



Volume 3. From Vormärz to Prussian Dominance, 1815-1866

Victor Böhmer's Critique of the Traditional and Restrictive Nature of Guilds (1858)

This excerpt from Victor Böhmer's (1829-1918) book on freedom of occupation criticizes the traditional, restrictive guild system. While Bremen's guilds aimed to reinforce the middle classes and to prevent craftsmen and proletarians from falling into poverty and moral decay, Böhmer argued that they accomplished precisely the opposite, as did other guilds throughout Germany.

I. The opponents of freedom of occupation and their arguments

Reforming the occupational laws is currently on the public agenda almost everywhere in Germany. In Bremen, as well, there has been no shortage of serious demands for a detailed discussion of this important question, whose solution had been postponed for a short time by a negative resolution of Bremen's city council on September 30, 1857. In addressing these requests and taking up the gauntlet that defenders of the guild system have thrown down before the friends of a free economic movement, let us begin by listing some of the major arguments offered by the friends of the guilds – arguments that already numbered among the mainsprings of the Bremen occupational law proposal of 1850. As it says there: "The advantages of the guild system, should it be in proper order, are as plain as the eye can see. They relate to how, from an ethical point of view, nothing is better at counteracting demoralization than that spirit that develops, of its own accord, in a tightly integrated class of working people secure in their employment; to how, from a political point of view, the state can rely on these people as strong and independent citizens; and finally to how, from a commercial point of view, the necessary independence is preserved for a craftsman's business, the training of craftsmen is more generally encouraged in the cooperative, and an appropriate representation for the occupational trades as a class and their business interests can be accomplished without difficulty, just as the educational and relief institutions required for the trades can thereupon be more easily constituted. — If, by contrast, occupational freedom for the trades prevails, then everyone is left on his own, the moral posture that the corporate spirit provides goes lacking, the state is abandoned to the greatest danger that our era knows: seeing the proletariat grow incessantly. It is not easy to imagine a joint representation of occupational interests, or joint educational and relief institutions that, supported by the fraternal and unanimous efforts of the trades as a whole, act in a lively and beneficial way with the appropriate state assistance. The entire system is based on individual endeavors; and while things can emerge on an individual basis here and there, on the whole, given these important considerations, so much falls by the wayside or fails to materialize that one may say: "That is not worth the price for which it was gained."

The aforementioned charges are now simply repeated by the opponents of occupational freedom, with the addition of just a few strong words at most. As soon as one begins to examine the character of these stated arguments and assertions in general, one immediately sees that the adherents of the guilds have an ample stock of catchwords at their disposal. The specter of the “proletariat” is cast in the leading role. It hovers like a dark shadow over what is for most people the rather dim idea of the condition of occupational freedom. The rest of the cast is constituted by: giveaway prices, starvation wages, the decline of the middle class, the exploitation of the poor by the rich, the domination of capital, murderous competition, unsound, fraudulent labor, and demoralization. Yet not even this exhausts the accusations. One goes on to complain about the isolated character of all endeavors, of the death of every kind of independence and every fraternal, cooperative aspiration among the craftsmen, and in the end one arrives at the “socialist state” or at serious threats of “revolution.” Unfortunately, this brilliant construction of catchwords and phrases often deceives even thinking, educated men, namely when a hazy view of economic life today gets tangled up in romantic descriptions and praise of the past. The kind of research that grapples with the truth does not have such catchwords at its disposal, it has to look for reasons and proof, for facts and observations, it has to weigh these carefully and establish a final judgment as well-founded only after a series of [interim] conclusions. Therefore, it would be just as well if the following essays were skipped over by those readers who are not patient enough to follow us along this difficult path of argumentation!

II. What does occupational freedom accomplish for the state? Does it really create a proletariat?

Occupational freedom is depicted as dangerous from a political, business, and moral point of view. We shall begin our remarks with an examination of these political misgivings by first taking a closer look at the specter of the “proletariat” that has been conjured up.

