

## LABOUR RELATIONS: A BRIEF INTRODUCTION AND SPECIALIZATION IN ENGLISH-SPEAKING UNIVERSITIES

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[Anotaciones y Añadidos de Manuel J. PELÁEZ]

Para citar este artículo puede utilizarse el siguiente formato:

Republicamos este artículo de Carmen Amaya Galván, que fue publicado en el año 2010, que ahora ampliamos en su contenido recogiendo algunos contenidos que Amaya Galván no tuvo oportunidad de incorporar en su momento, por haber fallecido.

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**ABSTRACT:** The aim of this article is to share with readers from French, German and Spanish speaking countries, as well as other intellectuals from such countries as Italy and Brazil, the importance of universities in English-speaking countries (the United Kingdom, Australia, Canada and the United States) for the study and research in Labour Relations, and that of Germany regarding Social Policy. Nevertheless, we have detected a scarce number of experts in the History of Labour Relations and the History of Social Policy in both English-speaking countries and Germany. It is precisely this doctrinal gap what has led to the publication of this journal, the *Revista Crítica de Historia de las Relaciones Laborales y de la Política Social*, from which we intend to promote research on the historical dimension (our aim, somewhat flexible, is to publish research which focuses on studies and analysis completed by 1999) of both areas of expertise, Labour Relations and Social Policy. This is not only the objective of the founders of this periodical but also, particularly, mine as its Associate Editor. Significant characters from the origins of both subject areas in Europe and the so-called seven founding fathers of Labour Relations in Spain will appear in the pages below. This article will almost exclusively provide a doctrinal introduction, which will not be either institutional or contract-focused, in the timeframe of the XIX<sup>th</sup> and first half of the XX<sup>th</sup> centuries. The reader will find significant characters, among whom the most relevant may be Gustav Schmoller, the founder and first Chairman of the *Verein für Socialpolitik*. The charts included at the end of the article offer an overview of some of the experts in Labour Relations from prestigious universities in Australia, the United States and Canada (Quebec has been added but further attention will be paid to this Canadian province on some other occasion). In the second part of this article, Social Policy university experts charts will be published and doctrinal information will be extended with the study of those authors who helped create this discipline in Austria, Germany, Switzerland, England and Scotland.

**KEY WORDS:** Labour Relations, Social Policy, Gustav Schmoller, Louis Blanc, Max Weber, Heinrich von Treitschke, Franz Clemens Brentano, Eugenio Pérez Botija, Manuel Alonso Olea, Émile Durkheim, Viktor Steiner, Gustav von Rümelin, Rudolf

Stammler, *Kathedersozialisten* [Socialists of the Chair], Social History of Labour, Australia, United Kingdom, United States of America, University of Melbourne, University of Queensland, McMaster University, Queen's University, Laval University, Yale University, Harvard University, *Grundriss der allgemeinen Volkswirtschaftslehre*, *Verein für Socialpolitik*.

RESUMEN: Con el presente artículo tratamos de poner en conocimiento de los lectores del mundo de la francofonía, germanofonía e hispanofonía, y de otros intelectuales italianos y brasileños, la importancia que las Universidades del mundo de la anglofonía (Gran Bretaña, Australia, Canadá y Estados Unidos) tienen en el estudio y la investigación de las Relaciones Laborales, así como Alemania por lo que se refiere a la Política Social. Notamos, no obstante, una carencia en el mundo de habla inglesa y en Alemania de expertos en Historia de las Relaciones Laborales y en Historia de la Política Social. Es precisamente este vacío doctrinal el que ha motivado la aparición de la presente publicación periódica, la “Revista Crítica de Historia de las Relaciones Laborales y de la Política Social”, desde la que vamos a fomentar el cultivo de la dimensión histórica (pretendemos, aunque con elasticidad, que las investigaciones que aparezcan en la presente sede tengan la fecha terminal de estudio y análisis el año 1999) de ambas ciencias, las Relaciones Laborales y la Política Social. Ese es el propósito de los fundadores de la presente publicación y también particularmente el mío, como Directora adjunta y responsable de la edición. Por las páginas de este artículo desfilan personajes significativos de los orígenes de ambas áreas de conocimiento en Europa y de los denominados con acierto siete padres fundadores de las Relaciones Laborales en España. Nos limitamos casi exclusivamente a una presentación doctrinal, no institucional, ni contractual, y el marco cronológico elegido es el siglo XIX y la primera mitad del XX. No será difícil al lector ir descubriendo los personajes significativos, quizás el más relevante de todos ellos Gustav von Schmoller, fundador y primer Presidente del *Verein für Socialpolitik*. A través de las tablas que se incluyen al final de este artículo en su versión electrónica html, no así en la actual versión impresa en papel en 2020, el lector podrá tener conocimiento de los cultivadores de las Relaciones Laborales en algunas selectas Universidades de los Estados Unidos, el Reino Unido, Australia y Canadá (respecto de esta última también incluimos el Québec, pero le prestaremos a esta provincia canadiense mayor atención en otro momento). En la segunda parte de este trabajo [la autora abandonó en 2011 estos trabajos para dedicarse a otros saberes científicos: Nota de la redacción] publicaríamos las tablas de los cultivadores de la ciencia de la Política Social en el mundo universitario e igualmente ampliaríamos la información doctrinal con el estudio de autores que sirvieron para la creación de dicha disciplina en Austria, Alemania, Suiza, Inglaterra y Escocia. El resultado final de lo que escribió Carmen Amaya y lo que se añadió posteriormente, permite mantener muy vivo el contenido de la materia de Derecho Social y de Relaciones Laborales, de interés reconocido en nuestros días.

