

Space for Notes



Karl Marx,
Capital Volume One

Part III:
The Production of Absolute Surplus-Value

Chapter Ten:
The Working-Day

Section 6

**The Struggle for the Normal Working-Day.
Compulsory Limitation by Law of the Working-Time.
The English Factory Acts, 1833 to 1864**

After capital had taken centuries in extending the working-day to its normal maximum limit, and then beyond this to the limit of the natural day of 12 hours, [98] there followed on the birth of machinism and modern industry in the last third of the 18th century, a violent encroachment like that of an avalanche in its intensity and extent. All bounds of morals and nature, age and sex, day and night, were broken down. Even the ideas of day and night, of rustic simplicity in the old statutes, became so confused that an English judge, as late as 1860, needed a quite Talmudic sagacity to explain "judicially" what was day and what was night. [99] Capital celebrated its orgies.

As soon as the working-class, stunned at first by the noise and turmoil of the new system of production, recovered, in some measure, its senses, its resistance began, and first in the native land of machinism, in England. For 30 years, however, the concessions conquered by the workpeople were purely nominal. Parliament passed 5 labour Laws between 1802 and 1833, but was shrewd enough not to vote a penny for their carrying out, for the requisite officials, &c. [100]

They remained a dead letter. "The fact is, that prior to the Act of 1833, young persons and children were worked all night, all day, or both *ad libitum*." [101]

A normal working-day for modern industry only dates from the Factory Act of 1833, which included cotton, wool, flax, and silk factories. Nothing is more characteristic of the spirit of capital than the history of the English Factory Acts from 1833 to 1864.

The Act of 1833 declares the ordinary factory working-day to be from half-past five in the morning to half-past eight in the evening and within these limits, a period of 15 hours, it is lawful to employ young persons (i.e., persons between 13 and 18 years of age), at any time of the day, provided no one individual young person should work more than 12 hours in any one day, except in certain cases especially provided for. The 6th section of the Act provided. "That there shall be allowed in the course of every day not less than one and a half hours for meals to every such person restricted as hereinbefore provided." The employment of children under 9, with exceptions mentioned later was forbidden; the work of children between 9 and 13 was limited to 8 hours a day, night-work, i.e., according to this Act, work between 8:30 p.m. and 5:30 a.m., was forbidden for all persons between 9 and 18.

The law-makers were so far from wishing to trench on the freedom of capital to exploit adult labour-power, or, as they called it, "the freedom of labour," that they created a special system in order to prevent the Factory Acts from having a consequence so outrageous.

"The great evil of the factory system as at present conducted," says the first report of the Central Board of the Commission of June 28th 1833, "has appeared to us to be that it entails the necessity of continuing the labour of children to the utmost length of that of the adults. The only remedy for this evil, short of the limitation of the labour of adults which would, in our opinion, create an evil greater than that which is sought to be remedied, appears to be the plan of working double sets of children." ... Under the name of System of Relays, this "plan" was therefore carried out, so that, e.g., from 5.30 a.m. until 1.30 in the afternoon, one set of children between 9 and 13, and from 1.30 p.m. to 8.30 in the evening another set were "put to," &c.

In order to reward the manufacturers for having, in the most barefaced way, ignored all the Acts as to children's labour passed during the last twenty-two years, the pill was yet further gilded for them. Parliament decreed that after March 1st, 1834, no child under 11, after March 1st 1835, no child under 12, and after March 1st, 1836, no child under 13 was to work more than eight hours in a factory. This "liberalism," so full of consideration for "capital," was the more noteworthy as. Dr. Farre, Sir A. Carlisle, Sir B. Brodie, Sir C. Bell, Mr. Guthrie, &c., in a word, the most distinguished physicians and surgeons in London, had declared in their evidence before the House of Commons, that there was danger in delay. Dr. Farre expressed himself still more coarsely. "Legislation is necessary for the prevention of death, in any form in which it can be prematurely inflicted, and certainly this (i.e., the factory method) must be viewed as a most cruel mode of inflicting it."

That same "reformed" Parliament, which in its delicate consideration for the manufacturers, condemned children under 13, for years to come, to 72 hours of work per week in the Factory Hell, on the other hand, in the Emancipation Act, which also administered freedom drop by drop, forbade the planters, from the outset, to work any Negro slave more than 45 hours a week.

