idea of collective bargaining, and that is my second fundamental proposition. Without the right of collective bargaining the union is ineffectual. The workman cannot expect to sell his labor at an advantage if he is compelled to compete with his fellow workman in the labor market. In order that the contract between capital and labor be a fair and equitable one, there must be an equality of some sort established between capital and labor, and that



equality can be established only when labor is organized. *Stop. end*

This fact is so potent and evident that all three of the great religious bodies in the United States--the Catholic Church, the Protestant Church, and the Jewish Synagogue through the Central Conference of American Rabbis--have completely and thoroughly indorsed this idea of collective bargaining. Of course, the irritating question in this collective bargaining is the question of the labor representatives, who were at times officious and meddling, and of that I shall speak later. But the right of labor to be represented by its own men and to select its own spokesmen cannot be denied. Business men have their walking delegates: they call them attorneys.

(What I have said concerning trade unionism and collective bargaining does not mean the closed shop. I do not believe that the American people is ready to indorse the closed shop. At the present time ninety percent of the American workingmen are unorganized, and it would be folly to compel the ninety percent to join unions if they did not desire so to do. It is unfair and unjust to force men into any organization. And, furthermore, the behavior of labor in recent years has not been such as to inspire the public with confidence in the idea of the closed shop, with all the incidental, petty tyrannies, abuses and corruptions that have in the past gone with the closed shop.)

Now, I have said more than once, and I do not hesitate to say it again, that it is with real distress



and chagrin that friends of labor and friends of organized labor have been compelled in recent years to witness the constantly recurring abuses and tragic deficiencies of union labor. And in speaking of these things it is not to hurt labor but to heal labor. I believe that before labor can ask for greater concessions from the public, before labor can at any time even entertain the thought of a closed shop universally applied, labor will have to undergo a thorough soul-searching and housecleaning and a self-discipline.

Now, these might not be popular words to say at a time when men love to cater to the masses, but I, for one, have tried to avoid catering to anybody, and those who have followed my discussions on economic subjects in the past three or four years know that I have condemned practices and abuses and wrongs in the one camp as in the other. The abuses of union labor must be spoken of and must be brought before the bar of public opinion and condemned, for industrial peace and cooperation are impossible with these corrosive and destructive abuses remaining uncorrected.

It is a glaring fact and a saddening fact that union labor has, in the past, in too many instances, been cynically disregarding of contracts and agreements. It is a sad fact that labor in the past few years has too readily and too impetuously plunged into strikes and turned its back upon suggestions of mediation, arbitration,



compromise and concession.

It is a fact that many trade unions are boss-ridden to the worst degree, as evidenced in the recent revelations of the Lockwood conditions of the building trades in New York City; of corrupt officials who are more concerned with self-aggrandizement and graft than they are with public welfare and production. And it is a fact that the annals of organized labor abound all too much with instances of violence, sabotage, of crooked dealings; and, to my mind, the most serious feature of it all has been the attempt of some, perhaps of many, trade unions, by secret agreements or by public acknowledgment of the fact, to artificially restrict output and curtail production, to keep down production to the level of the mediocre and the least competent. I do not know of any instance in the past year where organized labor has made a serious and honest attempt to settle the problem of production in order to introduce greater efficiency and to get better results.

Now, in this attempt to restrict production labor, of course, has not been the only guilty party; capital, too, must share the burden of the guilt. A strike stops production, but so does a shut-down or a lay-off of men; and many an employer has been known to shut down his plant or to lay off men when profits were not high enough, or in order to keep the prices up. Now, from the point of view of the public, which is concerned with



production, which needs all that labor can produce, the action of one is as condemnatory as the action of the other. But the action of one does not sustain or excuse the other.

I believe that union labor must begin a thorough housecleaning; it must begin to fight the enemy within--the agitator, the lawless man, and, above all, it must begin to kill that socially harmful spirit which has dominated the minds of workingmen, in the past few years especially, namely, to get as much as you can and do as little as you can. That philosophy is demoralizing apart from the economic phase of it; that attitude of mind is destructive of moral integrity. A man who loafs on the job is morally deficient; a man who takes wages without giving an honest day's work in return for it is not living up to his contract or to his agreement. By so far as he is dishonest, by so far he is subject to social condemnation.

Until such time, then, when labor will develop leaders of vision and capacity, when these palpable abuses will have been done away with, and when the interest of organized labor will embrace not only the questions of wages and hours but the more important question of production,--until such time the public, I believe, while indorsing the idea of trade unionism and collective bargaining, is not ready or willing to indorse the idea of the universal application of the closed shop.

The issue today, as I see it, is not the open versus the closed shop, but the shop where union labor is



ignored or opposed, and the shop where union labor is recognized as an agency for collective bargaining, or where, as in some instances, it is given a preferential position. If these are the two alternatives, as I see them, I believe that the American public would indorse the latter.

The crusade today is, to my mind, ill advised; there is nothing to be gained by capital; there is nothing to be gained by the public from this campaign. It may work a great deal of harm; it may force the workingman--driven to the wall and seeing the organization which he has built up for self-protection crushed--into the ranks of direct actionists; it may drive him to the ranks of radicalism; and the American workingman today is not a radical. Such a struggle can lead to bad blood, to violence, to lawlessness.

What is wanted at this time, my friends--and I say it over and over again, and I cannot emphasize it too much--with the wounds of the Great War yet unhealed, with universal suffering and misery, with the world underfed, with starvation facing millions, with this vast, seething restlessness in the minds and in the souls of people,--what is wanted at this particular time is not encouragement to struggle, not instigation to strife, not instigation for a show-down; what is wanted at this particular time, as I see it, is a little bit of love, of human kindness, of sympathy, of understanding, of the spirit of give and take, of mutual cooperation, of friendliness.



I have preached against the class struggle day in and day out, and I still do. I cannot for the life of me see but that these national organizations, in financing such a campaign, are preaching a class struggle which is harmful and destructive and which will not benefit the public. I am not offering you--I cannot offer you--a catholicon for all evil, a program which will meet every situation in the industrial life. I do not believe that any one has presented such a program, but I do believe that the sane, practical business man will face facts, and the fact that he ought to face is this: that in years to come he will be called upon to treat with organized labor, and if that is so then it is up to him, as it is up to organized labor and the public, to see that the most amicable, the most peaceful, the fairest and the most advantageous ways for these negotiations are discovered.

Industries and particular trades will work out their particular problems and work them out successfully--it has been done in many instances--provided that this spirit of autocracy on the part of labor and this spirit of autocracy on the part of capital is relegated to the limbo of oblivion. There can be no autocracy today that is socially beneficial. There is no need for it. The spirit of compromise, of concession, of give and take, and, if necessary, the law, has been called in to adjust difficulties, to correct abuses, and to form those industrial organizations which will insure continued



production to the public.

There is no need for war in this land--and this is my last word. Our land has been favored by kind Providence with plenty, with prosperity; there is a social surplus; there is enough to go around. The gains of the one group do not necessarily apply losses to the other group. Capital is entitled to its fair profit, and labor is entitled to an ascendent standard of living, and the problem of finding the solution for these constantly recurring differences can be solved if the spirit that is brought to the controversy is one not of rigidity and inflexibility, one not of passion and fury in defense of inalienable rights, but one of humanity, one of practicability, one of common sense, one of give and take.

I have always been hopeful that the American business man will work out his problems better and fairer than the business man of any land. I believe that he is doing it, and that is why I look upon this attempt on the part of some business men as a decidedly unfortunate enterprise.

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