



Problems of Trade Union Democracy

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MANY past studies of democracy in trade unions have concentrated on limited sets of factors—such as institutional opposition—as the test against which democracy can be measured. In general, trade unionism is far too complex a phenomenon to be treated in such a simplistic manner. Those academics who have spent many years constructing tidy models of trade unionism are then obliged to spend as long again explaining away the “deviant cases” which contradict their theory.

In putting forward these notes it is recognized that the fundamental basis for democracy in trade unions is the attitude of the membership, and that in the last resort formalized structures, negotiating procedures, joint industry boards and the like are largely meaningless impedimenta, once the members have made up their minds what it is they want to achieve.

This paper is, therefore, confined to the quite narrow but important question of the structure of the union as a corporate entity—“united body of persons”, “machine” or “apparatus”—rather than to the equally important activities of union members outside the official machinery—e.g. in shop stewards’ and combine committees.

There are some on the Left who are hostile to official trade unionism in all its forms. We take the view that large-scale organization of trade unionists is both inevitable and necessary if effective countervailing power is to be opposed to that of the employers.

The fundamental question then, is how official union organizations are to be brought or kept under the control of their members.

The agreement of a set of criteria against which structural democracy can be measured—the principal subject of discussion in this paper—should help to answer this question.

It cannot be stressed too strongly, however, that a formally democratic constitution is only one of a number of possibly important factors in trade union democracy. In the special case where an active ideological commitment to democracy amongst the membership is coupled with an oligarchical leadership, an undemocratic constitution may become a leading instrument of oppression.

Structural Democracy

Any attempt to study the function and purpose of democracy in British trade unions is faced with a number of difficulties.

If it were possible to agree a simple definition of “democracy”, criteria might then be established against which the level of democracy in trade unions under examination could be measured and compared.

However, the major work in this field has been carried out by sociologists in the United States where the predominant instrumental or “business” unionism is quite different, both in function and ideology, from the class-conscious, notionally member-controlled system established over the years in Britain.

In the American situation of almost universal oligarchy—with the dictatorial power, high incomes and opportunities for corruption and intimidation, open to trade union leaders—researchers are probably justified in concentrating on “institutional opposition” as the criterion for democracy.

In the British situation a much more complex set of factors must be established, based on the ideology and attitudes of the membership and the extent to which their values are shared by the leadership.

In general the British trade unionist demands not only that his union should be an effective economic instrument, but that its leaders should voice his demands and be under his control. Such control can only be exercised through procedures established by agreement between the members. Democracy therefore entails the acceptance of the “rule of law” within the union and, as a result, a meticulous and legalistic attitude towards the rule book—as noted by David Edelstein, an American student of the A.E.U.¹

Democracy in private government—that is in the government of voluntary associations—is the exception rather than the rule, even in so-called democratic states.²

The principal trade unions, like other voluntary associations, belong to their members, who should determine their objects and method of government which can only subsequently be altered by the will of the members.

The rule book of a voluntary association is no more than an agreement between its members as to how the organization is to be run, and can only be varied in accordance with such agreement. This principle is strongly upheld in Britain by common law, which makes no fundamental distinction between trade unions and other voluntary associations in upholding the rights of members under rule. (Providing only that the rules are not *ultra vires*—e.g. contrary to statute law or natural justice.)

Unlike the government of the state, trade union government cannot legitimately claim a higher purpose than the furtherance of its members’ interests—though on occasion both trade union leaders and national governments have tried to do so.

Trade unions are differentiated from other voluntary associations partly by their economic function and partly by their ideology. The economic function of most British unions has strong social and political overtones—often centred on the principle of democratic control.

Democracy has always been more of a practical necessity in trade unions than in other organizations where the objects are more limited and clear-cut. Its function has been first to determine the will of the majority in a given situation and then to bind the membership to any subsequent action that may be decided upon.

Ideological commitment to the democratic control of industry is written into the rule books of many of the largest British trade unions.

Thus the objects of the Transport & General Workers Union include: “. . . to endeavour by all means in their power to control the industries in which the members are engaged”;³ and “. . . the securing of a real measure of control in industry and participation by the workers in the management, in the interests of labour and the general community”.⁴

The first object of the Amalgamated Engineering Union is: “The control of industry in the interests of the community”.⁵

Both these unions are also committed to the extension of co-operative production and are, of course, the largest affiliates to the Labour Party whose Objects include: “. . . the best obtainable system of popular administration and control of each industry or service”.⁶

The three wings of the labour movement share a common commitment to the principle, whose roots lie deep in the traditions of the British working class, that in the words of Sidney and Beatrice Webb “everything which ‘concerns all should be decided by all’, and that each citizen should enjoy an equal and identical share in the government”.⁷

Ideological commitment to member democracy helps to distinguish co-operatives from building societies, trade unions from employers’ associations and the Labour Party from the Conservatives.

