

**STRIKE, LAW AND THE RIGHT TO STRIKE: BEFORE AND AFTER
THE CONSTITUTION OF 1988*****GREVE, LEI E DIREITO À HISTÓRIA: ANTES E APÓS A
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ABSTRACT

At present, the legal nature of strikes is beyond any doubt a right in the democratic countries, as recognized by the International Labor Organization. However, such recognition has not always happened. Before the end of the 19th century, strike was considered an illicit, criminal or, the least, forbidden act. It was only by the middle of the 20th century that strike was consecrated as a workers' right, in the International Covenant on Economic, Social and Cultural Rights of the United Nations, 1966. From the constitutional point of view, our Federal Constitutions of 1824, 1891 and 1934 have not addressed the right to strike; in the Constitution of 1937, with the establishment of the "Estado Novo" (the Vargas Era), strike started to be seen as an offense and considered an anti-social and harmful resource to the Economy. The current Federal Constitution assured extensive exercise of the right to strike, established that the law should define the essential services or activities and prescribe on the fulfillment of the unavoidable needs of the community, and those who committed the abuses should be

subjected to punishment established by Law. Nevertheless, its exercise is restricted and limited to provisions imposed by law, so as to protect other rights which are equally relevant to society. The participants of the strike that act in an abusive way are subjected to punishment and should take responsibility for their actions in the civil, criminal and labor spheres.

KEYWORDS: Strike; Civil Actions; Labor Sphere.

RESUMO

Atualmente, a natureza jurídica das greves é, sem dúvida, um direito nos países democráticos, conforme reconhecido pela Organização Internacional do Trabalho. No entanto, esse reconhecimento nem sempre aconteceu. Antes do final do século 19, a greve era considerada um ato ilícito, criminoso ou menos proibido. Foi apenas em meados do século 20 que a greve foi consagrada como um direito dos trabalhadores, no Pacto Internacional de Direitos Econômicos, Sociais e Culturais das Nações Unidas, 1966. Do ponto de vista constitucional, nossas Constituições Federais de 1824, 1891 e 1934 não abordaram o direito à greve; Na Constituição de 1937, com a criação do "Estado Novo", a greve começou a ser vista como uma ofensa e considerada um recurso anti-social e prejudicial para a economia. A atual Constituição Federal assegurou o exercício extensivo do direito à greve, estabeleceu que a lei deveria definir os serviços ou atividades essenciais e prescrever sobre o cumprimento das necessidades inevitáveis da comunidade, e aqueles que cometiam os abusos devem ser submetidos a uma pena estabelecida por Lei. No entanto, seu exercício é restrito e limitado às disposições impostas por lei, de modo a proteger outros direitos igualmente relevantes para a sociedade. Os participantes da greve que agem de forma abusiva são punidos e devem assumir a responsabilidade por suas ações nas esferas civil, criminal e trabalhista.

PALAVRAS-CHAVE: Greve; Ações Cíveis; Esfera Trabalhista.

INTRODUCTION

It is imperative to point out the huge significance of the strike as a social phenomenon in the two last centuries. Strikes are unquestionably responsible for the most important social changes occurred in this period. We can mention, as examples, the establishment of the democratic regimes; the rise of the worker's standard of living; the consecration of the collective fundamental rights; the advent of social security; the equality among people, and so many others. One may also add to this list the emergence of Labor Law as an autonomous field of Law, "such a phenomenon which, all over the world, was a result of the occurrence of strikes" (MANTERO DE SAN VICENTE, 2004. p. 190).

At present, the legal nature of strikes is beyond any doubt a right in the democratic countries, as recognized by the International Labor Organization. However, such recognition has not always happened. Before the end of the 19th century, strike was considered an illicit, criminal or, the least, forbidden act. It was only by the middle of the 20th century that strike was consecrated as a workers' right, in the International Covenant on Economic, Social and Cultural Rights of the United Nations, 1966 (MELO, 2009. p. 20).

The stoppages (or strikes) started in the quarter of the 19th century with the coalitions of workers, whose aim was not only to seek better wages, but, above all, the recognition of other fundamental rights that were denied by the industries, which, at that time, were incipient, and were being established and developed. In a claiming movement, resistance was found in the existing economic order, and did not allow the intervention of the government in the private sector, subjected to the market laws". Therefore, such coalitions were considered "offensive to public freedoms, and also illegal" (CARVALHO, 1989. p. 492-502).