What does the proletariat actually mean? What are proletarians? The word derives from Latin. Proletarii were the poor inhabitants of Rome who, according to Livy, had less than eleven thousand asses (an ass was a “Roman copper coin”) in property and were not able to serve the state with money, but only with children (their proles). The original meaning of the word has mostly been forgotten, and it is now a general designation for people from the lowest and poorest class. It is unfortunately a fact that, as once in Rome, there are also a lot of poor people in every civil society today. “Work” is everywhere recognized as the best remedy for poverty. Through work every person is supposed to create something useful and earn something. The more useful things a person creates and the more he earns, the further away he moves from poverty, and the happier he can become. Every state that wants to promote its citizens’ happiness and counteract poverty should therefore acknowledge it as the highest of all its obligations to provide every citizen with protection of the right and freedom to work, to develop himself, to use his energies, and to enjoy the fruits of his labor. This right and freedom is older than the state, it is innate in every human being, it is the most primordial and holiest of all human rights; for man was born with needs whose satisfaction is essential for life, and with

organs and talents for satisfying his needs. But applying these talents to work is evidently of no avail to man, and he can neither live nor work if he is not sure that he can use the fruits of his labor for his own needs as well. This certainty and the security of the goods he manufactures, of property, is therefore also one of the initial aims of a young state. Even among savages, nobody doubted that whoever had built a hut or hunted an animal was also entitled to the possession and ownership of that hut or animal. Therefore, initially, the state is usually founded to protect individual ownership from the superiority of the stronger via the united power of the many.

It is usually also readily acknowledged, for the aforementioned reasons, that the state is held together by the principle of property, that it should give property respect. But what is our contemporary state now doing with its occupational laws? It is dangerously attacking the right of man to dispose over the work of his own hands and to enjoy the fruits of his labor; it is attempting to restrict, to reshape, to organize work. Someone from a previous century with fantastic ideas about how to improve the state asserted what other people already knew, that there are rich people and poor people and a middle class in this world; at the same time, he advised those governing the state to rely above all on the middle class. Now, this may have been completely expedient from a political point of view, but the state went even further and also started heaping its abundant goodwill on this vague concept of the “middle class” from an economic point of view. A genuinely artificial system was created in which single individuals were assigned their specific place, their field of employment, and the number of workers and the like was regulated in advance, and continuous care and supervision was dedicated to the class of tradesmen. This was even more wrongheaded considering how special care intended for a class that had already achieved a certain level of well-being was just being wasted at the expense of those who had nothing. The poor, who as victims of lowly circumstances were in no position to learn a guilded craft, were in a certain sense condemned to remain proletarians. The methods that master tradesmen use to prosecute the so-called “Bönhasen”* to this day, the unkindness with which they confiscate their manufactured goods and often drive them from the city, together with wife and child, truly exceeds the outermost limits of what one should deem possible in a Christian state. And these people had violated no other law than — to have worked! The state eagerly lent the master craftsmen a hand, but it abandoned the poor to misery, to begging, etc. Why? In order to promote a middle class, i.e., a class of citizens that happened to be better off than the lowest class. Even today the slogan resounds: Protect the middle class! As if not every class, and especially even the poorest, may not claim the same legal protection from the state and equality before the law! Even today, according to some people’s notions, statecraft in its entirety should be limited to caring for this class.

Oh, you gentlemen, is it not better and more just to favor drawing and raising up the great, great class of the poor into the middle class? What you are demanding of the state may be expressed in the following words: “We, citizens numbering about 1000 or 2000, are rather afraid of becoming proletarians if our privileges were to be taken away, — therefore, the remaining 10,000 poorer citizens and workers need to remain proletarians and should definitely not be

* Craftsmen without guild membership, also north German dialect for “bunglers” – trans.

supported in the belief that they are entitled by nature, and are at liberty not only to work but also to labor at making the most useful and expedient and rewarding things possible." — We have no better way of characterizing the injustice that is propagated by our guild laws and that burdens all of civil society with ever more misery than to cite the famous words of Adam Smith, who wrote over 80 years ago (for us, though, still to no avail) in his work on the wealth of nations: "The property which every man has in his own labor, as it is the original foundation of all other property, so it is the most sacred and inviolable. The patrimony of a poor man lies in the strength and dexterity of his hands; and to hinder him from employing this strength and dexterity in what manner he thinks proper without injury to his neighbor, is a plain violation of this most sacred property. It is a manifest encroachment upon the just liberty both of the workman, and of those who might be disposed to employ him. As it hinders the one from working at what he thinks proper, so it hinders the others from employing whom they think proper. To judge whether he is fit to be employed, may surely be trusted to the discretion of the employers whose interest it so much concerns. The affected anxiety of the law-giver lest they should employ an improper person, is evidently as impertinent as it is oppressive." —

