Moral Economy at the Crossroads of History and Social Science: Finding Customs in Common

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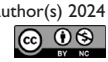

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The moral economy of the rich

Quentin Outram
Leeds University Business School, UK

Abstract

This article applies the concept of a 'moral economy' to the actions of the rich and powerful. The author focuses attention on business owners and provides a case study of a late nineteenth-century provincial businessman and his dismissal of two long-serving employees, an act which caused outrage in his community. The author questions how the morality of employment, job rights and dismissal developed subsequently and sketches developments up to the 1960s. The article then provides a more speculative discussion of the effects of changes in corporate law on corporate behaviour and suggests they have had a tendency to produce a moral irresponsibility in the behaviour of corporate officers.

Keywords

Corporate irresponsibility, dismissal, job rights, long service, moral economy

Introduction

This is a history of two halves. The first presents a case study of the moral economy of a relatively rich provincial landowner and colliery proprietor who, until a scandal erupted in 1889, acted out a credible performance of rural and, to a limited extent, industrial paternalism. The reactions to the scandal make it obvious that times have changed very substantially since 1889 with, I shall contend, paternalism replaced by an increasing irresponsibility among business managers. The second half of this history traces the changes in company law that have facilitated this change. These changes are in the duties of company directors and in the attribution of 'legal personality' to corporations and other organizations and can be traced back to the late nineteenth century. I conclude by briefly noting a number of other developments which have driven the moral economy of the rich and powerful in the same direction. Before embarking on this history, however, I need to clear some ground. For many historians the term 'moral economy' is indissolubly linked to the writings of EP Thompson (1971, 1991a) and I need to explain what EP Thompson meant in his usage of the term, how his usage differed from mine, and how it

Corresponding author:
Quentin Outram, Department of Economics, Leeds University Business School, The University of Leeds, Leeds, LS2 9JT, West Yorkshire, UK.
Email: qo@lubs.leeds.ac.uk

differs also from the usage of many more recent historians who have been influenced by his 'history from below'. Thompson also suggested that in the context of the agrarian economies of the eighteenth century with which he was concerned the content of the moral economy was provided by a form of rural paternalism led by the gentry and producing a forelock-tugging deference among the poor. This is another area of ground I need to clear. As we shall see, by the late nineteenth century paternalism had bifurcated; one branch developing into the doctrine of 'one-nation' Toryism and the other into an urban practice of labour management.

The moral economy

The concept of a 'moral economy' that EP Thompson put forward in his 1971 *Past & Present* article was not clearly defined. Thompson developed his concept rather than defining it and quite what it was remained somewhat ambiguous for a long period during which different definitions, usages and applications emerged. Eventually, 20 years later, Thompson wrote that

> . . . my own usage has . . . been confined to confrontations in the market-place over access . . . to 'necessities' – essential food. . . . [T]here is an identifiable bundle of beliefs, usages and forms associated with the marketing of food in time of dearth . . . but the deep emotions stirred by dearth, the claims which the crowd made upon the authorities in such crises, and the outrage provoked by profiteering in life-threatening emergencies, imparted a particular 'moral' charge to protest. All of this, taken together, is what I understand by moral economy. (Thompson, 1991a: 337–338)

This marked a substantial clarification and Thompson's insistence that his usage was context-specific and had no purchase outside the eighteenth century also implied a solution of one long-standing problem, the question of who 'owned' the moral economy. Was it an ideology of the poor as Thompson often seemed to suggest? Or was it a consensus view shared by the poor and the 'wider community' and even 'the authorities', at least to some extent, as Thompson sometimes implied? If the term was context-specific, its 'ownership' could, indeed, be said to be by the community as a whole until, by the end of the eighteenth century, the new model of the political economists was taken up by – it is never quite clear – perhaps 'the authorities', definitely not by those who formed the crowd. From this point, if the moral economy continued to exist its ownership belonged to the poor, the crowd, and those parts of the 'community' that stood outside the 'authorities'. If Thompson's history was still contestable, at least his logic was not.

A different but related problem was what kind of economy, if any, lay in contrast to the moral economy. Thompson's answer was what he called a new 'model' of the political economy, best articulated by Adam Smith. For us, concerned with the 'moral economy of the rich and powerful', this turn of Thompson's from an at least partially shared moral economy to the new model of the political economists is problematic because even a fairly brief examination shows us that it will not help us understand the actions of the rich or the powerful. Remarkably, the new model was said to involve a 'demoralizing of the theory of trade and consumption' and to be 'disinfested of intrusive moral imperatives' (Thompson, 1971: 89–90). These harsh judgements appear to have been based on

a reading of only a few pages of Adam Smith's extensive text.[1] Even confining ourselves to these short passages it is hard to agree that someone who writes of 'the hardships of a dearth [and] the dreadful horrors of a famine' (Smith, 1976: 524) can be supposed to be 'disinfested of intrusive moral imperatives'. A close reading of even this limited part of Smith's text reveals references to the 'liberty and justice' which formed a major part of Smith's moral outlook (Fitzgibbons, 1997; Robbins, 1952: 46–49; Tomlinson, 2011: 359). Rather than admitting his gibe to be an ill-advised 'jest' (cf. Thompson, 1991a: 302) or a simple error, Thompson reiterates the accusation in his 1991 review (pp. 268–272).

Thompson's use of the 'moral economy' on the one hand and the model economy of the political economists as exemplified by Smith's 'Digression' on the other raises another problem in that the opposition does not contrast two items in the same category. It is not like a contrast between an apple and a pear but more like a contrast between an apple and Newton's *Principia*. One is a 'bundle of beliefs, usages . . . forms [and] deep emotions' held or experienced by a crowd and evidenced by the claims made by the crowd on the authorities; the other is part of a book written by a former professor at the University of Glasgow, a member of the Philosophical Society of Edinburgh and a close friend of David Hume. The one is directly involved in motivating the confrontations, protests and riots in which Thompson was interested; the other had no influence on anybody until . . . when? Thompson does not tell us until in his 'The Moral Economy Reviewed' (1991a: 276) he offers the comment that Smith's digression was 'profoundly influential within British governmental circles'. Thompson offers no evidence for this and it is a claim that would be remarkably hard to establish.

Smith's influence is very hard to trace even in the rare instances where the historical record is as unusually full as it is, for instance, in the case of WE Gladstone. For this long-term inhabitant of 'British governmental circles', we have not only his speeches in the House of Commons but also his diaries which document his reading in great detail and also the superb catalogue of his library at Hawarden, which depicts Gladstone's marginalia and the indices he habitually added to the final pages of his books. His library does contain a five-volume edition of the works of Adam Smith from 1825 comprising *The Wealth of Nations* and *The Theory of Moral Sentiments*.[2] All five volumes bear his bookplate but none bear any sign at all of having been read.

But this does not mean, of course, that Smith had no influence on him. Keynes pointed out in 1926 that the authors who had given rise to the doctrine of *laissez-faire* were 'in these degenerate days' unread but had produced an 'atmosphere' breathed into many 'upright breasts' (Keynes, 1972: 277). Those seeking to measure the influence of Adam Smith and other classical economists on economic policy have thus chosen another route to their goal: to compare the recommendations of the economists with the policies pursued. This has resulted in what is now a very long-established two-fold consensus. The first element is that the economists, including Adam Smith, were not as doctrinaire or as extreme as their popularizers. 'To identify such doctrines' as the popularizers put forth 'with the declared and easily accessible views of the Classical Economists is a sure sign of ignorance or malice', wrote Lionel Robbins (1952: 38). One such view that Thompson seems to have missed was that the price of bread should 'perhaps' be controlled where it was in the hands of a monopoly (Smith, 1976: I.x.c, 158). The second element is to

compare actual policy with the recommendations, actual or imputed, of the economists. Here the consensus is that policy formation was marked by pragmatism not principle. In this, those that moved within 'British governmental circles' were assisted immeasurably by the advent of utilitarianism (Robbins, 1952: 34–67).[3] Made familiar by Archbishop Paley (*The Principles of Moral and Political Philosophy*, 1785) at first rather than by Jeremy Bentham, this provided intellectual resources to those who wished to argue for state intervention. It was, of course, a *moral* philosophy: nobody has ever claimed that utilitarianism is or was 'disinfested of intrusive moral imperatives'. Finally, this alerts us to the fact that while Adam Smith might be widely praised and honoured, this did not prevent disagreement in governmental circles. One example is in the policy to be pursued in response to the famine in Ireland which veered from what for the times were substantial (though unsuccessful) interventions to a policy which was, indeed, little different from *laissez-faire* (Kinealey, 1994).