The so-called *prohibition era*, or the time when strike was considered an offense, may be recognized by some decisive circumstances. First of all, the "rise of the bourgeoisie to power and the organization of a state apparatus at their service". Secondly, "the rise of private property to the condition of men's natural right". Thirdly, "the results of human freedom" (LA CUEVA, 1979 p. 569).

Law, therefore, throughout history, has never ignored the existence of this complex social phenomenon called *strike*. On the contrary, it has always intended to regulate it. The evolutionary and historical process, from the sanction as criminal offense to its “consecration as a fundamental human right, represents one of the most surprising processes in the evolution of Law” (MANTERO DE SAN VICENTE, 2004, p. 191).

At a certain point of the historic evolution, as a result of time itself, the pressure of the labor and trade union movement and the maturity of the reformist theses, strike was no longer dealt with as a crime. The liberal State “no longer criminally suppresses strike as a general phenomenon, adopting an attitude of neutrality, indifference or tolerance (neither repression nor protection)” (PALOMEQUE LÓPEZ, 1988. p. 222). There only subsists aspects of legal and administrative prohibition of a strike for the situations of political intentionality and stoppage of public service.

Nonetheless, there were still difficulties regarding the legal recognition of the strike, since if collective stoppage of work should no longer be considered a criminal offense, “the civil law was used to help employers, allowing them to rescind employment relationships for not respecting the obligation to provide the hired services”. Moreover, employers could also employ “new workers and ask for the support of public force to keep up with or renew the activities in their factories” (LA CUEVA, 2004, p. 571).

Such setting, as mere “government abstentionism in the labor conflict”, may be considered insufficient, as it would be necessary the “immunity guarantee of the strike before the private sanctions.” Even though it is no longer a criminal and administrative offense, it is still a civil violation (labor), the period of the “strike-contractual non-compliance”.

This way, we reach what may be named as a third phase, or stage, in the historical evolution of the strike. The positive law starts to recognize the existence of the right to strike.

The Mexican Constitution of 1917 recognizes the right to strike as the first record of Constitutional Law. Such achievement is incorporated into the Latin-American Constitutions in the twenties and thirties. Its generalization, however, worldwide, is only produced after the fall of the fascist regimes, in 1945. It cannot be

said yet that all the countries in the world have already had this right guaranteed. Nonetheless, when such recognition takes place, providing workers with the right to strike, civil or criminal sanctions are no longer signed. On the contrary, this right should guarantee the “exercise of the right to strike” (MANTERO DE SAN VICENTE, 2004, p. 191).

Another phase, or stage, in the evolution of Law, has been taking place in this beginning of century. Strike is no longer considered an only and solely right. Representing a clear demonstration of the exercise of trade union freedom, strike is now the qualifier of a Fundamental Human Right, such a fact which would form a new evolving stage still in development. There can be mentioned as examples: The International Covenant of Economic, Social and Cultural Rights (1966, article n.8), the Inter-American Charter of Social Guarantees (art. 27), the Protocol of San Salvador (art. 8, b, item 2), the European Social Charter and the Community Charter of the Fundamental Social Rights of Workers (1989) ¹.

The International Labor Organization does not have a specific Convention on strike, even though some rules are about this right, even if not in a detailed way: Conventions 87, 105, 160 and 168. Recommendation n. 92 of the ILO, despite being about settlement and arbitration, claims that “none of its provisions should be interpreted so as to withdraw the right to strike”. In addition, there are two other Resolutions that approach the same theme in the ILO: the Resolution concerning the Abolition of Anti-Trade Union Legislation in the State members, adopted by the International Labor Conference in 1957, and the Resolution on trade union rights and their relation to civil liberties, adopted by the International Labor Conference in 1970. At last, entry n. 364 of the Committee on Freedom of Associations specifies the right to strike as one of the fundamental rights of workers and their organization, but as long as it represents a means to defend their interests².

¹ In the sense of the text consult: MANTERO DE SAN VICENTE, 2004, p. 192; PIOVESAN, 2008. p. 281 e 402.