PALABRAS CLAVE: Relaciones Laborales, Política Social, Gustav Schmoller, Louis Blanc, Max Weber, Heinrich von Treitschke, Franz Clemens Brentano, Eugenio Pérez Botija, Manuel Alonso Olea, Émile Durkheim, Viktor Steiner, Gustav von Rümelin, Rudolf Stammler, Socialistas de cátedra, Historia Social del Trabajo, Australia, Inglaterra, Estados Unidos de América, University of Melbourne, University of Queensland, McMaster University, Queen's University, Université Laval, Yale

Labour Relations and, particularly, their history go back three thousand and five hundred years, when the first evidence of Labour Relations is found in practices such as slavery, semi-slavery and, then, colonate, day-labourers, which would later give rise to contracts for services, whose conceptual formulation would be those of *locatio conductio operis* and *locatio conductio operarum*. This introduction does not intend to be either institutional or contract-focused but instead it will just provide some doctrinal references to significant characters in the theory of Labour Relations and Social Law, in the XIX<sup>th</sup> and first half of the XX<sup>th</sup> centuries, when both disciplines became scientifically accepted.

The History of Labour Relations is becoming especially important from a teaching perspective in Labour Relations and Human Resources graduate programmes while the Social History of Labour is undergoing some scientific crisis when compared to other social subjects related to Labour such as the History of Social Work, the History of Social Protection or the History of Social Policy. The latter has grown in thematic singularity and methodological rigour since the *Verein für Socialpolitik* was founded.

In the History of Social Law, an unquestionably relevant figure is Louis-Jean-Joseph Blanc (1811-1882), who was born in Madrid and had extremely advanced and progressive ideas, and who was part of the provisional Government after the 1848 French Revolution. He fought against the aristocracy of wealth, the French financial feudalism, because, in spite of the fact that feudalism had been abolished as a result of the 1789 Revolution, in the Republican, then, Monarchical, and, then again, Republican, and Third Empire France, –according to Blanc– an economic plutocracy which oppressed the working class still existed.

Louis Blanc published *Organisation du travail* in 1839, a book he would revise, correct and enlarge in subsequent editions<sup>1</sup>. He endorsed the Lyon workers' motto «to live working or to die fighting»<sup>2</sup> as well as highlighted the fact that he had tried to write the book without materialistic worries in mind since, from his viewpoint, misery diminishes man's dignity. He condemned the social order of his time but proposed to change it by improving the organization of labour through the setting up of social workshops<sup>3</sup>. Should freedom of industry be allowed then oppression and anarchism would become thoroughly accepted<sup>4</sup>, thus the State should organize industry<sup>5</sup>. Blanc defended the emancipation of the workers and the creation of a democratic and republican socialist party even before this political party existed in France<sup>6</sup>.

On occasion of the 1848 Revolution, Louis Blanc justified in his pamphlet, *Droit au travail*, how he had been elected by one hundred and twenty thousand workers to defend the right to work, which was refused by the National Assembly after the February revolution. He argued that the industrial proletariat was a new type of

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<sup>1</sup> We have been consulting Louis Blanc, *L'Organisation du travail*, Société de l'Industrie Fraternelle, Paris, 1847, 5<sup>th</sup> ed. The first version of *L'Organisation du travail* was published as an article in the *Revue du Progrès* journal. In most versions, its title appears as *Organisation du travail*.

<sup>2</sup> Louis Blanc, *L'Organisation du travail*, p. 4.

<sup>3</sup> Louis Blanc, *L'Organisation du travail*, pp. 102-103.

<sup>4</sup> Louis Blanc, *L'Organisation du travail*, pp. 145.

<sup>5</sup> Louis Blanc, *L'Organisation du travail*, pp. 148.

<sup>6</sup> Louis Blanc, *L'Organisation du travail*, p. 273.

slavery<sup>7</sup> and criticized the 1789 Revolution motto “Liberty, Equality, Fraternity” for having turned the *laissez-passer* [let happen] into *laissez-mourir* [let die] unfortunately for the workers<sup>8</sup>. At the end of his response to Louis-Adolphe Thiers (1797-1877), he advocated, once again, the right to work and the right to workers’ social assistance<sup>9</sup>, which enabled men to live in a productive rather than in a humiliating way<sup>10</sup>.

Lastly, Blanc, throughout his ideological and political career (and this issue is not so clear in some of his works), declared himself against the use of violent means to defend and improve the workers’ rights. During the Third Republic, he was elected as a member of parliament several times and became part of the parliamentary minority euphemistically called left-wing.

