

Introduction: Not Your Typical Day at the Office

PHINEAS GAGE, A SUBCONTRACTOR working for the Burlington and Northern Railroad, surely had little reason to think that going to work on that September day in 1848 would change his life. The day had been routine enough until that point, as he and his fellow workers prepared the ground to receive the railroad track. He was using a pointed rod—a tamping iron—to tamp down some gunpowder in preparation for blasting. In a moment of inattention, he assumed that the man working next to him had prepared the hole and that it was safe to tamp. When Gage’s tamping iron hit the black powder, exploding it, the iron shot into his skull just below the eye, emerged from the top of his head, and landed some distance away, carrying with it a good quantity of blood and brains. Gage was loaded onto a cart and carried to the nearest doctor, who, despite the limitations of nineteenth-century medicine, managed to save his life. Even with his devastating injury, Gage would survive for another twelve years before dying of epilepsy.

Gage’s story is familiar to students of introductory psychology, as he has often been misinterpreted as the inspiration for twentieth-century operations to remove part of the brain. But Gage also embodies another phenomenon: the uncompensated toll that workplace dangers took on the worker’s body in the nineteenth-century workplace. Although his accident was somewhat fantastic, its aftermath was not unrepresentative. Gage received good, attentive medical care, which was most likely subsidized by his employer. However, unlike many injured railroad workers, Gage was not hired back by the same company in the role of a watchman or cleaner—the psychological changes from his brain injury were just too acute. So instead of being able to support

himself on the railroad, Gage led a more peripatetic existence. He is rumored to have exhibited himself in Barnum's museum, with his tamping iron, and to have begged on the steps of the Harvard Medical School. More certain is that he spent a long period of time working as a stagecoach driver in Chile and then worked on farms in California. He never married or had children. Like many nineteenth-century workers, Gage suffered a workplace accident that had a major impact on his life.¹

Of course, workplace accidents have always been a feature of human existence; surely some of the first hunter-gatherers misjudged their distance from wild animals or got a little too close to the cooking fire. But the advent of streamlined production in the nineteenth century, the increasing demand for fuel to power industrialization, and the mechanized transport of goods ratcheted up the pace by which workers were injured. The steam press, and its offspring the penny newspaper, enable us to know more about the dangers of the transatlantic workplace, and the Victorian positivist penchant for collecting and categorizing information means that historians who study the nineteenth century have some of the first government-collected data on this issue. This evidence suggests that fatal or devastating workplace accidents were distressingly common in the nineteenth century, particularly in fields like mining and railroad work, but they were not limited to these fields. Even traditional industries like farming and construction consumed lives and limbs. Factory production, while creating fewer fatal accidents than mining, created large numbers of industrial amputations, particularly of fingers. But the moral of that story may not be what we think.

A lost limb is a lost limb—but the cultural and social meaning of that injury has everything to do with the multiple contexts in which it is experienced, and these issues have not been looked at closely before.² How did working people interpret and categorize their painful experiences on the job? What kind of a culture of workplace injury did they create, and how did it differ from the presentation of workplace injury and death constructed by the press and by employers? In the more practical realm, where did workers turn for financial help when all the certainties of daily life were disrupted by pain, and what kind of help could they expect? And why, in such a seemingly stable system that lasted until 1880, was social responsibility for workplace accidents finally reallocated? These are some of the questions that this work will address, with its primary focus on Great Britain but using the American experience for comparative purposes.

While British workers were the first to suffer the bodily consequences of industrialization, there was more to the determination of that experience than national boundaries, as comparison with American sources tends to show. Like Phineas Gage, workers injured in both nineteenth-century Britain and the United States bore the majority of the cost of workplace accidents. Workers' compensation legislation was unknown in either country until 1880. Once injured, nineteenth-century workers faced an unfriendly legal regime. Due to a combination of common-law defenses, the fellow-servant rule, contributory negligence, and assumption of risk, neither British nor American workers could successfully collect compensation from employers through the legal system. As a result, as Chapter 2 illustrates, the social cost of workplace accidents was more widely, although not more fairly, distributed than it is today. Employers, particularly those presiding over more dangerous employments, often compensated employees when injured, either by finding them alternative employment, covering part of their medical costs, or employing members of their families. Employees themselves attempted to provide for such contingencies through benefit societies, and expressed their mutuality through informal collections for injured colleagues. Finally, the general public absorbed some of the social cost of workplace accidents, through public subscriptions and benefit performances.

If newspapers and Parliamentary Select Committees are any indication, nineteenth-century readers focused intensely on the way in which workplaces posed a danger to their inhabitants. They did refer to such mishaps as "accidents" rather than seeing them as an integral part of the system of management and production. Nor did they demand that employers take full responsibility for the toll of accidents, as would finally happen in the twentieth century.³ Nonetheless, the consuming classes—those who rode the railroads, wore the textiles, and were warmed by the coal that had come at such a high cost—did not see workers as expendable.⁴ Rather, as Chapter 3 shows, middle-class observers usually described workplace accidents compassionately, deploying one of a small number of literary genres. Accidents could be seen melodramatically, which presumed a focus on the families left wretched by the death or injury of their breadwinner. They could be seen religiously, as a punishment for sin, either on the part of the individual or the community. They could be seen as heroic stories, as workers sacrificed their own lives to bring injured brother workers out of the mine. All of these ways of looking at accidents humanized and individualized a working class that was often portrayed facelessly and collectively in other places.