² On these aspects, by all, consult: THOME, Candy Florencio. *Greve*. In SCHWARZ, Rodrigo Garcia 2012. p. 500; GUNTHER, Luiz Eduardo. **Resoluções e declarações da OIT**: natureza e efeitos. Tese de Doutorado apresentada à UFPR, Curitiba, 2002; MARTINS, Sérgio Pinto. **Convenções da OIT**. São Paulo: Atlas, 2009. p. 219-222, 477-481, 537-551, 626-632; OIT. **La libertad sindical**. 3. ed. Ginebra, 1985. p. 360.

These changes, like many other contemporaneous transformations of Law, are bound to the “globalization of the economy and to the loss of power of the nation States”. It is not difficult, therefore, to understand the importance of the “internationalization of the right to strike and its guarantees, in a market economy that tends to be worldwide” (MANTERO DE SAN VICENTE, 2004, p. 194).

2 HOW THE BRAZILIAN LAW CONSIDERED STRIKE BEFORE 1988

The first Brazilian Constitution, of 1824, presented nothing regarding strike, only abolishing, in art.179, n. 25, “the guilds, their judges, clerks of court and masters” (CATHARINO, 1977. p. 275).

The Brazilian Criminal Code of December 16th, 1830, punished, in art. 179 and 180, the slavery of a free person and impediment for someone to do what was permitted by law, or that was made to do something against the law (SANTOS, 2008. p. 573-591).

The Sinimbu Law (Law of Work for Hire of 1879) established that if the refusal or the absence to work were collective, “the offenders should be arrested until the trial, which would be carried out as a matter of urgency, and promoted in the same procedure” (SANTOS, 2008. p. 573-591).

The Criminal Code of 1890 forbade the strike, considered its exercise a crime, and punished the offender with a sentence from one to three months. Decree n. 1162, of December 12th, 1890, repealed such procedure. In 1932, law n. 38, of April 4th, that dealt with national security, conceptualized strike as an offense (CATHARINO, 1977, p. 275).

It is important to point out that the Brazilian Constitution of 1891 was abstained with regards to the phenomenon of strike. Being liberal and abstentionist, “presented nothing regarding work, allowing doubt over the possibility that the ordinary law could regulate it”. This possibility, however, was clearly defined by the Reform of September 7th, 1926, when it was included, in art. 34, n. 28, “the competence by the Brazilian National Congress to legislate on labor” (CATHARINO, 1977, p. 275).

The democratic Constitution of 1934, in the President Vargas era, passed by a popular assembly, recognized the trade unions, the trade union plurality (art. 120), and also the collective conventions (art. 121, “j”), “but assigned the Labor Court, with an administrative characteristic, to settle the issues between employees and employers (art. 122). As far as strike was concerned, there was no word about it” (AROUCA, 2012. p. 337).

Next, chronologically, the repression to strike took place based on Law n. 38, of April 4th, 1935, named Law of National Security. Such law declared, in art. 18, that it is an offense to “instigate or prepare the stoppage of public services or population supply”. It was also considered an offense to induce employers or employees to the cessation or suspension of work by reasons which were unknown to their conditions” (RUSSOMANO, 1990 p. 806).

The first Federal Constitution to effectively deal with the theme was the Brazilian Federal Constitution of 1937. In art.139, it declared strike and lockout as anti-social resources, harmful to work and to the capital, and incompatible with the higher interests of national production (MELO, 2009, p. 21).

In 1938, Decree-law n. 431 qualified as a crime (article n. 3, item II) “to induce employees and employers to the cessation of work”. One year later, Decree-Law n. 1237, of May 2nd, created the Labor Court, marking it with the punitive stigma”, establishing only to the participants of the strike and the *lockout*. It also capitulated Decree-Law 1237, of 1939, a penalty suspension of up to six months or dismissal for the workers who, with no permission by the Court, abandoned work or disrespected its decision, “besides the loss of the position of professional representation, and more, incompatibility to exercise it in a period from two to five years” (AROUCA, 2012, p. 338).

The Brazilian Criminal Code of 1940 and the Consolidation of Labor Laws of 1943 followed the path established by the Constitution of 1937. The Criminal Code, enacted by Decree-Law n. 2848 of December 7th, 1940, typified, among the crimes against the labor organization, “the participation in strike with violence against a thing or a person” (art. 200), or that provoked “the interruption of public work or services of collective interest” (art. 201). The Consolidation of Labor Laws (Decree-Law n. 5452, of May 1st, 1943) also disciplined strike and lockout in art.722 and the following ones,

“conditioning any cessation of economic or professional activity to the previous authorization by the competent court, under severe sanctions (RUSSOMANO, 1990, p. 806).