Émile Durkheim (1858-1917)<sup>11</sup>, in his *Leçons de sociologie*, dwelt on such an extremely interesting topic as is the distinction between civic morals and professional ethics. In this sense, professional ethics, being a part of the physics of morals and Law, must have some relevance in Labour Relations. This sociologist, who was born in Épinal, defended the moralization of economic life. As it is common knowledge, Durkheim’s PhD thesis was on *La division du travail* and he presented it in 1893. In it, he raised questions regarding the division of labour in simple and complex societies throughout history<sup>12</sup>.

Max Weber (1864-1920) is the author of some of the pages devoted to Rudolf Stammler and to historical materialism<sup>13</sup>. This is an important fact since Weber himself had also dedicated some pages to the concept of “social life” in Stammler’s thought, and these ideas have been gathered in the Canadian edition we have been consulting, which is based upon Gustav von Rümelin’s notion of social life (1815-1889), as he considered that «the constitutive moment of social life, seen as a specific object of our understanding, is that of man’s legal regulation»<sup>14</sup> or, in Stammler’s own words «social life exists only when it has been regulated»<sup>15</sup>. This would mean that, according to this Berlin professor, Social Science’s object is social life and «all empirical processes in which legal regulation (*Normierung* in German), carried out by humans, remains largely understandable, that is to say free from objective contradictions, are part of social life»<sup>16</sup>.

On the other hand, Max Weber admitted the legitimacy of labour legal relations, since «legal science can pave the way which leads to a modern way of treating the

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<sup>7</sup> Louis Blanc, *Le Socialisme – Droit au travail*, Imprimerie Schneider, Bureaux du Nouveau Monde, Paris, 1849, 3<sup>rd</sup> ed., p. 9.

<sup>8</sup> Louis Blanc, *Le Socialisme – Droit au travail*, p. 10.

<sup>9</sup> Louis Blanc, *Le Socialisme – Droit au travail*, p. 54.

<sup>10</sup> Louis Blanc, *Le Socialisme – Droit au travail*, p. 56.

<sup>11</sup> Thousands of pages have been written on Durkheim’s thought. Reference will be made to three books published in the XXI<sup>th</sup> century, which stand out in order to understand this author’s works: Gianfranco Poggi, *Émile Durkheim*, Bologna, 2003, 234 pp.; Marcel Fournier, *Émile Durkheim, 1858-1917*, Paris, 2007, 940 pp., and Frédéric Keck and Mélanie Plouviez, *Le vocabulaire de Durkheim*, Paris, 2008, 95 pp.

<sup>12</sup> Émile Durkheim, *La division du travail sociale*, which is the PhD thesis presented in the Faculty of Arts of the University of Paris, in 1893, and was published by Félix Alcan, Paris, 1893.

<sup>13</sup> We have been consulting Max Weber’s *Rudolf Stammler et le matérialisme historique* French translation from the German original version, by Michel Coutu, Dominique Leydet, Guy Rocher and Elke Winter, published by Laval University, Quebec, 2001, pp. 91-183. The book is preceded by an extensive preliminary study (pp. 1-89) by the same four authors who translated it.

<sup>14</sup> Max Weber, *Rudolf Stammler et le matérialisme historique*, p. 169.

<sup>15</sup> Max Weber, *Rudolf Stammler et le matérialisme historique*, p. 176.

<sup>16</sup> Max Weber, *Rudolf Stammler et le matérialisme historique*, p. 183.

interests of the working class from a legislative and jurisdictional point of view, inasmuch as social life facts and the practical meaning of legal norms, which may be unbiased and without hasty value judgments, are combined»<sup>17</sup>. Moreover, it has been pointed out how important Max Weber considered the factory as a conflict place in what he called the psychophysics of industrial work, because «within industry, the only force which can be defined as optimum physiological potential is the workforce»<sup>18</sup>. Then, within macroeconomic magnitudes, «regarding the laws of economics, the fixing of salaries, working conditions, it is not appropriate to speak of *Gesetzlichkeit* but rather of *Gesetzmässigkeit*»<sup>19</sup>.

Gustav Friedrich von Schmoller (1838-1917), who was the author of an extremely important written output on Social Policy from a historical perspective, is considered a very significant character in this area of expertise.

We have been consulting the translation into French of one the most significant works by this professor in the University of Berlin, which is entitled *Politique sociale et Économie politique (Questions fondamentales)*<sup>20</sup>, where he also echoed the controversy he had had with another great German member of the *Kathedersozialisten*<sup>21</sup> [Socialists of the Chair]. We are referring to Heinrich von Treitschke (1834-1896), an outstanding Social Science historian, who was a professor in Freiburg im Breisgau, Kiel, Heidelberg, and Berlin. Gustav Friedrich von Schmoller is also the author of a book which is devoted to the principles of Political Economy<sup>22</sup>, whose translation into French comprises five volumes. *Grundriss der allgemeinen Volkswirtschaftslehre* is a unique treaty in its genre and has reached the status of paradigmatic work in the area of Social Economy. This remarkable intellectual of Social Thought was cursed by many, he was even blamed for the imperialistic aggressiveness which led Germany to two world wars, but the truth is that when Schmoller died in Bad Harzburg, on 27<sup>th</sup> June 1917, not even World War I had ended. That would be unnecessarily and inappropriately venturing the results of implementing his ideas; a different matter, which might admit different interpretations, could be a general assessment of the Historical School of Economics<sup>23</sup> and the fact that the *Verein für Socialpolitik* ended up aligned with the Nazis in 1935, even though, in 1936, the *Verein* seemed to have disappeared, as it will be commented upon below. However, in recent years, contradictory opinions about Schmoller can be read, and some of them bring him back as a key figure in Social Science research<sup>24</sup>.