Very few trade unions have approached the Webbs’ ideal. Michels, in his celebrated “Iron Law of Oligarchy”, stated that the control of an organization by those at the top was an intrinsic part of large-scale organization and that efforts to create free democratic societies would inevitably result in new tyranny.⁸

Michel’s theories were tested against U.S. voluntary organizations, particularly trade unions, by a generation of American sociologists and were found to be substantially true. In particular it was claimed that most major U.S. trade unions were under one party control—with one or two exceptions such as the International Typographical Union.⁹

At first sight it might appear that the almost universal degeneration into oligarchy—often accompanied by racketeering, corruption and even murder of opponents—of these so-called free associations, might be somewhat damaging to the theory of democracy as practised in the leading state of the “free world”.

However these same sociologists, having developed the theory of competing elites to describe and justify western democracy, were able to show (to their own satisfaction) firstly that compulsive pressures within trade unions would make even oligarchic leaders responsive to the members' wishes,¹⁰ and secondly, that too much democracy within trade unions could be positively damaging to democracy in the state, by so weakening the unions that they would be unable to carry out their functions as powerful, rival elites.¹¹

It is interesting that Hugh Clegg has used the same argument to justify the limitation of democracy within organizations such as the Labour Party on the ground that "if their internal democracy was more perfect, they would be less able to perform their functions within the state, less able to provide the nation with democratic government".¹²

The theory of competing elites was adopted by C. A. R. Crosland, the theoretician of the "revisionist" wing of the Labour Party in the 1950s, and used by the Party leader, Hugh Gaitskell, to justify his rejection of the unilateralist decision of the 1960 Conference.¹³ A similar decision by his own union's Congress in 1959 was likewise overruled by Tom Williamson, leader of the General & Municipal Workers.¹⁴

The paradoxical argument that democracy within the component parts of a democratic pluralist society is neither necessary nor desirable hardly stands up to examination. It appears more as special pleading on behalf of a certain view of liberal democracy than the result of objective assessment of the facts.

The dangerous consequences of this approach were illustrated by a leading article in *The Guardian* at the time of the civil disobedience campaign against nuclear weapons led by Bertrand Russell in 1961. *The Guardian* argued that direct action could only be justified if the democratic process had broken down and that such demonstrations were therefore wrong in principle.

In fact such a breakdown occurred when the leadership of the Labour Party rejected the majority decision of the Annual Conference in 1960 and subsequently employed the Party machine to have this decision reversed.

Criteria for Democracy

In this article we accept the arguments for internal democracy which have been advanced under the following headings, and will not give further space to its justification:

- (1) Trade unions as instruments of their members.
- (2) Rule of law and the supremacy of the rule book.
- (3) Members' rights and natural justice.
- (4) Officials as servants, not masters, i.e. control of paid officials and determination of policy by members and not by outside agencies—such as employers or the state.

(5) Consistency of internal and external (national) democracy.

We are here concerned to establish criteria against which such internal democracy can be judged.

Michels listed a number of factors supporting the inevitable trend to oligarchy in large organizations, amongst these the increased separation of leaders from the rank and file with the growth of bureaucracy, their access to information, control over the formal means of communication with the membership and skill in the art of politics, acquired largely in the exercise of their office. Against these attributes Michels set, amongst others, the “incompetence of the masses”, universal apathy, the difficulties of rank and file organization.

From the study of one of the few democratic unions in the U.S., the International Typographical Union, Lipset concluded that the Iron Law of Oligarchy applied only in extreme cases and that it should be modified as follows:

“Oligarchy is endemic in large-scale organization only when there is no permanent base for an opposition party system which gives the masses the opportunity to choose between alternative programmes and forces competing sets of aspiring rulers to yield to the desires of the rank and file in order to secure or maintain voting strength.” In the I.T.U. members have the right to organize political parties, to publish literature attacking the administration of the union, and to have uncensored articles printed in the union journal when running for election. These rights have been exercised by the members since the turn of the century to ensure “powerful, vocal, intelligent opposition”.⁹

Lipset quotes the authors of an earlier study of the United Auto Workers: “There is one decisive proof of democracy in a union (or any other institution): oppositionists have the right to organize freely into ‘parties’ to set up factional machines, to circulate publicity and to propagandize among the members. The presence of an opposition is the best way to ensuring that a union’s democratic structure will be preserved. To defend the right of factions to exist is not at all to applaud this or that faction . . . the alternative is dictatorship.”¹⁵

In a recent study of the A.E.U., J. D. Edelstein accepts “institutional opposition” as the criterion for democracy, but points out that the recognized *right* to opposition should be distinguished from the *exercise* of this right which he measures by the closeness of election results. On this basis he finds that the A.E.U. enjoys stable democracy with the following essential features: “a structure which stimulates competition between relatively equal full-time officers or their backers, an electoral system which reduces inequalities, and limitations on the powers of the national officials”.¹

Edelstein believes that if the principal features of the A.E.U. were developed in American unions they would in time become democratic organizations. His analysis does not show that in the British situation

all unions whose officers are appointed rather than elected must necessarily be undemocratic.