In February and March, 1945, (from Feb 21st to Mar 3rd), soon after the end of the Second World War, Brazilian joined, in Mexico, the Inter-American Conference on Problems of War and Peace. In this event, our country signed the final minutes, named the “Minute of Chapultepec”, in which the “Declaration of America’s Social Principles” was included, containing the following recommendation (Tít. XVIII, item II, n. 1: “[...] THEY RECOMMEND: [...] g) The recognition of the right to workers’ association, collective contract and the right to strike” (CATHARINO, 1997, p. 276).

Elected by popular vote, the president Eurico Gaspar Dutra, on March 15th, 1946, enacted Decree-Law n. 9070, which “recognized the right to strike and disciplined it”, being fairly considered the first “law of strike” of the country. Although it reflected the position of Brazil in Chapultepec, Decree-Law n. 9070 totally affected what was exposed in art. 139 of the Brazilian Constitution of 1937, still in force. However, it determines a new time in the history of the Brazilian legislation concerning strike. At that moment, Brazil overcomes “the long period of repression to strike, which had reached, with small time gaps, in the Federal Constitution of 1937, its most dramatic and highest point” (RUSSOMANO, 1990, p. 808).

Redemocratizing Brazil, the Constitution of 1946 substantially modifies the previous Federal Constitution (of 1937), recognizing the right to strike, which would be regulated in law (art. 158). This way, strike becomes a worker’s right. Its regulation, however, is left to the ordinary law.

The Constitution of 1967 kept the right to strike, determining that its exercise should be regulated in law (art. 158, XXI). It expressed, nonetheless, that it should not be allowed the strike in public services and essential activities defined in law (art. 157, § 7º). The constitutional Amendment n. 1, of 1969, prescribed it in the same way (art. 165, XX and art. 162) (VELLOSO, 1998, p. 555-568).

Decree-Law n. 9070 was considered in force by the court up to the time of Law n. 4330, of June 1st, 1964, our second law of strike (CATHARINO, 1997, p. 278).

Law n. 4330, of June 1st, 1964, regulated the right to strike, in the form of art.158 of the Brazilian Federal Constitution, of 1946, when the “Revolution of 1964”

had already been victorious, such a fact that explains several of its flaws (CATHARINO, 1997, p. 279).

It is true that Law n. 4330/64 allowed the strike in ordinary activities, “despite of a lot of restrictions”, which, in practice, “made its exercise almost impossible”. It was forbidden, for example, the political strike and also the solidarity strike, faithfully reflecting the “real philosophy of that dictatorial regime”, as it did not allow any kind of strike but the one due to “the relief of professional interests bound to employment contract” (MELO, 2009, p. 21).

The Constitution of October 5th, 1988, art. n. 9, reassured the right to strike to workers, being them responsible for deciding on the opportunity to exercise it, and on the interests that they should defend (VELLOSO, 1998, p. 556).

3 THE DIFFICULTIES TO REGULATE THE RIGHT TO STRIKE FROM THE BRAZILIAN FEDERAL CONSTITUTION OF 1988 ON

The Constitution of 1988 was a new and big step in the regulation of the right to strike in Brazil, which, imbued with both, a liberal spirit and a strong socialist preoccupation, opened new horizons and paths that were mostly unknown to our positive law, at least in the last five decades (RUSSOMANO, 1990, p. 813).

It is important, or else, more than that, it is fundamental, in the case, the thorough examination of art n. 9 of the Constitution of 1988, in connection with other constitutional precepts. On June 28th, 1989, Law n.7783 prescribed on the right to strike, defined the essential activities, regulated the service of indispensable needs of the community and made other provisions.

Law n. 7783/89, expressly repealed Law n. 4330, of June 1st, 1964, and also Decree-Law n. 1632, of August 4th, 1978, as well as the other provisions that countered the ones on strike (RUSSOMANO, 1990, p. 814-815).

The Consolidation of Labor Laws, whose seventieth anniversary was in 2013, handled the Labor Court in Title VIII, articles 643 and 735. In this title, in chapter VII, when standardizing punishments, referred to *lockout*, and strike in arts. 722 to 725.