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<sup>17</sup> Ulrich Zachert, "La légitimité des rapports juridiques de travail, À propos de la conception de la légitimité chez Max Weber et Hugo Sinzheimer", in *La légitimité de l'État du droit. Autour de Max Weber*, Quebec, 2006, p. 309.

<sup>18</sup> Michele Basso, "Natura e disciplinamento. Max Weber sul lavoro industriale", in *Materiali per una storia della cultura giuridica*, XXXIX, No. 1 (2009), p. 134.

<sup>19</sup> Michele Basso, "Natura e disciplinamento. Max Weber sul lavoro industriale", in *Materiali per una storia della cultura giuridica*, XXXIX, No. 1 (2009), p. 140.

<sup>20</sup> Gustav von Schmoller, *Politique sociale et Économie politique (Questions fondamentales)*, translation from German into French revised by Schmoller himself, Paris, 1902.

<sup>21</sup> See, in a French-speaking context, the both interesting and classical work on the topic, by Claudio Jannet (1844-1894), *Le socialisme d'État et la réforme sociale*, Éditions Plon, Paris, 1889, 544 pp.

<sup>22</sup> Gustav von Schmoller's *Grundriss* has the French version *Principes d'Économie politique*, translated from the German original version by G. Platon and Léon Polack, Paris, 1905-1908, 5 vols.

<sup>23</sup> Athanasios Giouras, *Kritik und Geschichte: zum Verhältnis von ökonomischem Historismus und historischem Materialismus*, Frankfurt am Main-Berlin, 2003.

<sup>24</sup> Pierangelo Schiera and Friedrich Tenbruck, eds., *Gustav Schmoller e il suo tempo. La nascita delle scienze sociali in Germania e in Italia*, Bologna, 1989, which is an initiative by the Italo-German Institute of Trent.

Schmoller was in favour of working hours rationalization, thus condemning those restaurants in Berlin which demanded between fifteen and eighteen working hours per day. In 1902, he proposed reducing the weekly working time to eight or ten hours, six days per week<sup>25</sup>. He also defended the improvement of the moral and intellectual atmosphere of the working class, since «the most dangerous exaggeration of society's modern reformers is their will to hold society responsible for the morality of the working class»<sup>26</sup>. Schmoller echoed Constantin Rössler's assessment of social issues, who considered them to be «as old as society itself; society only changes with every social system, but the intensity of evil seems to decrease as time goes by»<sup>27</sup>. Schmoller ended up noting that the current notion of labour had an underlying note of morality and, therefore, he defined labour as «any conscious and reasonable activity which, as a consequence of a constant effort, tends to result in something which conforms to human aspirations, an activity which, in a sense, becomes its own objective»<sup>28</sup>. All this without forgetting that all individual economic activity had not only a technical dimension but also a moral one.

As for children and women's labour, Schmoller considered it to be determined by the technical circumstances of large companies but its actual main determination was linked to each historical moment's morality, decorum and level of civilizing culture<sup>29</sup>. When referring to women's labour on Sundays, Schmoller stated there might be some professions in which it should not be regulated, as was the case of cabaret dancers since they had to offer their services at night, and specially on Saturdays and Sundays, therefore, they had the right to work on Sundays<sup>30</sup>. We assume such a serious and distinguished character as Schmoller was would not make these statements in his own interest.

Schmoller came to the obvious conclusion that free employment contracts were not convenient at the time, that is, generally speaking, Germany and Central Europe during the last two decades of the XIX<sup>th</sup> century and the first three of the XX<sup>th</sup> century, i.e. a contract of employment by which «a worker provides labour for a fixed and immediately payable salary, waiving any share in profits and losses»<sup>31</sup> from the company or business.

Schmoller, who was the first Chairman of the *Verein für Socialpolitik*, pointed out quite clearly that there were differences between the *Verein* and the German Socialism at the time<sup>32</sup>, as became quite evident in the meeting held in Eisenach (1872). Von Treitschke attacked Schmoller accusing him of being the employer of Socialism, and considering the very *Verein* as the «employers in German Socialism».

On the other hand, Schmoller had mentioned that Socialist politicians did not use to pay too much attention to the *Verein für Socialpolitik's* members<sup>33</sup> but, instead, used to criticize the *Verein's* opinions, while Heinrich von Treitschke (1834-1896) had highlighted the idea that «the term *Kathedersozialisten* did not exactly refer to

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<sup>25</sup> Gustav von Schmoller, *Politique sociale et Économie politique*, pp. 19-20.