Criteria for democracy in local and national unions appear largely to coincide in the United States.¹¹ In Britain the problem of union branch democracy does not appear to be so important.

Institutional Opposition

In any general theory of trade union democracy institutionalized opposition is clearly only one of a number of important considerations. It can become the dominant factor in the special case of a highly centralized organization in which all power is concentrated in a small group of leaders, as is the case in most American unions.

Where several centres of power can exist different parts of the union may constitute a form of official opposition—as in a federal structure based on geographical areas, trade groups or both, or a unitary structure with some devolution of powers to area or district committees. Communist leadership in the Scottish and other areas of the National Union of Mine-workers has, in the past, constituted a permanent opposition to the right wing national leadership (of which the Communist General Secretary was for many years a prisoner).

For internal opposition to be effective, members must have the right to organize into factions and must have a real opportunity of taking power.

Here the criteria are similar to those usually accepted for democracy in national government as set out in the Universal Declaration of Human Rights and the declarations of the International Commission of Jurists. They include the following:

Freedom of peaceful assembly and association.

Freedom of expression and the press.

The right to take part in government.

The right to form opposition parties.

The right to stand for election and the vote.

Representative government and free elections.

Few if any British unions actually encourage the formation of opposition parties but in most they are tolerated with more or less good will.

Freedom of Assembly

A number of unions do not allow their members to meet together—except at official union meetings—under pain of suspension from office or expulsion. Such a ban, even if allowed under rule, is surely fundamentally anti-democratic and should be opposed as a matter of principle as being contrary to natural justice.¹⁷ Not only does it violate the right of free association but also it effectively hinders the formation of

any opposition grouping as its members could lose their right to run for office if discovered.

The operation of such a ban depends on how the rules are worded, how they are interpreted by the executive, whether there exists any opposition within the power structure—e.g. members of the executive opposed to the leadership—whether individual members have the right of appeal to a body independent of the executive. If all these factors are negative then, regardless of other formal rights which may be written into the rule book, the right to take part in government is largely meaningless as far as the members are concerned.

A further undesirable consequence of such repressive measures is that any counter-organization which does take place must be secret, and an incumbent leadership will therefore be tempted to resort to spying or the offer of patronage to potential informers to uncover any real or imagined plot against its authority.

Opposition candidates will also be chosen in secret, so that if they finally manage to topple the sitting leadership the members will have had as little part in selecting new leaders as those they replace.

In the ideal situation, therefore, union structure should encourage the formation of open opposition groupings campaigning on publicly stated policies and with some element of internal democracy in the selection of their candidates for election.

One criticism of Communist oppositions inside unions has been that their candidates, often of necessity, have been selected in secret.

Freedom of Communication

In the opinion of the International Commission of Jurists, “freedom of expression through the press and other media of communication is an essential element of free elections and is also necessary to ensure the development of an informed and responsible electorate”.¹⁸

In a trade union communication is important in a number of categories; between the members, between members and the leadership and between members, leaders and the general public.

In the ideal situation the fullest exchange of information at all levels is desirable. Members should be able easily to inform themselves of the activities of the leadership through the publication of full reports and informative minutes of executive decisions.

Members should be able to communicate openly with each other both through the official union machinery and outside it by publishing their own newspapers and circulars.

The union journal should be open to all members whose letters should be printed without censorship—it should not merely be a mouthpiece for official policy. Where possible, those seeking election should be able to write for the union journal, but at the least their election addresses

should be circulated to the members without alteration, and their previous voting records should be available for inspection.

In very few unions are these ideals adhered to. In most, the union journal is the preserve of the general secretary and while hostile correspondence may in some cases be published the bulk of the space is given over to publicizing the views and activities of the leaders.

In many British unions the circulation of executive minutes, financial and conference reports is quite adequate, and interested members are reasonably well informed as to what is going on, even if they can exercise very little influence over events.