Art. 722 handles lockout, punishing the employers that:

Individually or collectively suspend the work of their institutions, without previous authorization by the competent Court, or that violate or refuse to comply with the decision determined by collective bargaining. (COSTA, 2012. p. 115).

Article 723 imposed penalties to the employees that “collectively, and with no previous authorization by the competent court, abandoned work, or disobeyed any decision taken in bargaining”.

Article 724 established a penalty when the stoppage of services or the disobedience to the Labor Court decisions were ordered, or not, by professional trade-union associations of employees or employers”.

Article 725 was even more drastic, since it determined “punishment of prison envisaged in the criminal legislation, without prejudice to the other new sanctions”. And that could happen in relation to the employee, employer, or even to one from other categories in conflict that instigated the “practice of offenses envisaged in this chapter”, or yet, if they had “led the coalition of employers or employees”.

These provisions were dacronian and collided, beyond any doubt, with what was prescribed in the Federal Constitution of 1988 (art. n. 9), and in the Law of Strike (n. 7783, of 1989). It is striking the fact that only in 1999 such provisions have been expressly repealed.

When referring to articles 723 and 724 of the Consolidation of Labor Laws, José Aparecido dos Santos considers that this repressive movement “has not yet been abandoned by the labor courts”. Even though such provisions have been repealed by the Federal Constitution, or, at least, by Law n. 9842/99, “they aim to restore these constraining government fines by other means, with the enforcement of alleged and inventive ‘*daily fines*’ (SANTOS, 2008, p. 575).

4 CRIMINAL, CIVIL AND LABOR ASPECTS DUE TO THE EXERCISE OF STRIKE

As a social phenomenon, strike undertakes distinct forms and characteristics. In some occasions, it is expressed as a spontaneous explosion, or nearly spontaneous, before certain forms of exploitation.

On other occasions, it is the result of ideological elaborations and integrate in a complete reflection of tactics and strategies. That is why, in some cases, it is designated, rightly or not, as an act of violence. In others, it is expressed as passive resistance whose strength derives from the feeling of solidarity (MANTERO DE SAN VICENTE, 2004, p. 190-191).

In a chapter on strike, in its classical work “Tratado Elementar de Direito Sindical” (“Elementary Treaty of Trade-Union Law”), José Martins Catharino highlights its effects, which may be: labor, civil, criminal and administrative ones. In relation to criminal effects, he says that, qualified as a crime (being also possible for the *lockout*), the corresponding punishment is applicable. However, it is not qualified as such, but as a criminal violation when, “during its course, personal or proprietary, the criminal effect does not arise from the strike considered in itself, but from the practice of a non-working offense” (CATHARINO, 1997, p. 273).

It is necessary to explain that the several sanctions (labor, civil, criminal and administrative) are not mutually exclusive, “given the several natures and purposes” (CATHARINO, 1997, p. 273).

It is also important to point out that “the criminal effects of the strike, or due to the strike, are a major subject in Labor Criminal Law” (CATHARINO, 1997, p. 293).

Even though strike is a constitutional right, it is not possible to consider revoked all the articles of the Criminal Code that deal with strike and “anticipate liable punishable actions” at the time they are triggered. In this sense, it becomes necessary to distinguish between “legitimate strike and illegitimate as such” (or else, in the goals), from a “legitimate strike in the goals” that, in its exercise, “becomes illegitimate”, while being followed by illegitimate actions” (even if it is still legitimate in the goals). This situation may cause criminal consequences by offenses committed in their opportunity, as, for instance: “the threats, violation of the employer’s home (expanding to the

occupation of companies), private violence, voluntary damage in establishments, sabotage, boycott, etc” (MAZZONI, 1972. p. 263).

One should not consider strike an absolute right, and there should be restrictions in its exercise, “even because every right comes with a limit, and it is not the expression of full freedom”. The limits of the right to strike should be based on two theories; the one of the damage equity or proportionalities of sacrifices; and the one of respecting other rights protected by the legal system. In the first theory, it is considered an internal limit, since the right to strike would be like a mark of loyal struggle, “where the social interlocutors cannot suffer from disproportionate loss, and, as a consequence, the cost of strike should be equivalent to both parties”. The second theory is based on external limits, the respect to other rights protected by the legal system, which would be the same as “the respect to individuals’ physical and psychological integrity, to the safeguard of the company, prohibiting the destruction and damage of the establishments” (MARTINS, 2009, p. 60). To balance these factors, outlining the boundaries of the mutual limits, represents a task to be developed by the interpreter, with basis on the Constitution itself (art. 9, § 2), that subjects the ones responsible for the abuses committed during the strike” (BARROS, 1998. p. 458-469).