<sup>26</sup> Gustav von Schmoller, *Politique sociale et Économie politique*, p. 22.

<sup>27</sup> Gustav von Schmoller, *Politique sociale et Économie politique*, p. 24.

<sup>28</sup> Gustav von Schmoller, *Politique sociale et Économie politique*, p. 50.

<sup>29</sup> Gustav von Schmoller, *Politique sociale et Économie politique*, p. 61.

<sup>30</sup> Gustav von Schmoller, *Politique sociale et Économie politique*, p. 68.

<sup>31</sup> Gustav von Schmoller, *Politique sociale et Économie politique*, p. 100.

<sup>32</sup> See Sven Thomas, *Gustav Schmoller und die deutsch Sozialpolitik*, Düsseldorf, 1995, 141 pp. It is a short book but it offers very good information.

<sup>33</sup> See Irmela Gorges, *Sozialforschung in Deutschland. Gesellschaftliche Einflüsse auf Themen- und Methodenwahl des Vereins für Socialpolitik*, Frankfurt am Main, 1983, 540 pp. (This book is based upon the PhD thesis presented in Freie Universität Berlin, in 1978).

moderate men's principles»<sup>34</sup>. Besides, Treitschke had the chance to emphasize the greatness of nations, the colonial expansion and the German anti-Semitic spirit, which, fifty years later, would lead to the Holocaust carried out by the Nazis<sup>35</sup>. The "Gustav-von-Schmoller-Schule" was founded in Schmoller's home town, Heilbronn, and, even though it was named after him, we assume it would not develop all of this outstanding intellectual and professor's ideas.

The second important intellectual in the first stages of the *Verein für Socialpolitik* was Franz Clemens Brentano (1838-1917), whose correspondence from 1867 until his death can be consulted in a monumental work which published it on line.

But, what is actually the *Verein für Socialpolitik*<sup>36</sup>? It was founded in 1873 as a politically neutral, interdisciplinary association whose main aim was to promote Social Policy in the emerging socialist ideas.

It has been argued that it was forced to submit to the German National Socialist Party but the truth is that, in 1936, the association voluntarily disbanded so as not to have to bow to the then ruling political party, and it was refounded in 1948, with the new aim of promoting scientific discussion on economic and social issues (Sociology, Social Anthropology, Social Law, Labour, etc.), and, even, international political and economic relations linked to the development of the different countries.

Thus, nowadays, it is a scientific association mainly made up of German speaking economists but also of legal scholars, sociologists and anthropologists. It has members on five continents even though most of them come from German-speaking countries, such as Germany, Austria and Switzerland (some 3,197 individual and 48 institutional members, among whom there are over 1,300 university professors and lecturers from more than 20 countries).

There is a clear predominance of European members. In Italy, there was a particular German influence on what could be described as the introduction of the German Weimar Republic's Labour Law and Labour Relations theory during the first stages of the Italian Pre-constitutional and Constitutional Republic after World War II<sup>37</sup>.

The *Verein* publishes two journals, the *German Economic Review*<sup>38</sup>, in English, and the *Perspektiven der Wirtschaftspolitik*<sup>39</sup>, in German. Both journals are published by Basil Blackwell.

Moreover, the *Verein für Socialpolitik* holds an annual meeting where the research output of its twenty-three permanent research committees. One of these committees focuses on Social Policy and it is chaired by professor Viktor Steiner, from the Freie

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<sup>34</sup> Gustav von Schmoller, *Politique sociale et Économie politique*, p. 14.

<sup>35</sup> There is ample information about this topic but we recommend the book by Robert Gellately, *Backing Hitler. Consent and Coercion in Nazi Germany*, Oxford University Press, New York, 2001, 359 pp. Gellately used to be a professor in the Strassler Center for Holocaust Studies at Clark University and is currently Earl Ray Beck Professor of History at Florida State University.

<sup>36</sup> See its web page. [On line: <http://www.socialpolitik.org/vfs.php?mode=start>].

<sup>37</sup> There is an overview article on the subject, but –we dare say– with extremely poor information. Its author is Umberto Romagnoli, "Weimar e il diritto del lavoro in Italia", in *Lavoro e Diritto*, XXIV, No. 2 (2010), pp. 181-190. Because of its title, the article seems very promising but, in the end, does not contribute much.

<sup>38</sup> See webpage. [On line: [http://onlinelibrary.wiley.com/journal/10.1111/\(ISSN\)1468-0475/issues](http://onlinelibrary.wiley.com/journal/10.1111/(ISSN)1468-0475/issues)].

<sup>39</sup> See webpage. [On line: [http://onlinelibrary.wiley.com/journal/10.1111/\(ISSN\)1468-2516/issues](http://onlinelibrary.wiley.com/journal/10.1111/(ISSN)1468-2516/issues)].

Universität Berlin<sup>40</sup>. There is another committee devoted to Social Sciences, which is chaired by professor Bettina Rockenbach, from the University of Erfurt<sup>41</sup>.

This association also awards three annual prizes: The *Gossen-Award*, the *Gustav-Stolper-Award*, and the *Reinhard-Selten-Award*.