Thus Thompson's attempt to counterpose his moral economy to Adam Smith's political economy and to suggest that the latter was 'profoundly influential within British governmental circles' fails. It ignored the difficulty of establishing a direct influence even where the evidence is unusually plentiful as in the case of Gladstone. It ignored the long-established historiographical consensus that British governmental circles may well have been influenced by Smith and his popularizers but so were they too by utilitarianism and that they were first and foremost pragmatists. Moreover, they did not agree among themselves nor were they consistent. As a moral economy of the rich and powerful, Smith's political economy will not do.

Historians of the later nineteenth century and much of the twentieth century have not found the concept of the 'moral economy' of great use. Specialist students of some of Ruskin's ideas have sometimes used the term (MacDonald, 2015) but otherwise it is strikingly absent from the historiography of the whole period from about 1830 to 1944. At that point, argues Jim Tomlinson, the state had to effectively reinvent the concept in order to 'manage the people' alongside its management of the economy (Tomlinson, 2011). Its most popular use in contemporary British historiography has been to understand the period of deindustrialization dated variously but usually from 1973 or later. Jim Phillips (2013, 2015, 2017) and Ewan Gibbs (2018) have researched the moral economy of Scottish miners faced with redundancy in circumstances of deindustrialization. Perchard and Phillips (2011) and Perchard and Gildart (2018; developed in Perchard and Gildart, 2023) have periodized the extent to which National Coal Board managers, sometimes with their roots in mining families, have shared this culture, documenting a decisive break beginning with the appointment of Ian MacGregor as chairman of the Board in 1983 and culminating with the miners' strike of 1984–85. It was a culture based on security of employment, the negotiation of change and the partial mitigation of its adverse consequences. However, I think this is too sanguine an assessment of the 'moral economy' of the National Coal Board in the pre-Thatcher period and I shall return to this point in the coda to this essay.

The use of 'moral economy' in the sense of a 'model' of how the economy did work or should work has become more frequent in recent years and especially in assessing the 'moral economy' of the Thatcher era. Jim Tomlinson and Florence Sutcliffe-Braithwaite have examined the beliefs of Thatcher and her allies and found them to be based partly

on economic models and theories promulgated by a number of academic economists, most prominently, globally, Milton Friedman (1912–2006) (Ebenstein, 2007; Sutcliffe-Braithwaite, 2012; Tomlinson, 2021; Valdés, 1995). Thatcher and perhaps the closest of her Cabinet allies, Keith Joseph, her Secretary of State for Education and Science between 1981 and 1986, did not swallow Friedman's economics wholesale and Sutcliffe-Braithwaite is right to highlight their rejection of Friedman's negative income tax, a policy that could have produced a substantial redistribution of post-tax income. This suggests that Thatcher and her allies added to the mix and Sutcliffe-Braithwaite and Tomlinson emphasize the moral elements in Thatcher's thought, especially when it came to labour market and social security policy. It was these that enabled her, and most prominently her Secretary of State for Employment between 1981 and 1983, Norman Tebbit, to blame the catastrophic increases in unemployment at that time on the unemployed themselves (Tomlinson, 2021).

However, I shall not follow here the lead established by Sutcliffe-Braithwaite and Tomlinson. The morality discussed by Sutcliffe-Braithwaite and Tomlinson is not a personal morality. Neither discusses Thatcher's personal conduct; the extent to which she herself demonstrated those qualities she advocated for others: of self-reliance, of economic independence, of thriftiness, of charitableness, or whether those qualities were possessed by those with whom she chose to associate or on whom she bestowed honours. Here I am precisely concerned with a moral economy as a guide to personal conduct. Such concerns are more widespread now than they used to be because of an apparent rise to the commonplace among the rich and the powerful of behaviours which deviate from any ideal. Spectacular cases of fraud, for example the Guinness stock market scandal of 1986, the alleged theft of more than £150 million from Polly Peck International by its chief executive Asil Nadir in the 1980s, the Enron scandal in the 1990s, the Madoff Ponzi Scheme discovered in 2008, suggest that the moral economy of the rich cannot be taken for granted (BBC News, 1997; Toms, 2019). Steve Toms (2019) suggests that the apparent resurgence of fraud and financial scandal since the 1970s is real and has reached levels not seen previously since the railway mania of the mid-nineteenth century and in the conduct of its leading fraud, George Hudson (Lambert, 1964). Similarly, the unblushing recourse to perjury by associates of Thatcher such as Jonathan Aitken and Jeffrey Archer and the extraordinary prevalence of tax evasion and tax avoidance revealed by the Panama Papers of 2019 and similar disclosures require notice. Even these events are capped by the finding by the UK Court of Appeal in March 2021 that a corporation, the Post Office Ltd, had abused the processes of the court and furthermore had, in a 'second category' abuse of process, 'subverted the integrity of the criminal justice system and public confidence in it', leading to the resignation of its chief executive officer the next day (Marshall, 2021). It is with this personal conduct that I am concerned here and in particular the personal conduct of business owners and managers in their roles as owners and managers, rather than in their private roles as sons, daughters, spouses and parents, or in their public roles as Justices of the Peace or Members of Parliament.

I shall use here a sense of the term 'moral economy' as it has come to be established in the years since Thompson wrote but I shall move forward into the nineteenth and twentieth centuries as have many others. I shall confine myself to the UK but I shall not consider food markets. Despite recent stresses (Carbo, 2023), the key focus of struggles

over subsistence remains the employment relationship: subsistence depends on access to capital in the form of a job and the terms and conditions on which that job may be held.[4] Both employees and employers are assumed here to possess 'moral economies', that is a set of values and beliefs concerned with their actions in the employment relationship. Those values and beliefs are supported, or sometimes undermined, by emotions, by values and by reason. The moral economies of employee and employer may conflict but so, too, may the moral economies of employer and employer, and employee and employee. This definition is close to Thompson's definition of his 'moral economy' except that his pertained to food markets, mine pertains to labour markets; it is far from his view of the absent morality of the authorities operating in late eighteenth century grain markets which he attributed to Adam Smith.

Paternalism

Thompson used another concept that we shall have to define and discuss if we are to avoid confusion: 'paternalism'. We need also to answer the question of how 'paternalism' and the 'moral economy' are related. Thompson used the concept of paternalism to encapsulate the relationship between 'patricians and plebs' in the eighteenth century (Thompson, 1991b). Again, he refrained from offering a definition, while complaining of the looseness of the term (1991b: 24), and leaving the reader to infer his meaning from his use. Its use was wide but involved only the landed gentry and the poor; the rising middle classes were not involved. Its setting was rural, not urban. It coloured the whole range of relations between the gentry and the poor, not only those of the workplace. The relations were marked by a reciprocity between the gentry and the poor in which the poor offered their superiors a 'brittle' deference (1991b: 71) in return for the care provided by the gentry. The gentry's paternalism carried with it and was carried along by a powerful myth of its great old age; it was, it was implied, a custom dating from times immemorial. There is a clear harmony between Thompson's notion of the moral economy and his notion of paternalism; the latter gives content to the former in the context with which he was concerned.