After this has been said, how can one actually uphold the accusation that occupational freedom creates a proletariat? The very opposite is true. Occupational freedom is the best and only lasting means to dispose of the proletariat; for it is the only thing that provides a poor man with the freedom to be gainfully employed or to work, and in fact [to do] whatever is most useful or rewarding depending on conditions. By contrast, the guild system is an impediment not only to all those non-guild members who make up the majority of civil society — no, it has even become a curse on the craftsmen themselves, on the very same class that is still looking for support in imagined privileges, instead of improving its own lot through the blessing of free labor and free competition! — Let us not be misunderstood when we rail against one-sided preferential treatment for the occupational trades as a class. We are not aiming to work toward the disappearance of the middle class, no, we only want the gates to this social station to be opened up to all the working classes, and we think it is most distressing that the class of craftsmen, of all people, is leaving the middle class and merging into the proletariat. Just take a look at developments from the last several decades. Is not the impoverishment of the class of craftsmen a standing complaint in all the books and newspapers, in all the [parliamentary] chambers and public discussions? To the same degree by which the laboring class is increasing its wage and improving its situation, the small class of craftsmen has been declining from year to year. But how could it even be otherwise? The craftsman is banished to a restricted sphere of activity by the pernicious compulsion to practice just one craft. Outdated laws compel him to squander his best years of study and youthful aspirations on the never-ending, spirit-killing monotony of the same tasks, or be tormented by sweeping alleyways, cleaning rooms, watching the children, with odd jobs, etc., instead of granting him open study contracts, the length of such apprenticeships being solely measured according to the individual talents of the apprentice himself. When craftsmen, after exerting themselves and spending their small savings, then become masters, their acquired learning is probably of no use to them at all; the very occupational trade in which they have become stuck is overcrowded, or else machines have displaced handicrafts; other needs, other circumstances have turned the business branch in

question into one that no longer pays — but look, the regulations on occupational trades impede the transition to more lucrative kinds of employment! Thus, it comes about that thousands of German craftsmen live in a garret, with the independence they dreamed of, but their lot is far worse than that of the workers who are employed in a workshop or a factory for a steady or piece wage. Circumstances have changed, those run-down craftsmen have become proletarians, they often have to enter into service to their fellow master craftsmen for less than journeymen's wages, beg for a piece of work or lie longingly in wait, hour upon hour, for customers they have lost to the factory system, the railways, freedom of commerce, etc.— Truly, this condition is unbearable over the long run, but it is unavoidable; for the compulsion to practice just one trade must create a proletariat among the craftsmen themselves, and only occupational freedom can turn proletarians into industrious and contented citizens!

[. . .]

IV. What does occupational freedom accomplish from a moral point of view?

There are hardly enough names for all the harm that occupational freedom has supposedly brought to the world, and so “demoralization” has also been named as one of the dark sides of this holy human right of freedom to work. Regarding this point, the central arguments raised on behalf of the 1850 proposal for a Law on the Trades in Bremen read as follows: “The advantages of the guild system relate to how, from an ethical point of view, nothing is better at counteracting demoralization than that spirit that develops, of its own accord, in a tightly integrated class of working people secure in their employment; [. . .] to how, from a political point of view, the state can rely on these people as strong; and [to how] if, by contrast, occupational freedom for the trades prevails, then everyone is left on his own, the moral posture that the corporate spirit provides goes missing, etc.”

If an Englishman or Frenchman or Belgian or Swiss were to read among the central arguments for this proposal the assertion “that the moral posture that the corporate spirit provides goes missing where occupational freedom for the trades prevails,” he would certainly first have to inquire if such accusations had been written and printed in the second half of the nineteenth century; for it is certainly going a bit far to deny moral posture to the millions of inhabitants of the states that have occupational freedom because they are fortunate enough to have removed the guild system and are no longer inspired by this kind of “corporate spirit.” What moral principle actually shines forth from the corporate spirit of the guilds? The guilds have long since degenerated into communities for whom the only things that seem clear are the concepts “privilege, protection of our privilege, warding off the non-privileged and their wares.” Their activity is not one that strengthens from within, but rather one that wards off the outside. Where is the proof showing that a guild as such promotes its trade, that it holds consultations about improvements in the management of the trade, that it procures machines to facilitate common work, that it maintains newspapers, design patterns, models, libraries for the ongoing training of the master craftsmen and journeymen and apprentices? Only quite recently was the decision to

establish guild warehouses finally made. Just how many problems that posed, however, may be answered by those who were present when it occurred. This much is certain here: that only the most urgent distress led to the stipulation of a rule, and that guild members first have to be threatened in their very existence before they decide on doing something like this.