Spain's contribution towards Labour Relations and Social Policy is somewhat more modest than that of other countries' and infinitely less significant than Germany's, but there are not only nationally renowned scientific authorities but also those who have international recognition in Latin America and in some European countries. Once it was written, but without having been published, that there were seven founding fathers of Labour Relations in Spain; at least, it has been heard many a time. As far as we are concerned, the founders of research in Labour Relations in Spain are not seven but twelve. To the seven fathers mentioned above Josep Maluquer i Salvador (1863-1931)<sup>42</sup>, Maximiliano Arboleya Martínez (1870-1951)<sup>43</sup>,

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<sup>40</sup> See webpage. [On line: <http://www.wiwiss.fu-berlin.de/institute/wirtschaftspolitik-geschichte/steiner/VfS/>].

<sup>41</sup> See webpage. [On line: <http://www.uni-erfurt.de/mikrooekonomie/sozialwissenschaftlicherausschuss/>].

<sup>42</sup> See José Luis Monereo Pérez, "José Maluquer Salvador (1863-1931)", in *Diccionario crítico de juristas españoles, portugueses y latinoamericanos (hispánicos, brasileños, quebequenses y restantes francófonos)*, Zaragoza-Barcelona, 2008, Part II, Vol. 1, pp. 479-487, No. 2,037. This outstanding theorist of Industrial Relations was Josep Joan Joaquim Maluquer de Tirrell's son (1833-1915), who has been frequently mistaken for Joan Maluquer i Viladot (1856-1940). A useful reading is José Luis Monereo, *Los orígenes de la Seguridad Social en España: José Maluquer y Salvador*, Granada, 2007. [Otras importantes publicaciones de contenido social de José Luis Monereo Pérez, pueden ser las que indicamos a continuación y que ponen de relieve la valía intelectual de Monereo, por supuesto el mejor especialista en Ciencias sociales con que contamos en España (Manuel J. Peláez)]. [Sin embargo José Luis Monereo no ha tenido en cuenta a algunos economistas de izquierda como es el caso de Paul Baran y Paul Sweezy, que fueron dos grandes teóricos de la Economía política en Estados Unidos. La primera edición de su obra conjunta estuvo titulada *El capital monopolista*, estando recogida a fecha de 1968. Luego aparecieron otras dos en diversas lenguas en las que el motor que ponen en marcha Sweezy y Baran es la descomposición del sistema capitalista y el militarismo y el imperialismo, el monopolismo. Los excedentes económicos, la lucha de clase entendida en las claves marxistas como el motor de la historia, la discriminación racial, la discriminación social, la carencia alarmante de una moralidad pública (como siempre la derecha la ignora con frecuencia y la viola con nocturnidad y alevosía), la ética de la solidaridad. Para Baran y Sweezy, la explotación es uno de los factores o elementos a tener en cuenta. Según los autores está claro que conforme a los principios del Presidente Truman "la política de Norteamérica debe ser la de apoyar a los pueblos libres que están resistiendo los atentados de la subyugación de minorías armadas o de presiones exteriores". Por otro lado, existe, el populismo nos lleva a una conclusión distinta en la que hemos de tener en cuenta que Baran no pudo contemplar una realidad económica y sociológica como es la del populismo. En nuestros días el populismo se ha convertido en una especie de concepto demasiado evasivo. Pretender en la presente coyuntura que el populismo vaya a solucionar muchos problemas políticos, económicos y sociales es absurdo. Antes apenas existía el populismo. El populismo surge como algo distinto de la tradicional división entre derecha e izquierda. El populismo asume la contestación social contra lo que se denominaría el statu quo, transformado en nombre del pueblo, pero lo que no sabemos a que pueblo va dirigido y quienes son los que lo instrumentalizan. Víctor Hugo, grandísimo intelectual entre los intelectuales de su época, llevó a cabo la siguiente afirmación: "El pueblo no es otra cosa que el hombre combinado con el mismo y proporcionando como resultado la más grande suma posible de inteligencia, de virtud, de razonamiento, de fe y de amor". De aquí deriva hacia la idea de que lo importante es que el hombre sea pueblo y que el pueblo sea hombre. Esto supone la fusión entre lo político y lo sociológico".

<sup>43</sup> See D. Benavides Gómez, *Maximiliano Arboleya. Un luchador social entre las dos Españas*, Madrid, 2003; Manuel J. Peláez, "Democracia cristiana, catolicismo social, Confederación de Obreros Católicos: relaciones entre los intelectuales y líderes sindicales en 1921: Maximiliano Arboleya, Emérico Puigferrat, Santiago Leoz y Ángel Ossorio y Gallardo (en torno a unas misivas)", in *Contribuciones a las Ciencias Sociales*, December 2009. See on line the page: <http://www.eumed.net/rev/cccss/06/mjp3.htm>.