In the context of nineteenth-century and later industrialism, however, paternalism needs some redefinition. Paternalism remained an element in political thought concerning class relations for some considerable time; here its location became almost purely ideological, in the realms of speech, oratory, satire and wit, pamphletery, literature and propaganda. Its most important location in terms of praxis became the town, the city and the urban workplace. Its most obvious location in political thought was under the heading of the 'one-nation' Toryism ascribed to Disraeli (Blake, 1970: 200–201) and described by Blake in a passage written before the advent of Prime Minister Thatcher in 1979 as a notion which when linked with patriotism was 'probably the most effective vote-winner for Disraeli and perhaps his most notable long term contribution to the future success of the Conservative party' (1970: 124). Gladstone was less successful in articulating the importance he attached to the related notion of 'community', if, that is, Bebbington's interpretation of his thought is correct (Bebbington, 2004). Williamson (1999) has emphasized the importance of 'one-nation' patriotism in the electoral success of Stanley Baldwin in the inter-war period. Its demise under Thatcher and its failure to revive under her successors has been narrated by Dorey and Garnett (2014).

In the workplace, a confused period of transition, admirably detailed in the history by David Roberts (1979), led to an era in which paternalism was well established but only as one of a number of 'management strategies'. Its most well-known agents were a group of Quaker manufacturers, Joseph Rowntree, Cadbury Brothers, C & J Clark; and others who followed similar policies but other religions including Titus Salt, a Congregationalist, and the Lever Brothers, also from a Congregationalist family. All these built model towns or villages for their workers including schools, reading rooms, clinics, wash houses, alms houses and places of worship in what could become a miniature welfare state. This model of paternalism became known as 'welfare paternalism'. Patrick Joyce's analysis of the 'New Paternalism' in the Lancashire textile mills argued that the provision of housing by paternalist employers was not restricted to these few examples but became much more widespread in the later nineteenth century. In these mills the duration of employment was often remarkably long and this, too, became a mark of paternalist welfarism (Joyce, 1980: 120). Other examples, termed bureaucratic paternalism by Howard Gospel (1992: 25), were typified by the General Post Office, the railways and the two giant metropolitan gas companies, the Gas Light & Coke Co, north of the Thames, and the South Metropolitan to the south (Daunton, 1985: 58–65; Drummond, 1995; Everard, 1949; Williams, 1981). Here the leading features were employment stability, the existence of a career hierarchy, with the real prospect of promotion, and the provision of pensions.

There was sometimes, perhaps often, another kind of paternalism in one of the largest industries of Victorian Britain, domestic service. Often pursued by girls and young women as a relatively brief career between leaving home and marriage, employment stability was rare and counted for relatively little, pensions were unusual and a real prospect only in the big houses on the broad country estates (Gerard, 1994: 207–208). What counted in this variant was humanity and kindness on the part of the mistress, flexibility in the negotiation of days off and the admission of 'admirers', and sympathy in dealing with illness and family emergencies. Despite the unavoidable propinquity of mistress and servant in smaller houses, the 'personal touch' was not inevitable; some mistresses addressed every servant as 'Jane' or 'Emma' whether or not that was their real name (Horn, 1986: 113). It is hard to think of a sharper way of denying a worker's humanity or of demonstrating disrespect.

Thus Victorian paternalism varied significantly in content from workplace to workplace. Those forms which emphasized employment stability required a foundation of product market stability, generated by stable demand (the GPO; the railways) and a monopoly either protected by legislation (the GPO), geography (much of the railway network; the gas companies), or by branding (chocolate, soap) (Gospel, 1992: 25–28). Nor was such paternalism by any means universal; where product markets were unstable, as in coal mining for export markets and heavy engineering, or where firms were small and suffered from inconstant workflows as in much general engineering, building and construction and, notoriously, port transport, paternalism based on continuing employment was often beyond the capacity of the company to provide (Littler, 1982: 91–92). Nor was it always successful in producing the deference that employers expected. London postmen attempted a strike in 1890; there was a national railway strike in 1911 (Bagwell, 1963: 289–308; Daunton, 1985: 260–262).

A case study: Charles Rowland Palmer-Morewood

What was the 'moral economy' of the nineteenth-century business person? As soon as one asks such a question it becomes clear how difficult it is to answer. That it emphasized the 'sanctity' of private property and contract seems an obvious starting point, yet even here one discovers qualifications: mining capitalists, for instance, who resented paying rents, royalties and wayleaves to landlords and asked why it was that mineral deposits were not owned by the crown or the state in Britain as they were elsewhere in Europe (e.g. Cockburn, 1885). Further investigation shows numerous and significant 'moral' disagreements within the employing classes. I want to illustrate this by telling a story. It is no more than a story but I hope it will serve to render acceptable my plea for us to pay as much attention to the moral economy of the rich as we do to the moral economy of the poor and that, in doing so, we need to accept the existence of moral conflicts within the classes of the rich and powerful.

My story concerns a late nineteenth-century Derbyshire landowner and colliery proprietor called Charles Rowland Palmer-Morewood (1843–1910). I have chosen this story to relate because it is unusually rich and tells of what are normally private disagreements carried out in public, in the courtroom and the columns of the local newspapers. For brevity, and following the practice of the contemporary local press, I shall often refer to our subject as CRP Morewood. His father died in 1873, and our subject was in possession of the family estates from that time till his own death in 1910. They were centred around the Derbyshire market town of Alfreton. According to Bateman's final, corrected compilation of *Great Landowners* in 1882, he owned 4,400 acres in Derbyshire and another 1,700 in Warwickshire yielding a total of £9,500 annually, exclusive of 'mine rents', i.e. the royalties gained from leasing coal seams to colliery companies. Some of his coal he worked himself though he was not a major colliery owner. He owned only one colliery, Swanwick Colliery, and this was of only middling size, employing 643 men in 1896 (Home Office, 1896).[5] His Derbyshire landholdings put him at the 19th rank in the county, by no means inconsiderable but nowhere near the 80,000 acres of the Duke of Devonshire at Chatsworth and elsewhere or the 27,000 acres of the Duke of Rutland. The family were Lords of the Manor of Alfreton, a fact which had not been widely known until a long-running dispute over the future of Alfreton market square erupted in 1871. Their main 'seat' was Alfreton Hall sited close to the centre of Alfreton with the extensive Alfreton Park and other parts of their estate surrounding it on the three sides of the Hall away from the town. In 1873 CRP Morewood married Patience Mary Hervey (1853–1914), daughter of the Right Rev. Lord Arthur Hervey (1808–1894), the fourth son of the first Marquess of Bristol (1769–1859), and the Bishop of Bath and Wells from 1869. She appears to have been a religious woman of some earnestness (*The Times*, 16 September 1914). Both she and her husband were Conservatives; he presided at the initial meeting of the Alfreton 'habitation', or 'lodge', of the Primrose League in 1886 and she was elected 'ruling councillor' (*The Derby Mercury*, 17 February 1886). After Salisbury's victory over Gladstone in the General Election of July 1886, the Palmer-Morewoods threw open Alfreton Park to celebrate. The press estimated that a thousand people were present, many wearing the badge of the Primrose League. One of the speakers was Sir Richard Paget, Bt (1832–1908), the Conservative MP for Wells. Paget believed that the Primrose meetings

> . . . would have a vast influence, and an influence for good. There was one thing which those meetings did at once. They brought all classes together, bound by links of affection and esteem. The members learned to know each other better and respect each other more. (*Alfreton Journal*, 13 August 1886)

This was as clear a statement of political paternalism as one could want.