While middle-class observers played up the emotional side of workplace accidents, workers themselves were more reserved. Their actions in the midst of disaster showed that, contrary to middle-class belief, they did suffer emotional torment and physical pain through accidents. But for workers, stories of workplace accidents were also stories of financial hardship and the questioning of masculine identity.

The experience of workplace accidents was contingent upon many things: the nature of the injury; the level of wage and skill that a worker had obtained; the degree to which a worker's family depended upon the injured party for survival; and the degree to which a worker's employer was paternalistic or charitable, among other things. But the identity of the worker within the larger system of employment could also play a role in determining the outcome. In Britain, where protective legislation already existed to shield women and children from the worst excesses of unregulated capitalism, young and female workers, particularly in the textile industry, had other means of pursuing their employers for compensation. In the United States, the owners of slaves who were contracted out and injured on the job were entitled to compensation, for similar reasons. Slaves, children, and female workers all lay outside the definition of workers under common law, since they were all unable, in various ways, to safeguard their own welfare. In contrast, white male workers were defined as free agents, able to take advantage of freedom of contract to avoid overly dangerous work situations (whether or not this freedom actually existed). The argument that women and children were entitled to special protection as a result of their inferior status cut across class, disabling male workers from advocating strongly for themselves. In contrast with recent scholarship suggesting that the "free labor" ideal was limited to American workers, where it evolved in juxtaposition to slavery, this study suggests that the free labor ideal was a transatlantic phenomenon that retarded the growth of workers' compensation in Britain also.⁵

Utilitarian thinkers and kind-hearted reformers in Britain proposed no-fault compensation and regulation of worker safety beginning in the 1830s. These proposals were followed, over the next several decades, by safety legislation that made a concrete difference in the lives of young and female workers. Parliament introduced mine safety legislation and a system of inspection in the 1840s and 1850s, in response to well-documented mine disasters. At the same time, workers in high-skill industries, who were better organized than their American counterparts, agitated for employers' liability legislation.

While the issue was shunted again and again to Select Committees, seemingly as a way of removing the issue from the table, limited employers' liability legislation was finally passed by the Disraeli ministry; not because it would benefit employers and employees equally, but as part of a wider campaign to address the social welfare of the working classes. The centralization of British politics meant that debates about, and solutions for, workers' compensation could be national.

In the United States, in contrast, little could be done at the federal government level, given the understanding, after the Civil War, that the legitimate aims and duties of the federal government had to remain limited. Even in the coal industry, which featured some of the most devastating disasters in human terms, federal regulation was not forthcoming until 1910. States' reactions to workplace accidents varied, with Massachusetts being the state most likely to introduce regulation for worker welfare; but even in Massachusetts, the timetable for reform was well behind that in Britain. American workers found themselves more fragmented than their British counterparts; even the labor unions that did exist prioritized reforms like a shortened work day and higher wages over systemic safety reform. Freedom of contract was a cornerstone of American politics—as Eric Foner has shown, it was one of the founding propositions of the ruling Republican Party—so that regulation of the workplace was anathema.⁶

This is not to suggest, however, that the picture for American workers who were injured was necessarily worse than it was for British workers. In fact, in many states, it was better. Compelled by Christian humanitarianism and a concern for equity, which sometimes overrode their penchant for following common-law precedents, judges in some American states created opportunities for workers to prevail against their employers in tort claims. When given the opportunity to decide in favor of injured workers, juries could be very generous. The injustice of the British system was patent, supporting calls for change; the justice of the American system was uneven, postponing calls for change. Thus in the United States, as contrasted with Great Britain, a combination of employers, labor unions, and insurance companies sought to restore predictability to the system by instituting no-fault workers' compensation legislation.

Although this narrative is primarily about the British experience, looking at workplace accidents in a transnational framework has the potential to illuminate aspects of the experiences of injured workers that have not been

touched on before. The shared cultural inheritance of language, law, and the structure of labor systems on both sides of the Atlantic meant that the first industrialized nation was not alone in its experiences of the dangers of the workplace. Injury and death on the job site were common on both sides of the Atlantic, as were onlookers' reactions and workers' reactions. The categories of workers protected by legislation or judicial discretion were also the same. Britain and the United States shared a rhetoric of "free labor" concerning workers' responsibility for accidents on the job. As this book will show, what distinguished Britain in the nineteenth century were not the accidents themselves, nor the options open to workers under the legal system, the compassion or lack of compassion of employers, or the reaction of the press. Rather, what was different was the process by which the claims of injured workers were asserted and acknowledged. As a result of a combination of public sympathy, trade union activism, and political responsibility assumed by governing classes without a specific financial interest, an Employer's Liability Act was achieved in 1880—a symptom of a new way of thinking about social responsibility and social cost.