But in no wise conciliated, capital now began a noisy agitation that went on for several years. It turned chiefly on the age of those who, under the name of children, were limited to 8 hours' work, and were subject to a certain amount of compulsory education. According to capitalistic anthropology, the age of childhood ended at 10, or at the outside, at 11. The more nearly the time approached for the coming into full force of the Factory Act, the fatal year 1836, the more wildly raged the mob of manufacturers. They managed, in fact, to intimidate the government to such an extent that in 1835 it proposed to lower the limit of the age of childhood from 13 to 12. In the meantime the pressure from without grew more threatening. Courage failed the House of Commons. It refused to throw children of 13 under the Juggernaut Car of capital for more than 8 hours a day, and the Act of 1833 came into full operation. It remained unaltered until June, 1844.

In the ten years during which it regulated factory work, first in part, and then entirely, the official reports of the factory inspectors teem with complaints as to the impossibility of putting the Act into force. As the law of 1833 left it optional with the lords of capital during the 15 hours, from 5.30 a.m. to 8.30 p.m., to make every "young person," and "every child" begin, break off,

resume, or end his 12 or 8 hours at any moment they liked, and also permitted them to assign to different persons, different times for meals, these gentlemen soon discovered a new "system of relays," by which the labour-horses were not changed at fixed stations, but were constantly re-harnessed at changing stations. We do not pause longer on the beauty of this system, as we shall have to return to it later. But this much is clear at the first glance: that this system annulled the whole Factory Act, not only in the spirit, but in the letter. How could factory inspectors, with this complex bookkeeping in respect to each individual child or young person, enforce the legally determined work-time and the granting of the legal mealtimes? In a great many of the factories, the old brutalities soon blossomed out again unpunished. In an interview with the Home Secretary (1844), the factory inspectors demonstrated the impossibility of any control under the newly invented relay system. [102] In the meantime, however, circumstances had greatly changed. The factory hands, especially since 1838, had made the Ten Hours' Bill their economic, as they had made the Charter their political, election-cry. Some of the manufacturers, even, who had managed their factories in conformity with the Act of 1833, overwhelmed Parliament with memorials on the immoral competition of their false brethren whom greater impudence, or more fortunate local circumstances, enabled to break the law. Moreover, however much the individual manufacturer might give the rein to his old lust for gain, the spokesmen and political leaders of the manufacturing class ordered a change of front and of speech towards the workpeople. They had entered upon the contest for the repeal of the Corn Laws, and needed the workers to help them to victory. They promised therefore, not only a double-sized loaf of bread, but the enactment of the Ten Hours' Bill in the Free-trade millennium. [103] Thus they still less dared to oppose a measure intended only to make the law of 1833 a reality. Threatened in their holiest interest, the rent of land, the Tories thundered with philanthropic indignation against the "nefarious practices" [104] of their foes.

This was the origin of the additional Factory Act of June 7th, 1844. It came into effect on September 10th, 1844. It places under protection a new category of workers, viz., the women over 18. They were placed in every respect on the same footing as the young persons, their worktime limited to twelve hours, their night-labour forbidden, &c. For the first time, legislation saw itself compelled to control directly and officially the labour of adults. In the Factory Report of 1844-1845, it is said with irony: "No instances have come to my knowledge of adult women having expressed any regret at their rights being thus far interfered with." [105] The working-time of children under 13 was reduced to 61, and in certain circumstances to 7 hours a-day. [106]

To get rid of the abuses of the "spurious relay system," the law established besides others the following important regulations: — "That the hours of work of children and young persons shall be reckoned from the time when any child or young person shall begin to work in the morning." So that if A, e.g., begins work at 8 in the morning, and B at 10, B's work-day must nevertheless end at the same hour as A's. "The time shall be regulated by a public clock," for example, the nearest railway clock, by which the factory clock is to be set. The occupier is to hang up a "legible" printed notice stating the hours for the beginning and ending of work and the times allowed for the several meals. Children beginning work before 12 noon may not be again employed after 1 p.m. The afternoon shift must therefore consist of other children than those employed in the morning. Of the hour and a half for meal-times, "one hour thereof at the least shall be given before three of the clock in the afternoon ... and at the same period of the day. No child or young person shall be employed more than five hours before 1 p.m. without an interval for meal-time of at least

30 minutes. No child or young person [or female] shall be employed or allowed to remain in any room in which any manufacturing process is then [i.e., at mealtimes] carried on," &c.