In other respects too, CRP Morewood performed the parts of his role as a rural patrician and paternalist. He became a JP shortly after his father's death (*Alfreton Journal*, hereafter *AJ*, 11 July 1873). He played his part in the agricultural activities of Alfreton, as if it were still the rural market town it had once been. He became President of the Midland Agricultural Society and in 1874 chaired their annual dinner. Earlier in the day he had won prizes for his entries in the Landlords' Classes for a shorthorn bull and for a bull calf under 12 months old as well as a prize for a Fat Pig of Any Age. Emphasizing the value placed on deference and long service, the significance of which will become clear later, there were prizes for day labourers:

> . . . for long servitude and good character.—1st, £1, William Sanderson, 28 years 11 months with Mr H. Booth; 2nd, 10s., Wm. Gibbs, 22 years 10 months with Mr Jonathan Fletcher. (Seven entries). (*AJ*, 2 October 1874)

In 1876, and for many years afterwards, he opened Alfreton Park to the Alfreton Floral and Horticultural Society so that they could hold their Annual Exhibition and Grand Floral Fete there (*AJ*, 21 July 1876). The same year he inaugurated the Alfreton Institute and Club, which offered a Library and Reading Room open every weekday from 2:00 till 11:00 pm with himself as President (*AJ*, 28 July 1876). He was one of the 'distinguished patrons' of a performance of Mr John Farmer's new oratorio *Christ and His Soldiers* in Alfreton Town Hall in aid of Chesterfield Hospital (*AJ*, 25 October 1878). From some point before 1881 he and his wife began a habit of holding an annual 'New Year's Gathering'. Those invited included the house and estate servants, 'several Alfreton tradesmen', 'the choir and ringers at the Parish Church, [and] Mrs. Morewood's Sunday school class' (*AJ*, 14 January 1881). In 1898 on the occasion of the Palmer-Morewood's silver wedding anniversary 'the town in some respects presented a holiday appearance'. The Swanwick Colliery workers presented the couple with a silver bowl. The platform party were joined by two of the colliery's oldest employees, John Parkin and George Godfrey. John Parkin, 79 years old, had worked for the colliery for 67 years, again suggesting the emphasis placed on length of service (but also indicating that he had started work at the mine when he was 12). There were further gifts from the tenantry 'together with tradesmen and other friends', presented by the oldest tenant, William Wilson, the Alfreton Floral and Horticultural Society and the teachers of the National Schools (*Derbyshire Times*, 23 July 1898; *Leamington Spa Courier*, 23 July 1898). In 1900 when his only son, Rowland Charles Arthur Palmer-Morewood (1879–1957) came of age, CRP Morewood put on four successive nights of celebrations; on Tuesday, his son's birthday, he hosted a ball for his 'neighbours', that is his social equals; on Wednesday he hosted a 'reception' for his tenants and 'representative people of the town'; on Thursday and Friday he hosted a 'gathering' of the 'workmen and their wives' from the Swanwick pits. That he invited his guests to Alfreton Hall rather than to hired rooms in the town was

said to be 'highly appreciated' by his guests (*AJ*, 12 January 1900; 19 January 1900). This society-wide celebration of family events was almost definitive of rural paternalism in its conflation of family and local society. Similar, though less extensive, celebrations had taken place on the Palmer-Morewood's marriage in 1873 (*AJ*, 18 July 1873) and took place on the marriage of their only daughter, Clara Winifred Sarah (1882–1955) to Alwyne Mason in 1905 (*Derbyshire Advertiser and Journal*, 28 April 1905).

CRP Morewood thus attempted to play the role of a paternal rural squire but it is notable that in comparison his attempts to extend the role to his colliery workers were intermittent and half-hearted. He was President of the Midland Agricultural Society and bred prize-winning cattle and pigs but he seems not to have played any significant role in the corresponding societies of coal owners and mine engineers[6] despite the fact that the Duke of Devonshire thought it fitting to accept an honorary membership of the engineers.[7] Indeed, Morewood betrayed little interest in the management of his colliery, coroners' inquests suggesting that he tolerated a slapdash management of mine safety.[8] He certainly stopped far short of the concern expressed and the expertise gathered by 'Billy', the 7th Earl Fitzwilliam, a major owner of coal royalties and collieries in south Yorkshire and perhaps the most thorough-going paternalist among the region's coal-owners. 'He looked after you', said one of Billy's miners (Bailey, 2007: 236). CRP Morewood was more interested in breeding cattle and pigs.

While CRP Morewood had no presence on the national scene, at a provincial level, he was able to affect the lives of others for good or for ill, sometimes to a dramatic extent. One instance stands out: the Severn–Pogmore seduction case of 1889.

Thomas Severn (1845–1929) was an under-viewer, that is a junior manager, at the Swanwick Collieries. He brought a civil case against Frederick George Pogmore (1857–1918), sometimes described as Agent for Palmer-Morewood, sometimes as his Commercial Manager, for damages for the seduction of his daughter Charlotte. At the time of the alleged seduction, in January 1888, she was 17 years old.[9] The age of consent had been raised from 13 years to 16 years two years earlier by the 1885 Criminal Law Amendment Act; significant sections of opinion had wanted it raised to 18.[10] Pogmore was 30 years old and had been married since early in 1884. His first son was born that summer; his second and final child in the summer of 1888. The then tort of seduction allowed a father to prosecute a defendant should his unmarried daughter become pregnant by the defendant's acts.[11] 'Seduction' was understood to involve the use of attention, charm, enticements, promises, gift-giving and deception. The evidence given by Charlotte Severn and other witnesses suggested many such devices. They amounted to what we would nowadays call a process of grooming; it had begun in the late summer of 1887 and culminated in pregnancy and disease.[12] The case came to trial at Birmingham Assizes in 1889. Pogmore denied everything and the jury (which was of course all male) rapidly decided that Severn was lying, presumably having become pregnant by another man – that no one had been able to produce – and presumably in order that her father could fraudulently enjoy the damages.[13]

Palmer-Morewood's involvement in the case was as an employer and as a person of influence in his community. At the trial Thomas Severn remarked that he had been discharged from his position at the collieries apparently by Edwin Eardley, the colliery manager. He had been given no reason but discovered it was on a complaint by Pogmore

to Palmer-Morewood. Pogmore had been embarrassed by Thomas's enquiries and in particular by the baby being held up to him when he passed by the house where Charlotte and her mother Ruth lived. Palmer-Morewood chose to dismiss Severn rather than Pogmore and chose dismissal rather than some other solution to the antagonism between the two. In October it emerged that Palmer-Morewood had been asked for advice by two of his colliery clerks, George Bunting, 63 years old in 1889, and Thomas England, 38, who had been subpoenaed to give evidence in the case. They worked in the same office as Pogmore and testified that they had seen Charlotte and Pogmore together. Palmer-Morewood had told the two men that they must remember that Pogmore was presumed innocent until and unless proved guilty and that they must tell the truth. There was no suggestion that they had not. Nevertheless, after the trial was concluded, he dismissed them both. The community was outraged. Anybody who could read the local newspapers could see that the witnesses had done no more than their duty, responding to the summons to attend court, and, when there, telling the truth as they understood it. Palmer-Morewood later claimed that Bunting and England had been dismissed because, *inter alia*, they were unable to do double entry book-keeping, a matter which had not troubled him before.[14] They replied that Palmer-Morewood had told them to their faces that the reason for their dismissal was that they had gone against Pogmore at the trial.[15] Bunting had worked for the Palmer-Morewoods for 36 years; England for, it was claimed, 29 years. Anyone sceptical of the trial's conclusions nevertheless felt unable to argue that the all-male jury was wrong and that it was the defendant who should have been convicted and dismissed: such was the prestige of British law and the jury trial. But this action of Palmer-Morewood's could be denounced without hesitation and James Alfred Jacoby, the Radical MP for Mid-Derbyshire, did so.[16] In a speech to a meeting of miners under the auspices of the Derbyshire Miners' Association at Stonebroom, a colliery village between Alfreton and Clay Cross, he expressed contempt for Palmer-Morewood's alleged reasons for dismissing the two clerks, and threatened to raise the matter in Parliament (*Sheffield Daily Telegraph*, 14 October 1889). Thomas England was not a Radical but a Conservative and served as the Honorary Secretary of the local Conservative Association. The Association's chair stated that 'an attempt had been made to associate the Conservative party with the dismissal of some of their friends from their employment. This . . . was unfair and unjust. He had the fullest sympathy with their friends in the harsh and arbitrary treatment that they had received. . . . (Cheers)' (*AJ*, 18 October 1889). This denunciation of Palmer-Morewood, the most prominent member of the local Conservative Party, by its chair was remarkable. 'Cleon', a columnist writing in the *Belper & Alfreton Chronicle*, noticed the final paragraph of Palmer-Morewood's letter to the Editor of *The Alfreton Journal* in which he referred to his right 'to engage servants and dismiss them within the given laws'. This, wrote 'Cleon', had the 'real Tory ring' about it, a comment indicating not approbation but contempt (*Belper & Alfreton Chronicle*, 18 October 1889).[17]