But now that we have enumerated what does not happen in the guilds, we should also mention what does happen. There, we find that the main preoccupation is the pursuit of every alleged encroachment upon the rights of the guilds. Leafing through the history of Germany's crafts, we learn on almost every page of the unkindness with which the so-called "Bönhasen," whose only transgression was "work," have been shamefully prosecuted and expelled from the city, right down to our own era; about the way in which their manufactured wares have been confiscated, and how, with their finished wares, they have been pushed into misery with wife and child. Should one recognize in such deeds, which occur even today in a similar fashion, expressions of love toward a fellow Christian? Heaven protect us from continuing such "cooperative meaning and aspiration!" Whoever wants to know the extent of such aspirations should just study a few of the innumerable case files concerning infringements upon guild rights that have accumulated in the archives of the occupational courts. There, the turners forbid the chair makers from fastening buttons and decorations on their chairs; the shoemakers won't tolerate somebody selling rubber shoes that they themselves cannot even manufacture, much less repair; for years, the carpenters and the cabinetmakers have been disputing the manufacture of wooden staircases and to which of their fields it belongs; the hairdressers waylay the barbers and the barbers the hairdressers; the cloth dealers don't tolerate the tailors who sell cloth and fabrics, and the tailors go to court as soon as the cloth dealers display finished pieces of clothing in their shops. The trials are the chief cause of guild expenditures, and some guilds have regular funds for lawyers, which are naturally used for their stated purpose, i.e., wasted in litigation. In this as in other cases, the guild system only nourishes despicable resentment and spiteful jealousy. Egoism harms every single person anyway and makes moral progress difficult enough for him, but the guild system makes it possible for this egoism to penetrate and poison entire social circles and to shroud its public appearance in the cloak of law. Who can take pleasure in such an unkind struggle, in which it is citizen against citizen, class against class, all working together to stifle the public spirit?

We could complete this unedifying picture of the immoral effects of the guild system by portraying craft abuses, the hostel system, the carousing of journeymen and master craftsmen, etc., only we would prefer to turn to the more friendly pages of our working life today. In the business sphere, too, as we shall see, morality and ethics flourish best where freedom reigns. Work is in itself a fundamental means for promoting morality. In a certain sense, therefore, everything that strengthens people in their industriousness also serves the higher goal of morality. But nothing is better at spurring people to work, or at making work more enjoyable, than the certainty that, through work, one does something good for himself and the world and improves his lot. The commandment "Pray and work!" guides the human heart toward heaven in one direction and toward earth in the other, but the commandment would be insufficient in the latter regard if it did not simultaneously contain within itself the promise that the honest worker

should also enjoy the fruits of this labor. But this cannot take place if human laws, here below, diminish and atrophy the fruits of labor, if they prevent the free use of human energies and talents and thereby rob the worker of his just wage.

If we go on to examine the influence of the guild system and occupational freedom on the way in which members of same trade live and work together, we must immediately notice the characteristic difference: under the guild system agreements can only be created by statutory order, but under occupational freedom they are made freely. This could also be put a different way: under the guilds an external human law tries to unite members of the same trade with each other artificially and systematically, while under conditions of freedom an inner divine law works to combine occupational brethren in working love and mutual assistance. With these last words we are capable only of hinting at the importance and future we ascribe to association, that new form of economic combination. The cooperative element is undoubtedly still called upon to play a splendid role in the economic life of the nations, all the more so since this development is facilitated and promoted by the sublime teachings of Christianity. From this Christian point of view, the old proverb "Concordia res parvae crescunt" – "through harmony, even the small thing becomes large" – can even be understood in a deeper sense. If we trust in a higher world order and believe in humanity's Christian development, then we may also hope that unity transfigured into love will, little by little, sanctify and promote even the economic activity of people, that it will unite into working communities the forces that have gone to rack and ruin in isolation, and that, in a single word, it will help solve the great social problem of getting the great mass of the people to participate move evenly and in greater number in the profits of production and the progress of affluence.