It has been seen that these minutiae, which, with military uniformity, regulate by stroke of the clock the times, limits, pauses of the work were not at all the products of Parliamentary fancy. They developed gradually out of circumstances as natural laws of the modern mode of production. Their formulation, official recognition, and proclamation by the State, were the result of a long struggle of classes. One of their first consequences was that in practice the working-day of the adult males in factories became subject to the same limitations, since in most processes of production the co-operation of the children, young persons, and women is indispensable. On the whole, therefore, during the period from 1844 to 1847, the 12 hours' working-day became general and uniform in all branches of industry under the Factory Act.

The manufacturers, however, did not allow this "progress" without a compensating "retrogression." At their instigation the House of Commons reduced the minimum age for exploitable children from 9 to 8, in order to assure that additional supply of factory children which is due to capitalists, according to divine and human law. [107]

The years 1846-47 are epoch-making in the economic history of England. The Repeal of the Corn Laws, and of the duties on cotton and other raw material; Free-trade proclaimed as the guiding star of legislation; in a word, the arrival of the millennium. On the other hand, in the same years, the Chartist movement and the 10 hours' agitation reached their highest point. They found allies in the Tories panting for revenge. Despite the fanatical opposition of the army of perjured Free-traders, with Bright and Cobden at their head, the Ten Hours' Bill, struggled for so long, went through Parliament.

The new Factory Act of June 8th, 1847, enacted that on July 1st, 1847, there should be a preliminary shortening of the working-day for "young persons" (from 13 to 18), and all females to 11 hours, but that on May 1st, 1848, there should be a definite limitation of the working-day to 10 hours. In other respects, the Act only amended and completed the Acts of 1833 and 1844.

Capital now entered upon a preliminary campaign in order to hinder the Act from coming into full force on May 1st, 1848. And the workers themselves, under the presence that they had been taught by experience, were to help in the destruction of their own work. The moment was cleverly chosen. "It must be remembered, too, that there has been more than two years of great suffering (in consequence of the terrible crisis of 1846-47) among the factory operatives, from many mills having worked short time, and many being altogether closed. A considerable number of the operatives must therefore be in very narrow circumstances many, it is to be feared, in debt; so that it might fairly have been presumed that at the present time they would prefer working the longer time, in order to make up for past losses, perhaps to pay off debts, or get their furniture out of pawn, or replace that sold, or to get a new supply of clothes for themselves and their families." [108]

The manufacturers tried to aggravate the natural effect of these circumstances by a general reduction of wages by 10%. This was done so to say, to celebrate the inauguration of the new Free-trade era. Then followed a further reduction of 8 1/3% as soon as the working-day was shortened to 11, and a reduction of double that amount as soon as it was finally shortened to 10 hours. Wherever,

therefore, circumstances allowed it, a reduction of wages of at least 25% took place. [109] Under such favourably prepared conditions the agitation among the factory workers for the repeal of the Act of 1847 was begun. Neither lies, bribery, nor threats were spared in this attempt. But all was in vain. Concerning the half-dozen petitions in which workpeople were made to complain of "their oppression by the Act," the petitioners themselves declared under oral examination, that their signatures had been extorted from them. "They felt themselves oppressed, but not exactly by the Factory Act." [110] But if the manufacturers did not succeed in making the workpeople speak as they wished, they themselves shrieked all the louder in press and Parliament in the name of the workpeople. They denounced the Factory Inspectors as a kind of revolutionary commissioners like those of the French National Convention ruthlessly sacrificing the unhappy factory workers to their humanitarian crotchet. This manoeuvre also failed. Factory Inspector Leonard Homer conducted in his own person, and through his sub-inspectors, many examinations of witnesses in the factories of Lancashire. About 70% of the workpeople examined declared in favour of 10 hours, a much smaller percentage in favour of 11, and an altogether insignificant minority for the old 12 hours. [111]