Free communication between members is essential to effective opposition, and it is here that severe restrictions are sometimes imposed. In the worst cases members are not permitted to send circulars about union affairs to any other member or branch under the threat of disciplinary action or expulsion. Again, the result of such a ban is to encourage the circulation of anonymous documents and the persecution of their suspected authors.

Finally, the national press can often play an important part in union affairs. If the press were truly independent, and if equal access were granted to all trade unionists, then such intervention might be welcomed.

In practice, however, the owners of the press are themselves employers and this tends to influence their view of trade unionism (to put it mildly). The press therefore generally gives support and favourable publicity to "moderate" trade union leaders whose views are closer to those of the employers and both attacks and fails to report the views of more militant trade unionists.

It is not surprising, as confirmed by detailed studies,^{19,20} "that monopolization of the channels of communication and the consequent absence of counter propaganda is one of the basic conditions of effectiveness of propaganda in shaping attitudes and behaviour".⁹ A trade union leader who has free access to the mass media is therefore at a tremendous advantage in self-projection as against the potential opposition within his union, which does not have these advantages. This inequality is further increased if, as is sometimes the case, ordinary members are debarred by rule from discussing union business outside the branch room, or from writing to the press on union affairs.

Elections

While examination of the closeness of elections may be a good indication of democracy under certain circumstances, many other factors should also be taken into account.

Where officials are elected at all levels, the ideal situation put forward by Edelstein is more likely to occur. Where, however, the leadership has an effective electoral machine built round the existing officials it is very difficult for opponents to organize an opposition vote—

particularly if rights of association and communication are restricted under rule. As mentioned above, a federal structure may assist opposition, as not all centres of power may be committed to the national leadership.

Whether voting takes place in branches or by a general ballot of the membership can also have a strong influence on electoral results. In principle a general ballot should be the fairest method, but in practice the majority of members who play no part in union affairs may be so conditioned by external propaganda, as discussed in the previous section, that they have no knowledge of the real issues involved.

In the early days of trade unionism, when external pressures sometimes included physical violence and intimidation, the principle was established that voting on an issue should only take place after full discussion, on the presumption that only those who took part in the discussion could fully understand what they were voting about. Where national leaders rely heavily on the mass media to project a favourable image amongst the uncommitted membership, the balance can be somewhat redressed by holding ballots in the branches.

However, balloting in branches is much more open to abuse than a postal ballot—particularly when the latter is carried out by an independent returning officer.

Supporters of branch voting usually discount any abuse on the grounds that “both sides do it”! The form of branch voting most open to abuse is that in which a majority decision of the branch meeting casts a block vote on behalf of all its book members.

On balance a general ballot is probably to be preferred *provided* it is accompanied by the fullest freedom of communication both inside and outside the union to discount external pressures.

The appointment of officials does not necessarily imply lack of democracy if officials are under the control of lay committees which, in turn, are freely elected by the membership. In these circumstances whether officials are appointed or elected for life (rather than periodically) probably makes little practical difference. The Transport & General Workers Union which, under Deakin, appeared as a model of entrenched oligarchy²¹ has now found ways of removing “permanent” officials whom the elected lay committees find unsatisfactory, without altering its formal structure. It is sometimes argued that if these officials had been elected they would be more difficult to remove. However the position of some officials near the top of the union, who have been the subject of persistent criticism by the rank and file for many years, seems to be as secure as ever—but perhaps time will show this to be an illusion. Whether Edelstein’s criteria could be applied to the election of lay committees rather than officials could be usefully examined further.

The situation most dangerous to democracy is that in which officials are directly responsible to a full-time paid executive (on which appoin-

ted officers may also sit) without any lay control at either area or national level. If such a structure is coupled with restrictions on rank and file organization, assembly and communication—and powers to expel or prevent members running for office—then all the ingredients exist for the growth of oligarchy.

Separation of Powers

Edelstein points out that, as in the state, democracy is enhanced by the separation of executive, legislative and judicial powers. Such a separation exists in the A.E.F. where policy is decided by the national committee of elected lay representatives meeting annually, such policy, in principle, being carried out by the separately elected full-time executive. The judicial function is performed by a final appeal court of separately elected members who must not sit on the other two bodies.

Executive powers have already been discussed in some detail and where these include the right of expulsion, prohibition from running for election and so on, members should clearly have the right of appeal to an independent body as suggested by the T.U.C.²²

In one union the executive divides into two parts for disciplinary purposes, one part laying charges and passing judgement, the other part hearing appeals against its colleagues' decisions.

Such an arrangement lacks independence, as charges must originate with the executive or with officials responsible to the executive which thus sits as judge in its own cause—both in the first instance and on appeal.