It cannot escape the observer of humanity's social progress that a path has already been taken in the direction just noted, that the principle of unity and socialization has already created a series of beneficial economic institutions that use the aggregate power of a majority as a support for the weakness of the individual, that ward off or lessen the dangers of fate, and that thereby compensate for differences in wealth, or at least allow as many people as possible to take part in the enhanced spiritual and physical well-being of society. We need only recall the numerous insurance companies that protect against all kinds of dangers, [and] then the welfare, health, and pension funds, the credit associations for craftsmen that are gradually being transplanted into Germany's smallest cities, the reading and educational societies, the occupational trades associations, journeymen's associations, workers' educational associations, the associations for the cooperative acquisition of foodstuff and raw materials, as well as those for cooperative workshops, etc. But all these institutions need to emerge from freedom or the participants' own choosing, they flourish much better outside the guilds, indeed, most of them need to reach out to the greatest number of participants as possible if they are going to be of economic utility, if their administration is not going to become too costly, if the individual's risk and sacrifice are not to be too great and his dividends not too small. This disposes of the last argument for defending the guilds, which are usually regarded as effective owing to their institutions of mutual aid. It is quite dubious and uneconomical to burden the boards of 30 to 40 guilds in a city with the administration of funds like these, and even to assign guild funds to

members fallen on hard times, if self-help and private initiative have already found and instituted much more effective means whereby every citizen of the state can be protected from the impoverishing influences of sickness, age, sudden loss of assets, etc.

We stopped above at the mention of the institutions for cooperative work that emerged from the contemporary associational drive. They constitute the last rung on the ladder of associations and presuppose the liveliest kind of public spirit. Will it also be possible for the working classes to benefit more from the advantages of the large-scale and factory enterprise by assuming a new role in larger partnerships as entrepreneurs and workers at the same time, by performing their work in joint workshops and factories, and by sharing both work and profits, depending on the extent of their talents and skills and according to their performance? We stand here before a future task, one whose detailed discussion would exceed the limits of this essay. At this point, it suffices to say that not only the existence of such associations in large numbers, but also their flourishing, has become a welcome fact. Here, we refer to Huber's travel letters and his reports about French and English craftsmen's cooperatives. So far only very meager fruits of this kind of cooperative have germinated on German soil, although we regard the disposition of the Germans and their sociable sense as conducive and promising with respect to service to this idea. The difficulties of execution are obvious. The very first prerequisite for the establishment of such associations is naturally the most complete freedom of labor; but then the members of such a league of workers would also have to be more or less equally capable, and also at least equally ambitious, capable of sacrifice, agreeable. And even if they possess all of these virtues, the difficulty of a just distribution of profits after the various services are rendered will be an insurmountable obstacle for many associations. In any event, the Lord's commandment "Love one another!" cannot remain just a motto for these cooperative members, but must instead become their deed and truth. Before we can attain this goal, not only does the ethical and religious education of the workers need to advance further, the workers also need to become much more enlightened than before, especially from an economic point of view, about those simple and eternal natural laws that form the basis of economic life; they need to become better acquainted with their real interests and the means by which they can improve their lot through work — and in this knowledge and further development they need to be supported much more actively than before by their most fortunate and richest fellow Christians!

The above was our modest attempt to suggest, at the very least, a moral outlook for people's working lives, and, in accordance with the essay's title, to show those who accuse free economic development of a "demoralizing" influence that the ideal of healthy, economically free conditions corresponds fundamentally with the ideal of moral and Christian development.

If, in conclusion, disregarding a still distant future, we briefly consider the needs of the present, then we must designate it as the special job of the legislator and every humanitarian to tear the tradesmen away from the one-sidedness into which they have been driven by the guilds, to bring them into close contact with the various occupational branches, and to guide them generally toward the great social community, with all its institutions for instruction, entertainment, encouragement, and assistance. But naturally this will first require removing the

barriers that separate the craftsmen both from each other and from the rest of the public at large. Let us, above all, bury the half-decayed body of the guild system, so that the phoenix of a fresh, free economic activity, sanctified by love, might arise from the ashes.

Source: Victor Böhmer, *Freiheit der Arbeit! Beiträge zur Reform der Gewerbegegesetze [Freedom of Work! Contributions to the Reform of Trade Laws]*. Bremen: Verlag von Heinrich Strack, 1858, pp. 1-9, 13-21.

Translation: Jeremiah Riemer