The controversy refused to go away. In November the Unionist candidate for the local Parliamentary seat, JS Sandars, delivered a speech to the Conservative Association in Alfreton Town Hall in which he addressed a matter 'which has agitated in a most marked degree the lives of all those who live in this part of the [electoral] division'.[18] He continued:

> I have been asked by my friends "Aye" or "no," "Are you in sympathy with the master or are you in sympathy with the men?" My answer is unhesitatingly and without reserve,
>
> "I am on the side of the men."
>
> (Loud and prolonged cheering.) (*AJ*, 22 November 1889)

He then proceeded to give a model exposition of traditional Toryism:

> In my judgement the position of a man, who wields great power and influence, is such that he should measure very narrowly his acts; for what in a man of less influence is a mere dereliction of duty, becomes in his case of great consequence. It behoves him to take the greatest care that all his actions towards those who live under him are governed by the nicest considerations of honour. I maintain that in proportion to a man's influence and importance so should he be careful to command the respect and approval of all who live near him and around him, and especially when he deals with those who have given to him almost a lifelong service. (Cheers.) . . . I am here to-night to speak in the name of justice . . . that justice which has been described as the patrimony of the rich and the inheritance of the poor. (Loud and continued cheering.) (*AJ*, 22 November 1889)

The final phrases of Sandars' speech refer to a then famous oration, the 'great speech on Law Reform', of Lord Brougham to the House of Commons in 1828, which 'concluded with one of his noblest perorations' (Reeve, 1875–1889) and was quoted far into the nineteenth century:

> It was the boast of Augustus . . . that he found Rome of brick, and left it of marble. . . . But how much nobler will be our Sovereign's boast, when he shall have it to say, that he found law dear, and left it cheap; found it a sealed book—left it a living letter; found it the patrimony of the rich—left it the inheritance of the poor; found it the two-edged sword of craft and oppression—left it the staff of honesty and the shield of innocence! (House of Commons Debates, 7 February 1828, vol. 18, cc127-258, at column 247)[19]

The present (2024) relevance of Brougham's speech will need no emphasis.

Palmer-Morewood's actions in this episode were thus judged, even by those who should have been his friends, to have fallen well below the standards to be expected from a traditional Tory. His emphasis on his legal rights, what one might call his 'contractual Conservatism' or his 'cash nexus Conservatism', was felt to be very different. It may also have been assessed as lacking in political sagacity. A constituency such as Mid-Derbyshire, increasingly dominated by miners and other members of the industrial working class, could, perhaps, be won for the Conservative Party by a traditional Tory or a 'one-nation' Conservative but not by a 'contractual Conservative' who expected to do nothing for his employees but what was laid down in contract or required by law. Sandars' rebuke of Palmer-Morewood points to conflicts in the 'moral economy' of the rich and powerful which helps to illuminate their actions and the willingness of (some) of their employees to accept their domination. The unhesitating and universal acceptance of a male-dominated legal system shows no such fissures, which helps to explain, by contrast, the longevity of its domination and the lack of any public and explicit outrage at Pogmore's behaviour.

Sandars' rebuke of Palmer-Morewood also points to a partial commonality in the moral economy between capitalist and worker. The immorality which Sandars pointed to concerned the unfair and unjustified dismissal of long-serving employees who were also 'friends', that is political cohorts. The emphasis on the long years of service performed by England and especially Bunting chimes with traditions of paternalism. We have seen the public awards for long years of 'servitude' by day labourers at the local annual agricultural show and the choice of the oldest employees and the oldest tenant to present gifts on the occasion of the Palmer-Morewoods' silver wedding anniversary. If an estate, a partnership, or a company and its employees really were like a family then the patriarch or matriarch could not discharge an employee without grave cause just as he or she could not without grave cause banish a son or daughter. The longer an employee served his or her master or mistress the more they deserved the protection accorded to a son or daughter. The more an employee demonstrated a loyalty to his or her employer's interests the further still they should be able to count on that protection. Those members of the working classes who accepted such paternalism with a sincere deference also accepted such a moral economy.

Such a morality, if that is what it was, reappeared in a somewhat different form in the USA in the 1930s and in the UK somewhat later. America in the 1930s saw the first promulgation that I have been able to trace of the idea that workers had, or should have, property rights in jobs. A 13-month strike took place in 1936–37 at the Berkshire Knitting Mills in Wyomissing, Reading, Pennsylvania. Sympathetic sit-down strikes took place in other mills in the locality and it was these that led to a demand that the courts should recognize workers' property rights in their jobs, and thus a right to be present, confounding employers' actions for trespass (Kennedy, 1979; *The New York Times*, 21 and 26 March 1937). With property rights go moral implications, in particular that 'theft' or 'robbery' of that property is a wrong or a crime and should be punished by imposing a civil or criminal penalty. In the event, the strike was settled before the Philadelphia courts had to pronounce on the issue but the event was widely reported in the UK as well as in the USA (*Reynolds's News*, 21 March 1937). The possible connection between the Reading strike, other sit-down strikes in the US in the 1930s and the stay-down strikes of the 1930s in the South Wales coalfield have yet to be examined and would take us too far away from our main topic here were we to do so; nevertheless they deserve examination (Francis and Smith, 1980: 279–298).

The next time this concept surfaced was in the early 1960s, again in the USA when containerization in the West Coast seaports threatened dockers' jobs. Eventually, a radical flexible-working agreement, the Mechanization and Modernization Agreement of October 1960, was negotiated in return for substantial money benefits again, notably, increasing with length of service. The deal was put to a vote of the men: it passed but more than a third voted against. The historian of this deal implies that the motives behind the votes to reject were various but highlights the view of 'San Francisco's famed longshoreman-philosopher Eric Hoffer . . . : "This generation has no right to give away, or sell for money, conditions that were handed on to us by a previous generation" ' (Levinson, 2006: 115). This marked an advance on the ideas of the 1930s: now jobs were not only to be treated as property but as inalienable property.

Discussion continued among US academics (Cohen, 1963; Meyers, 1964; later developments are surveyed by Singer, 2011) but the ground was prepared for a re-emergence of the concept in the UK by the publication of John Bescoby and HA Turner's investigation into strikes in the car industry, which highlighted the number and size of disputes concerned with issues of redundancy (Bescoby and Turner, 1961; this prefigured the better-known Turner et al., 1967) including for example a strike by members of the T&GWU against the British Motor Corporation for redundancy compensation in 1956. This led the way, it has been argued, to the Redundancy Payments Act of 1965 (White, 1985). Earlier experiences of similar issues in the docks leading to the 1947 National Dock Labour Scheme under which registered dockers made redundant by any of the employers associated with the scheme were guaranteed either an alternative job or a £25,000 sum in compensation, appear to have been forgotten by the historian of the topic (Njoya, 2007) as, too, have the negotiations surrounding the reduction in employment in the coal mining industry in the 1950s and 1960s highlighted by Phillips (2013, 2015).

This brief history may suggest the emergence of a partial Anglo-American consensus moral economy over property in jobs. But to do so would, I think, be to confuse morality with expediency. It is clear that Palmer-Morewood's actions were criticized on grounds of morality; that the way he had treated England and Bunting was no way to treat long-standing and loyal servants who had given no just cause for dismissal. But the events at Reading and the West Coast ports in the USA, in the South Wales coalfield in the 1930s, the British docks in the 1940s, the British car industry in the 1950s and the coal industry in the later 1950s and the 1960s were all contested by powerful unions. It is hard not to see expediency and self-interest working on both sides of these disputes rather than a morality, certainly not one shared with the relevant business leaders.