Álvaro López Núñez (1865-1936)<sup>44</sup>, Eugenio Pérez Botija (1911-1966)<sup>45</sup>, Pedro Sangro Ros de Olano (1878-1959)<sup>46</sup>, Alexandre Gallart i Folch (1893-1972)<sup>47</sup>, and Manuel Alonso Olea (1924-2003)<sup>48</sup>, we should add Severino Aznar Embid (1870-1959)<sup>49</sup>, Gaspar Bayón Chacón (1909-1979)<sup>50</sup>, Luis Olariaga Pujana (1885-1976)<sup>51</sup>, Juan Uña Sarthou (1871-1948)<sup>52</sup>, and Severino Eduardo Sanz Escartín (1855-1939)<sup>53</sup>. It should also be noted that, despite their relationship with Social Science, Sociology and, particularly, Labour Law, we cannot count the following characters among the founders of Labour Relations in Spain: Juan Donoso-Cortés Ferrández (1809-1853), Enrique Gómez Arboleya (1910-1959), Inocencio Jiménez Vicente (1876-1941), Leopoldo Palacios Morini (1879-1952), Federico Rodríguez y Rodríguez (1917-2010), José Manuel Almansa Pastor (1938-1995), Efrén Borrajo Dacruz (b. 1928), Manuel Moix Martínez (b. 1927), Jaime Algarra Postius (1879-1948), Manuel Alonso García (1926-1988), Juan Beneyto Pérez (1907-1994), who was awarded his PhD on 7<sup>th</sup> July 1929, in the University of Bologna, and whose PhD thesis was entitled *Contributi allo studio dei problema del lavoro nella storia del diritto spagnolo con riferimento all'Italia (secolo XIII al XVIII)*, and not even Carlos García Oviedo (1884-1955).

When these new studies were designed in the Faculty of Political Science and Economics, in the University of Madrid, a new subject, Social Philosophy, was created. After some time, Salvador de Lisarrague Novoa (1910-1967) became the professor of that subject and its syllabus seemed to be more related to Sociology than to Social Philosophy. On the other hand, the syllabus proposed by the professor of the subject Social Policy, Federico Rodríguez y Rodríguez, which was taught in year three of the bachelor degree, had a content which matched the subject matter in the sixties of the last century. It set sail with the scientific objective of Social Policy until it reached the shore of the structure of society and social pluralism. Eugenio Pérez Botija, who was then professor of Labour Law and Social Security Institutions, used to teach a very long lesson about history which would start in the Ancient

<sup>44</sup> Francisco Canes Garrido, "Álvaro López Núñez (1865-1936) y la protección a la infancia en España". [On line: [http://dialnet.unirioja.es/servlet/fichero\\_articulo?codigo=2963088&orden=0](http://dialnet.unirioja.es/servlet/fichero_articulo?codigo=2963088&orden=0)].

<sup>45</sup> José Luis Monereo Pérez y Carolina Serrano Falcón, "Eugenio Pérez Botija (1911-1966)", in *Diccionario crítico de juristas españoles, portugueses y latinoamericanos*, Part II, Vol. 1, pp. 286-292, No. 773.

<sup>46</sup> José Luis Monereo Pérez, "Pedro Sangro Ros de Olano (1878-1959)", en *Diccionario crítico de juristas españoles, portugueses y latinoamericanos*, Part II, Vol. 1, pp. 498-503, No. 1,009.

<sup>47</sup> José Luis Monereo Pérez and Manuel J. Peláez, "Alexandre Gallart Folch (1893-1972)", in *Diccionario crítico de juristas españoles, portugueses y latinoamericanos*, Zaragoza-Barcelona, 2005, Vol. I, pp. 337-339, No. 332.

<sup>48</sup> José Luis Monereo Pérez and Carolina Serrano Falcón, "Manuel Alonso Olea (1924-2003)", in *Diccionario crítico de juristas españoles, portugueses y latinoamericanos*, Vol. I, pp. 81-84, No. 44.

<sup>49</sup> Manuel J. Peláez, "Severino Aznar Embid (1870-1959)", in *Diccionario crítico de juristas españoles, portugueses y latinoamericanos*, Vol. I, p. 125, No. 101.

<sup>50</sup> José Luis Monereo Pérez and María Nieves Moreno Vida, "Gaspar Bayón Chacón (1909-1979)", in *Diccionario crítico de juristas españoles, portugueses y latinoamericanos*, Vol. I, pp. 139-140, No. 119.

<sup>51</sup> Jerónimo Molina Cano, "Luis Olariaga Pujana (1885-1976)", in *Diccionario crítico de juristas españoles, portugueses y latinoamericanos*, Part II, Vol. 1, pp. 206-207, No. 669; Molina Cano, *Epítome de la Política Social (1917-2007)*, Cartagena-Murcia, 2007, pp. 5, 11-12 and 72.

<sup>52</sup> José Luis Monereo Pérez, "Juan Uña Sarthou (1871-1948)", in *Diccionario crítico de juristas españoles, portugueses y latinoamericanos*, Zaragoza-Barcelona, 2008, Part II, Vol. 2, pp. 595-601, No. 2,290.

<sup>53</sup> Cristina Monereo Atienza, "Severino Eduardo Sanz Escartín (1855-1939)", in *Diccionario crítico de juristas españoles, portugueses y latinoamericanos*, Part II, Vol. 1, pp. 513-514, No. 1,023, and José Luis Monereo Pérez, "Cuestión social y catolicismo social conservador: el pensamiento reformista de Sanz y Escartín", in *El Estado y la Reforma Social*, Granada, 2010, pp. XV-LXIV.