Delegate Conference

In most British unions ultimate authority rests with the delegate conference of the general membership, convened in accordance with the union's constitution. However, as every conference delegate knows, there are many obstacles to the exercise of this right by the membership.

In general, a conference with powers to instruct an executive seldom has power to enforce its instructions—a weakness not confined to trade unions, as Hugh Gaitskell and other politicians have discovered to their advantage. It is often said that under such circumstances an executive can be voted out of office and replaced by members who are prepared to carry out conference decisions. But human nature being what it is, most executive members will only support those policies with which they agree and little control can be exercised by a membership which may have to wait from one to five years for the next election to come round. The greater the period between conferences or executive elections the less control will the members be able to exert.

The basis of delegation and method of voting at conference can also influence its decisions. Where, for example, equal representation is allowed to branches, decisions may sometimes be enforced against the

majority of members—as where a number of conservative rural branches may outvote a smaller number of militant industrial branches with several times the total membership. Under such circumstances an executive which has the power to determine branch boundaries clearly has considerable room for manoeuvre.

Another instrument of control is the conference arrangement committee or standing orders committee. Under a democratic structure the S.O.C. should be elected by the general membership quite independently of the executive. In some organizations the S.O.C. is appointed by the executive from amongst its own members, and complaints of conference manipulation are then usually widespread. Such a practice should be strongly discouraged.²³

The power to decide the location of the delegate conference is often of some importance. A lobby of militants is likely to be much more effective if the conference is held in Croydon or Brighton, rather than Bute or the Isle of Man.

Democratic participation will be increased if some aspects of policy-making can be delegated to area or industry conferences representative of local branches or shop stewards.

Conclusion

These notes have listed only a few of the factors against which the level of democracy in British trade unions may be judged.

It is hoped that further discussion will lead to the development of a broad set of criteria against which different unions—or the evolution of a single union (as in successive changes of rule)—can be judged and compared *by their own members*.

As experienced trade unionists invariably point out wherever “workers’ control” is under discussion, workers have little chance of controlling industry if they cannot control their own unions. Union democracy is therefore one of the chief prerequisites of industrial democracy.

NOTES

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APPENDIX

HOW DEMOCRATIC IS YOUR UNION?

CHECK LIST*

Some criteria for comparison of formal democracy in union constitutions.

Structure

Are top officials elected?	Frequently	Occasionally	
	Once only	Never	
Are other officials elected?	Frequently	Occasionally	
	Once only	Never	
Are Executive members elected?	Frequently	Occasionally	
Is Executive Council	Lay?	Full time?	
Is some authority devolved to:			
Elected lay area committees?	Yes	No	
Elected lay trade committees?	Yes	No	
If so do these include direct representation of shop stewards?	Yes	No	
Is policy determined by delegate conference?	Yes	No	

Members' Rights (of Opposition)

Freedom to meet outside union structure	Yes	....	No	....
Freedom to criticize leadership	Yes	....	No	....
Independent appeal against disciplinary action	Yes	....	No	....
Is internal opposition harrassed or persecuted?	No	....	Yes	....

Elections

Balloting	Individual members' vote in branches or by post?	....	
	Branch vote cast in block	....	
Can E.C. suspend members from election?	No	....	Yes	....
If yes above, is there effective independent appeals machinery?	Yes	....	No	....
Are ballots reasonably proof against fraud?	Yes	....	No	....
Must successful candidate secure majority of votes cast?	Yes	....	No	....

Communication

Are full minutes and voting record of E.C. published?	Yes	....	No	....
Are verbatim reports of conferences published?	Yes	....	No	....
Does union journal publish impartially letters from members?	Yes	....	No	....
Does union journal publish impartially articles from members?	Yes	....	No	....
Is information about all members seeking election published?	Yes	....	No	....
Do members have right to visit branches other than their own?	Yes	....	No	....
Do members have right to circulate branches without E.C. permission?	Yes	....	No	....
Do members have right to write to press about union affairs?	Yes	....	No	....
If not are penalties for infringement?	Mild	....	Severe	....
Do union leaders use national media to attack opposition?	Little	....	Much	....

Policy-making

Is policy determined by delegate conference?	Yes	....	No	....
Does basis of delegation give equal weight to all members?	Yes	....	No	....
Is conference managed by independently elected committee?	Yes	....	No	....
Does conference decide its own meeting place?	Yes	....	No	....

Rule Change

Are changes of rule decided by:	Rules revision or delegate conference	....	
	General ballot of members	....	

* Respondents should attach their own weightings to alternatives. Left-hand column, or first alternative, in the writer's opinion, denotes higher level of democracy. (Trade union members' attitudes to the questions would make an interesting further study.)

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