This distinction perhaps needs some explication. In the simplest cases an act motivated by considerations of expediency and not out of a sense of morality will be seen to be motivated by the anticipation of some reward or out of fear of some penalty. In the cases noted above the feared penalty may have been a strike, the hope one for industrial peace. An act motivated by a sense of morality and not out of a sense of expediency, for instance a gift to a beggar on the street, can be seen to be such if there is no reason to fear any adverse consequence from withholding the gift or to enjoy any reward from making the gift, perhaps in terms of a higher esteem in the estimation of one's friends. But there are cases where the two may be hard to distinguish. Philosophers have now struggled for centuries with Kant's claim, first published in 1797, that 'to tell a falsehood to a murderer who asked us whether our friend, of whom he was in pursuit, had not taken refuge in our house, would be a crime' (Kant, 1879; see also Benton, 1982). Most philosophers admit the 'commonsense' solution that the expedient solution ('He went that-a-way') is also the moral solution. Discussing a separate problem, Klemens Kappel (2018) has argued, I think correctly, that when faced with principled moral disagreements, an apparently 'expedient' compromise may itself have moral value. One thinks of the Good Friday Agreement. But despite these cases there are others where a distinguishable difference between actions taken out of morality and for the sake of expediency remains. It is the difference for instance between a person who observes safety regulations because that is the right thing to do and one who observes them only because they have been told an inspection is imminent. Palmer-Morewood's actions in dismissing England and Bunting

were criticized not because they were inexpedient; he faced no legal consequences, no strike of his workers, no boycott by his customers; they were criticized because they broke the customs of the moral economy. In contrast, the later agreements in the USA and the UK which appear to have recognized the existence of some job rights may have been agreed to by managements who calculated that if they did not they would face disruptive industrial disputes.

However, there is some divergent evidence from the UK, suggesting more positive managerial attitudes. When the second reading of the Redundancy Payments Bill was moved by Ray Gunter, the Minister of Labour in 1965 under Harold Wilson, his Conservative shadow, Joseph Godber, claimed:

> The main principle of compensating long-service workers who lose their jobs through redundancy is one which has long been accepted by many employers. . . . This is a principle which is certainly generally to be welcomed and one which we have endorsed on many occasions. (House of Commons Debates, 26 April 1965, vol. 711, col. 54)

The word 'principle' suggests morality rather than expediency. Once again the emphasis on length of service harks back to nineteenth- and eighteenth-century practices of paternalism. The second reading was unopposed and Gunter was able to take the Bill into law despite Wilson's wafer-thin majority.

On the specific issue of job rights it seems we can sum up by saying that rights to continuity of employment, increasing in weight with length of service, and capable of abrogation for just cause including disloyalty were recognized as part of a relationship of paternalism and deference at least as late as the 1880s. They were later expressed in terms of property rights in jobs. For such rights to be explicitly recognized often required industrial action brought by trade unions against employers who may have conceded the point, if they did at all, as a matter of expediency. By the 1960s only a small minority of employees in the UK, Godber suggested perhaps 20 to 25%, had employers who accepted such rights but their employers' representatives among the political classes had come to regard the 'principle' as one to be welcomed.

The moral economy of the business rich and corporate law

It would be possible to trace the evolution of the moral economy of the rich and powerful in other areas of the employment relationship, for example in health and safety law (McLean and Johnes, 2000; Nicols, 1997; Tombs and Whyte, 2007; for the US history see Rogers, 2009) but I think it is important to take a broader perspective. Radical lawyers and business historians have increasingly pointed out the non-neutrality of corporate law (Ireland, 2010; Parkinson, 1995; Tombs and Whyte, 2015). I will argue here, with many others, that it has developed in the US, the UK and in many other jurisdictions in such a way as to absolve the officers of incorporated businesses of personal responsibility towards often large numbers of people to whom responsibility is owed and over matters of major concern: their employment, their incomes, their reputations, their environment, their health, their safety, the health and safety of their friends, their neighbours and their family. This, and here

my argument is much more speculative and tentative, has led to a growth in personal irresponsibility among the business and managerial classes. I include the managerial classes here because the law setting out the status and responsibilities of public corporations (in the sense of state-owned corporations such as the National Coal Board), for example, is similar to that for private corporations, in particular the duties of their directors are laid down in law in a manner that appears to preclude the exercise of common morality.[20]

The most immediate sources laying down the duties of company directors in the UK are the common law and the Companies Acts. The understanding has grown up that these duties are, *inter alia*, to promote the commercial benefit of the company. In a memorable judgement dating back to 1883, Bowen LJ said of a case concerning the gifting of 1,000 guineas to the officials of the company and £1,500 to the directors on the dissolution of the company, that directors can only spend

> . . . money which is not theirs but the company's, if they are spending it for the purposes which are reasonably incidental to the carrying on of the business of the company. That is the general doctrine. . . . The law does not say that there are to be no cakes and ale, but there are to be no cakes and ale except such as are required for the benefit of the company.[21]

On the face of it this ruling would prevent, for example, the donation of benefits in money or kind to the widows and orphans of a railway or colliery disaster by the railway or colliery company concerned. Of course, the impact of the ruling was mitigated by the fact that it added only to civil law and its enforcement therefore required a prosecution by someone who could claim to have been harmed by the donation, i.e. a shareholder. One imagines that few would have cared to suffer the obloquy that such a prosecution would bring upon them.

The development of ideologies of 'corporate social responsibility' since the turn of the twenty-first century has led to a mitigation of this rule in the UK by adding a duty in the Companies Act 2006 to have regard to, for example, 'the impact of the company's operations on the community and the environment' but the relevant section, Section 172, is not enforced by any penalty or even any provision for civil liability. The continuing influence of the rules laid down before 2006 can be seen most vividly in the interviews reported by Tutton and Brand (2023) (but see also Slapper and Tombs, 1999: 141ff.). Tutton and Brand analyse a group of interviews conducted with modern Australian company directors. Broadly speaking, Australian company law is derived from English company law and it seems unlikely that such views are confined to Australia. The most direct comment was from Interviewee Number Nine, who said:

> I don't think a business should have a sense of morality, I think it should be amoral; but it needs to look long term which means that it might look like it's got a bent around being correct or politically correct or it may have a bent around being concerned about the environment and things like that. (Tutton and Brand, 2023: 6)[22]

In short, any appearance of morality should be no more than a politically expedient front.

The second area of company law of relevance here is the acquisition of legal personhood by companies and other organizations distinct from the personhood of their owners,

shareholders, managers or employees, which is now usually explicated by reference to the 1896 case of *Salomon* v. *A. Salomon & Co Ltd*.[23] Aron Salomon made and sold boots and shoes as a sole proprietor. He transformed his business into a limited liability company apparently as one way of allowing his two elder sons to enter the business (he could also have formed a partnership with them). The company of A. Salomon & Co Ltd was formed and had Aron, his wife and five elder children as 'members', fulfilling the requirement in the Companies Acts that a limited liability company had a minimum of seven 'subscribers' or members. Aron and his two elder sons became directors and in 1892 the company purchased Salomon's original business from Aron Salomon. The company issued £10,000 in debentures which were taken up by Aron Salomon himself. Using these debentures as security, Aron Salomon obtained a loan of £5,000 from an Edmund Broderip. Broderip now held half the debentures as security for his loan, expecting to receive interest on them from the company. The business then failed and the company defaulted on the interest payments payable on the debentures. Broderip sued the company and it was put into liquidation. Its assets were realized at £6,055 and Broderip obtained £5,000 from this sum in respect of the debentures he had obtained. Aron Salomon claimed the remaining £1,055 in respect of the debentures he had retained, leaving nothing for the unsecured creditors of the company. Those creditors had no claim against Aron Salomon himself because their transactions had been with the now liquidated company. It would seem that Aron Salomon had escaped from his difficulties scot-free at the expense of his unsecured creditors. Similar difficulties had often led to the bankruptcy of sole traders, the liquidation of all their assets, business and personal, and the partial recompense of their creditors at so much in the pound without those creditors suffering from the burden of paying off debenture holders.