World, cover the Middle Ages, Modern Age and the peculiarities of the *encomienda* in Colonial American Law, and, then, it would introduce Liberalism, Socialism and social issues in Leo XIII's thought, but it excluded Anarchism, Anarcho-syndicalism and Prince Piotr Alekséyevich Kropotkin's (1842-1921) Anarcho-communism, which is so important in the History and Theory of Labour Relations. Pierre-Joseph Proudhon (1809-1865) is not mentioned either, even though he is a first-rate intellectual in the field of Social Science, who attacked Parliamentary Democracy and took a stance against universal suffrage, thus advocating Federalism in a centralist France. In the latter stance he coincided with Mikhaïl Aleksandrovitch Bakounine (1814-1876), whose libertarian Socialism led him to oppose universal suffrage because it favoured the Conservative ruling elite, thus supporting political Anarchy and that the union of the peasants and workers' workforce would help achieve revolutionary goals.

Juan Beneyto Pérez (1907-1994) lectured History of Social Ideas and Movements in the first Faculty of Political Science in Spain. He would start off in Ancient Greece and finish in 1945, but he would also explain the Universal Declaration of Human Rights, in 1948, and devote three lessons to the History of Trade unionism.

At the same time in France, more specificity in the analysis of Labour Relations phenomena from a historical viewpoint has been observed. This has led to a number of prominent publications on this topic, such as the synthesis by G. Aubin and J. Bouveresse<sup>54</sup>, Jean-Pierre Le Crom's team<sup>55</sup>, and N. Olszak<sup>56</sup>, just to give a few examples. Le Crom himself used to lecture History of Labour Relations in the University of Aix-Marseille I, where he would start his study in the XII<sup>th</sup> century, although very little attention was paid to the Old Regime, but he would even cover the consequences of May 68 in the labour scene in France. France has a very praiseworthy background in the study of the History of Labour Relations since E. Castelot, who was a member of the Political Economy Society, had translated in 1897 the voluminous book about the history of labour and wages in England by Thorold Rogers<sup>57</sup>, who was an MP in the House of Commons and a professor of Political Economy at Oxford University, whose previous book on the Economic interpretation of History was extremely acclaimed scientifically and translated into French. In his work, Thorold Rogers studied the peasants' social status in England in the Middle Ages; the distribution of wealth, labour and wages in the XVI<sup>th</sup> and XVII<sup>th</sup> centuries; and, the Poor Law and the changes in the XVIII<sup>th</sup> century.

Today, real experts in the History of Labour Relations and Social Policy seem difficult to find. Nevertheless, we would like to mention Chris Deeming, Lyn Craig, Elizabeth Adamson, Sheila Shaver, Violet Bacon and David Stanton in Australia; Alvin Finkel in Athabasca University, and Étienne Cantin and James D. Thwaites, who are both experts in the History of Labour Relations, in Laval University (Quebec), in Canada; and, in the United States, Alex Colvin, who is Chair in Labor Relations, Law & History, in the ILR School, in Cornell University, Mark J. Stern and Michael Katz (both in the University of Pennsylvania), James J. Callaghan and Tom Shapiro (Brandeis University), and, above all, David Robertson, who is associate editor of the *Journal of Policy History*. In England, the most significant figure could be Kate Bradley, who lectures Social History and Social Policy, in the University of Kent.

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<sup>54</sup> *Introduction historique au droit du travail*, Paris, 1995.

<sup>55</sup> *Deux siècles de Droit du Travail. L'histoire par les lois*, Nantes, 1998.

<sup>56</sup> *Histoire du droit du travail*, Paris, 1999.

<sup>57</sup> James E. Thorold Rogers, *Histoire du travail et des salaires en Angleterre depuis la fin du XIII<sup>ème</sup> siècle*, annotated French translation by E. Castelot, Paris, 1897.

Research groups, specialized postgraduate courses and periodicals devoted to research in Labour Relations can also be found in some English-speaking countries universities. The following are worth highlighting: in Australia, the University of Sydney offers a Master of Labour Law and Relations (MLLR), in the Law School, while the Business School has the Business & Labour History Group<sup>58</sup> and offers a Master of Human Resource Management (HRM) and Industrial Relations (IR), and both the University of Adelaide and Monash University (Melbourne) publish journals and hold conferences and seminars on Labour Relations; and, the Canadian Committee on Labour History (CCLH), in Athabasca University, which researches and promotes all aspects of working-class and labour history, and publishes its own periodical, *Journal of Canadian Labour Studies/Revue d'études Ouvrières Canadiennes*<sup>59</sup>.

For further information, see the charts included below, which will be revised and updated in future articles. As for the introduction and charts regarding Social Policy, as it has been mentioned in the abstract above, they will be provided in the second part of this article.

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<sup>58</sup> For further information see webpage. [On line: <http://sydney.edu.au/business/research/blhg>].

<sup>59</sup> See webpage. [On line: <http://www.lltjournal.ca/index.php/llt>].