Even though strike exempts the employee from the duty of attendance, it does not exempt them from the duty of loyalty. Therefore, it is an abuse of the right to strike: a) the non-compliance of the rules in Law n.7783, of 1983 (meeting resolution, notice of termination, attempt at bargaining”); b) outbreak in the effectiveness of the agreement, collective convention or normative judgment, except when the purpose is to compel the enforcement of its clauses, or to call for a review that became unfair, given the supervenience of a new or unexpected fact; c) when the trade union or the strikers make use of violent means to attract workers, violating their fundamental rights, threatening or damaging the person or establishment, or even invading the establishment; d) the trade-union fails to comply the court order which determines the maintenance of the indispensable services to fulfil the unavoidable needs of the community, being those the ones that, if not attended, put in danger the life, health and safety of the population (BARROS, 1998. p. 267-468)

It is important to mention the consequences of these ways of labor fight. The criminal, civil and contractual immunity “is only verified with respect to legitimate strikes”.

Law n. 7783, of June 28th, 1989, that prescribes about the exercise of the right to strike, defines the essential activities, regulates the fulfilment of the unavoidable needs of the community and provides other measures, also states, in art. 15, that the responsibility of the actions taken in the course of strike, illicit or committed crimes, “should be ascertained, according to the case, in agreement with the labor civil or criminal legislation. The sole paragraph of this article prescribes that, having circumstantial evidence of the offense, the Prosecution Office, on its own initiative, should request the opening of the competent inquiry and file an information against it (NASCIMENTO, 1989. p. 126).

Representing a constitutional right of workers, strike would be insusceptible to constitute a wrongful act. However, it is essential to highlight the hypotheses of the practice of actions, in the course of the strike, “that constitute a wrongful labor, civil or criminal act, when there should be appointed the responsibility of the one who violated the law (NASCIMENTO, 1989. p. 126).

Even though the excess that counts in ordinary crimes or in abusive damage should be punished in the civil, criminal and labor sphere (Law 7783/89 art.15), “the mere participation in a strike cannot be a reason for dismissal with cause” (SANTOS, 2008, p. 591).

FINAL CONSIDERATIONS

Strike is a social and universal demonstration, with economic and political connotations which mark the history of the labor class in the dispute with the capital, for better wage and working conditions before the aspiration of social climbing.

From the constitutional point of view, our Federal Constitutions of 1824, 1891 and 1934 have not addressed the right to strike; in the Constitution of 1937, with the establishment of the “Estado Novo” (the Vargas Era), strike started to be seen as an offense and considered an anti-social and harmful resource to the Economy.

The Constitution of 1946 recognized the strike as a right of workers, but with wide restrictions to the so-called essential and basic industrial services. The Constitutions of 1967 and 1969 reproduced such constraints, specified in the ordinary legislation.

The current Federal Constitution assured extensive exercise of the right to strike, established that the law should define the essential services or activities and prescribe on the fulfillment of the unavoidable needs of the community, and those who committed the abuses should be subjected to punishment established by Law.

The exercise of this right by the working class, thus, is currently recognized in the privileged legal category of fundamental Law, and it can be used as an instrument of claims, source of collective labor law, breach of contract, and a means of recognition among workers, through their respective unions. Such recognition is verified not only internally, but also internationally, and several international instruments have included the right to strike as a part of the Fundamental Human Rights.

The right to strike infers the right to freedom, equality and fraternity, since a claim represents the exercise of the right of workers to gather pacifically, without the intervention of the State, in a fraternal demonstration aiming at the improvement of working conditions to equal the unequal ones.

Nevertheless, its exercise is restricted and limited to provisions imposed by law, so as to protect other rights which are equally relevant to society. The participants of the strike that act in an abusive way are subjected to punishment and should take responsibility for their actions in the civil, criminal and labor spheres.

Indeed, the need of legal regulation of this collective freedom focuses on the promotion of the possibility and efficacy of the institute, not to the restriction or impediment of its existence and development, depicting the grant to the working classes of social pressure, accepted and protected by the democratic legal order.

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