It was hard not to cry 'Fraud!' To many, the whole company of A. Salomon & Co was a fraud from start to finish because, being composed of only Aron Salomon, his wife and children, it seemed to be nothing more than a front for Aron himself and Aron himself should therefore accept responsibility for his debts. The House of Lords disagreed. They could find nothing contrary to law in anything that Salomon had done. The company was established in accordance with law. It was entitled to issue debentures (a sole trader could only have sought a loan). Its winding up had properly repaid those debentures. Because Aron Salomon was a separate legal person from A. Salomon & Co Ltd, the company's creditors had no claim against Aron Salomon himself.

The doctrine that a company had a separate legal personality thus had the effect of enabling Aron Salomon to repudiate his debts, to decline responsibility for them. Despite there now being a few exceptions to this doctrine, its central core remains and has indeed been stoutly defended. Lord Russell of Killowen said the principle was one of 'supreme importance' in 1937; Lord Templeman described suggestions that the doctrine should be ignored as 'heretical' in 1986; Lord Neuberger referred to the ruling as 'a clear and principled decision, which has stood unimpeached for over a century' in 2013.[24] Well, up to a point, mi' Lud. In 1944 Otto Kahn-Freund called the Lords' decision 'calamitous' and stated, 'As it is the company has often become a means of evading liabilities and of concealing the real interests behind the business' (Kahn-Freund, 1944: 54, 55). Nowhere has this become more apparent than in the insistence that a subsidiary company has a distinct personhood from its parent company and the parent's other subsidiaries (Ireland, 1999;

Tombs and Whyte, 2015: 115). The effect is to limit the liabilities payable to those equal to the value of the assets of the subsidiary, whatever the wealth of which the parent and other group members dispose. That corporate subsidiaries are routinely established solely in order to provide an artificial limitation of liability is not doubted. The Union Carbide Corporation of Seadrift, Texas, the company responsible for the Bhopal disaster, at first tried to claim that any responsibility rested solely with its subsidiary, Union Carbide India Limited; it subsequently rowed back from this position as it became clear that the scale of the disaster had rendered it not only morally but also politically untenable (Tombs and Whyte, 2015: 115).

Of course the law is not the only feature of the social, political and economic environment that has a bearing on the morality of the rich and powerful. The tremendous growth in organizational scale since the eighteenth century cannot but have made it more difficult for a senior corporate officer to feel a moral responsibility for the actions of the whole organization (Cassis, 1999; Hannah, 1976; Jones, 2004; Prais, 1976). The decline in non-conformist Christianity in England may be another reason.[25] The close involvement of a number of non-conformist businessmen in the anti-slavery movement of the 1787–1833 period contrasts starkly with the absence of such support today for, say, Uyghur Solidarity UK.[26] The enormous growth in advertising since the 1950s with the comparable growth in the employment of 'marketing and communications' officers whose daily lives are concerned to use hyperbole, metaphor, and all the more disreputable devices of written, visual and musical rhetoric to render an inaccurate, misleading, illusory, fantastic and distorted picture of reality cannot have encouraged that 'very narrow' measurement of one's acts and that 'nicest consideration of honour' of which Sandars spoke in 1889.[27]

Conclusions

I have tried to show here that the concept of a 'moral economy' introduced by EP Thompson is capable of application to the morality (and the immorality) of the rich and powerful. One difficulty that might have stood in the way of such applications was Thompson's insistence that it was appropriate to attribute to the authorities who stood in control after the demise of traditional rural paternalism the views of Adam Smith and that these views were without moral features. Fortunately, historians of twentieth-century Britain have ignored this and have produced useful accounts of the morality politics of the Thatcher era. Here I have tried to shift the focus from politics to business in the belief that the influence of business on the general culture is at least as powerful as that of politics and that it is certainly more persistent. An awareness of such linkages appears to have grown in the UK and USA as the prevalence of fraud, theft, perjury, tax evasion and tax avoidance has grown.

I began by going back to the late nineteenth century and took a case-study approach focused on the career of a provincial landowner and businessman, Charles Rowland Palmer-Morewood. At first sight the episode which I highlighted, the Severn–Pogmore seduction case, had little to do with his business activities but it came to engage his power as an employer. His exertion of that power caused outrage in the local community including in the local Conservative Association, and we saw that the morality of dismissing employees was capable of causing substantial divisions not only between

employer and employed but between Conservative and Conservative. There was clearly a morality among the rich and powerful and, just as clearly, this was sometimes contravened. I drew attention to the throwbacks evident in this morality of employment to the surviving paternalism of the times. That there was also a morality of gender relations which was also grossly contravened in this episode also became obvious, but this I left for another time.

The investigations of employment questions by many members of the conference 'Moral Economy at the Crossroads', which generated this special issue,[28] in much more recent times under the heading of 'deindustrialization' interrogate how the morality of employment developed subsequently. It was not possible in the time or space available to do anything more than call attention to the development from at least the 1930s onward in the UK and USA of a concept of property rights in jobs. While often pushed forward by trades unions in the face of much employer resistance, by the time of the passage of the UK Redundancy Payments Act in 1965 there was some evidence of an employment morality shared by both main political parties in the UK. Remarkably, this retained the emphasis on length of service evident in the paternalism of the nineteenth and eighteenth centuries.

I then moved on to a more speculative discussion of the effects of corporate law on corporate behaviour and suggested its tendency to produce an irresponsibility in the behaviour of corporate officers. I pointed out that UK corporate law has had a widespread influence on British society as a whole since much applies not only to businesses but also to a wide variety of other organizations including the former National Coal Board and the National Health Service. I noticed two aspects of importance, the legal specification of the duties of company directors, and the legal personhood accorded not only to business companies but to other corporations. I showed that UK law facilitated the irresponsibility of business officers in, for instance, allowing the evasion of corporate debts. I noticed some evidence that at least some company directors believe that in their business activities they need exercise no moral judgement at all, taking us right back to Thompson's views on Adam Smith.

Let me offer a coda. At about 9:15 on the morning of Friday, 21 October 1966, after several days of heavy rain, a colliery tip on a hillside above the village of Aberfan in South Wales collapsed. About 40,000 cubic metres of debris flowed rapidly downhill into the village below in a slurry about 12 m deep. The slurry engulfed a farm, 20 terraced houses, Pantglas Junior School and part of the separate senior school; 116 children and 28 adults were killed (McLean and Johnes, 2000). At the inquest there was uproar after

> Mr. John Collins, whose wife and two sons died in the house next to the school, demanded that the cause of death should be recorded as 'Buried alive by the National Coal Board'.
>
> A woman from the back said: 'He is right. They killed our children.'
>
> . . .
>
> Another man said it was the feeling of everyone. 'Those are the words we want to go down', he said. A woman who had been crying looked up and murmured: 'The children have been murdered.'
>
> . . .

> After further protests a man who had lost his daughter, aged eight, said that the only inquiry had been on Friday [the day of the disaster] 'when we stood and saw our children murdered'. (*The Times*, 25 October 1966: 11)

There is perhaps no greater contrast between this moral economy of the people which shows no hesitancy in using the term 'murder' and accusing the NCB of perpetrating it and the moral economy of the powerful with its nice distinctions between murder and manslaughter and its upholding of the laws and practices that protect the powerful from the consequences of their actions and inactions. Nobody was demoted, sacked, sued, prosecuted, fined, imprisoned or otherwise penalized for the actions and inactions that led to the Aberfan disaster (McLean and Johnes, 2000: viii). Nobody in any position of responsibility resigned, expressed remorse, or apologized (McLean and Johnes, 2000: 206–208, 233–234; Smith, 2011, 2014). That Lord Robens, the chair of the NCB, did not offer his resignation until after he was assured it would not be accepted (McLean and Johnes, 2000: 33–39) is one of the most egregious examples of the moral economy of the rich and powerful in modern times. It is far from those acts 'governed by the nicest considerations of honour' which JS Sandars had enjoined on those 'who [wield] great power and influence' less than a century before.

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ORCID iD

Quentin Outram https://orcid.org/0000-0002-3433-9761

Notes

1. Thompson's references to Smith are confined to Smith's 'Digression concerning the Corn Trade and Corn Laws' at the end of Chapter V of Book IV of the *Wealth of Nations*. In the Glasgow edition (Smith, 1976), this occupies 19 pages of a 950-page text.
2. The presence of Gladstone's bookplate is taken as definitive proof of his ownership by the 'GladCat' project team at Hawarden; see Bradley (2009).
3. The twin consensus has been re-stated from time to time; see: Gordon (1971), Holmes (1976), Bartrip (1980, 1983) and Waller (2006).
4. Cf. Thompson's (1991a: 340–341) discussion of Reddy (1984) and Scott (1976).
5. It was often referred to as Swanwick Collieries because it consisted of several pits. These were however treated as a single colliery for mine management and regulatory purposes.

6. These were the short-lived South Yorkshire and North Derbyshire Coal Owners' Association (*AJ*, 7 April 1876; 20 February 1880); the more long-lived Midland Counties Colliery Owners' Association which was affiliated to the national Mining Association of Great Britain, and the Chesterfield and North Derbyshire Institute of Mining Engineers.
7. Membership lists from the late 1860s and early 1870s have been transcribed and amalgamated by the Peak District Mines Historical Society with the results made available online at https://pdmhs.co.uk/files/engineers.php (accessed 20 April 2024). The institute elected colliery owners as well as mining engineers to its membership. The acquisition of skills and qualifications in mine engineering was a frequently travelled route into colliery management and ownership, see (Outram, 2004: 114–115).
8. See the report of the coroner's inquest on the deaths of two miners at the Swanwick Collieries, John Severn (1872–1902) and Samuel Hatherley (1885–1902) (*Sheffield Daily Telegraph*, 31 January 1902; *Derbyshire Times*, 1 February 1902); and on an accident involving a shaft cage at Swanwick Collieries in which three men fell 70 or 80 yards (60 or 70 metres) to their deaths leaving two widows and 20 fatherless children (*AJ*, 15 April 1904).
9. Charlotte Severn was born on 4 March 1870 (General Register Office, Birth Certificate).
10. Led by the Salvation Army which presented a 'monster' petition to Parliament (*The Times*, 31 July 1885), the Wesleyan Conference (*Leeds Mercury*, 24 July 1885) and sections of the established Church (*The Times*, 8 August 1885). The Queen appeared sympathetic, while refraining from contravening the constitutional conventions preventing her from saying so in as many words (*Birmingham Mail*, 29 July 1885).
11. Contemporaries distinguished seduction from rape on the basis of whether or not force had been used rather than whether or not consent had been given. See the US but contemporary discussion in Blackburn (1890) and the US and modern but historically informed treatment by Larson (1993). The nineteenth-century British law is explained and discussed in a literature much of which focuses on Canadian law and practice but which remains of use here because the Canadian law was based on the British: see Backhouse (1986) and Bailey (1991). Another branch of the literature has been written by literary historians discussing whether Tess Durbeyfield should be understood to have been raped or seduced in Thomas Hardy's novel *Tess of the D'Urbervilles*: Davis (1997). The tort was abolished in England and Wales by the Law Reform (Miscellaneous Provisions) Act 1970. For the development of the concept of 'grooming', see Burgess and Hartman (2018) and Dietz (2018).
12. The child was born on 26 March 1889 (*AJ*, 16 August 1889) and named Gladys.
13. The case was reported extensively in a manner which recalls the later remark of Hector France that British magistrates in 'Crim. Con.' cases were the worst pornographers (France, 1891: ix); see the *Alfreton Journal* (16 August 1889), which provided a pseudo-verbatim report of the trial.
14. Letter, CR Palmer-Morewood to the Editor, *The Alfreton Journal*, 11 October 1889.
15. Letter, George Bunting, Thomas England and Joseph Elliott, to the Editor, *The Alfreton Journal*, 18 October 1889. Joseph Elliott's two daughters, Mary and Harriett, friends of Charlotte Severn, gave evidence against Pogmore at the trial, Mary by testifying that she had seen Pogmore walking out with Charlotte 'with his arm round her neck'.
16. James Alfred Jacoby (1852–1909) was a Nottingham lace manufacturer first elected as MP for Mid-Derbyshire in 1885 and re-elected with gradually increasing majorities until his death. He was 'always regarded as a sound Radical' (*The Times*, 24 June 1909).
17. Contemporary reference works such as Brewer (1910) explicate 'Cleon' as 'The personification of glory in Spenser's *Faërie Queen*', not as the demagogic general of the Peloponnesian War described by Thucydides.

18. John Satterfield Sandars (1853–1934) was private secretary to the Conservative Home Secretary Henry Matthews in 1885–92. After the episode described here, he failed to take the Mid-Derbyshire Parliamentary seat in 1892 and he became private secretary to AJ Balfour in 1895, retaining the post when Balfour became Prime Minister in 1902. His *Times* obituarist described him as 'nothing if he was not conservative and constitutionalist, intelligent and informed, it is true, but old-fashioned and Tory to a fault, even something of a "die-hard". He preferred ever and always *stare super antiquas vias* [to stand upon the ancient ways – a Masonic motto]' (*The Times*, 31 March 1934).
19. Henry Brougham (1778–1868), from 1830 the 1st Baron Brougham and Vaux, was elected to Parliament as a Whig in 1810. He helped defeat the 1820 Pains and Penalties Bill, which, if passed, would have annulled the marriage of George IV to Caroline of Brunswick and deprived her of her title of Queen. This assured his popularity. Brougham was later a supporter of liberal policies including the abolition of slavery, free trade and parliamentary reform.
20. Parts of the National Health Service, for example hospital trusts, though not public corporations are similar, not least because of the recruitment of private sector managers to leading positions in these and similar areas of the NHS from 1983 onwards following the Griffiths Report (Davidmann, 1985; Kirkpatrick and Malby, 2022). The author of the report was Roy Griffiths, the managing director of Sainsbury's, the grocers.
21. *Hutton* v. *West Cork Rly Co* (1883) 23 Ch D 654.
22. 'Bent' usually means an aptitude, inclination or bias; here 'bent around' appears to mean a 'preference for'.
23. The legal citation is [1896] UKHL 1 [1897] AC 22.
24. Respectively at: *E.B.M. Co Limited* v. *Dominion Bank* [1937] 3 All ER 555 at 564; *Williams & Humbert* v. *W & H Trade Marks* [1986] AC 368 at 429B; *Prest* v. *Petrodel Resources Ltd* [2013] UKSC 34, [2013] 2 AC 415 at para 66.
25. See Voas and Crockett (2005), Morris (2003, 2012) and Green (2010).
26. See Quirk and Richardson (2010). Petrick (2011) provides a valuable case study of the H.J. Heinz Company, founded by Henry J. Heinz, a devout Lutheran. Burton et al. (2019) offer a study of the Quaker biscuit manufacturers Huntley & Palmer founded in 1841. The study suggests that the conversion of the company to a limited liability company in 1896 eventually prevented it from following Quaker business practices.
27. For the growth in advertising expenditures in the USA since 1950 see Molinari and Turino (2017). There are no substantial grounds for thinking the growth any less rapid in the UK where measurement is bedevilled by the lack of a useful definition of 'advertising' in the outputs of the major statistical agencies. The qualitative histories of advertising in Britain are consistent with the assumption of rapid post-war growth and its recent continuation made here. See Nevett (1982) and Patsiaouras (2017). For the possible effects of advertising contrary to the public good going beyond encouraging an habitual disregard for truth, see Driver (2017).
28. 'The Moral Economy at the Crossroads of History and Social Science: Finding Customs in Common?' Centre for the Political Economy of Labour, Work, Employment and Organisation, Strathclyde University, 23 November 2023.

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Author biography

Quentin Outram is a Visiting Senior Research Fellow in the Economics Department of the Faculty of Business in Leeds University. He is Secretary of the Society for the Study of Labour History in the UK. He researches the history of coal and coal miners. His most recent book (edited with Keith Laybourn) is *Secular Martyrdom in Britain and Ireland: From Peterloo to the Present* (Palgrave Macmillan, 2018).