Another "friendly" dodge was to make the adult males work 12 to 15 hours, and then to blazon abroad this fact as the best proof of what the proletariat desired in its heart of hearts. But the "ruthless" Factory Inspector Leonard Homer was again to the fore. The majority of the "over-times" declared: "They would much prefer working ten hours for less wages, but that they had no choice; that so many were out of employment (so many spinners getting very low wages by having to work as piecers, being unable to do better), that if they refused to work the longer time, others would immediately get their places, so that it was a question with them of agreeing to work the longer time, or of being thrown out of employment altogether." [112]

The preliminary campaign of capital thus came to grief, and the Ten Hours' Act came into force May 1st, 1848. But meanwhile the fiasco of the Chartist party whose leaders were imprisoned, and whose organization was dismembered, had shaken the confidence of the English working-class in its own strength. Soon after this the June insurrection in Paris and its bloody suppression united, in England as on the Continent, all fractions of the ruling classes, landlords and capitalists, stock-exchange wolves and shop-keepers, Protectionists and Freetraders, government and opposition, priests and freethinkers, young whores and old nuns, under the common cry for the salvation of Property, Religion, the Family and Society. The working-class was everywhere proclaimed, placed under a ban, under a virtual law of suspects. The manufacturers had no need any longer to restrain themselves. They broke out in open revolt not only against the Ten Hours' Act, but against the whole of the legislation that since 1833 had aimed at restricting in some measure the "free" exploitation of labour-power. It was a pro-slavery rebellion in miniature, carried on for over two years with a cynical recklessness, a terrorist energy all the cheaper because the rebel capitalist risked nothing except the skin of his "hands."

To understand that which follows we must remember that the Factory Acts of 1833, 1844, and 1847 were all three in force so far as the one did not amend the other: that not one of these limited the working-day of the male worker over 18, and that since 1833 the 15 hours from 5.30 a.m. to 8.30 p.m. had remained the legal "day," within the limits of which at first the 12, and later the 10 hours' labour of young persons and women had to be performed under the

prescribed conditions.

The manufacturers began by here and there discharging a part of, in many cases half of the young persons and women employed by them, and then, for the adult males, restoring the almost obsolete night-work. The Ten Hours' Act, they cried, leaves no other alternative. [113]

Their second step dealt with the legal pauses for meals. Let us hear the Factory Inspectors. "Since the restriction of the hours of work to ten, the factory occupiers maintain, although they have not yet practically gone the whole length, that supposing the hours of work to be from 9 a.m. to 7 p.m. they fulfil the provisions of the statutes by allowing an hour before 9 a.m. and half an hour after 7 p.m. [for meals]. In some cases they now allow an hour, or half an hour for dinner, insisting at the same time, that they are not bound to allow any part of the hour and a half in the course of the factory working-day." [114] The manufacturers maintained therefore that the scrupulously strict provisions of the Act of 1844 with regard to meal-times only gave the operatives permission to eat and drink before coming into, and after leaving the factory — i.e., at home. And why should not the workpeople eat their dinner before 9 in the morning? The crown lawyers, however, decided that the prescribed meal-times "must be in the interval during the working-hours, and that it will not be lawful to work for 10 hours continuously, from 9 a.m. to 7 p.m., without any interval." [115]

After these pleasant demonstrations, Capital precluded its revolt by a step which agreed with the letter of the law of 1844, and was therefore legal.

The Act of 1844 certainly prohibited the employment after 1 p.m. of such children, from 8 to 13, as had been employed before noon. But it did not regulate in any way the 6 1/2 hours' work of the children whose work-time began at 12 midday or later. Children of 8 might, if they began work at noon, be employed from 12 to 1, 1 hour; from 2 to 4 in the afternoon, 2 hours; from 5 to 8.30 in the evening, 3 1/2 hours; in all, the legal 6 1/2 hours. Or better still. In order to make their work coincide with that of the adult male labourers up to 8.30 p.m., the manufacturers only had to give them no work till 2 in the afternoon, they could then keep them in the factory without intermission till 8.30 in the evening. "And it is now expressly admitted that the practice exists in England from the desire of mill-owners to have their machinery at work for more than 10 hours a-day, to keep the children at work with male adults after all the young persons and women have left, and until 8.30 p.m. if the factory-owners choose." [116] Workmen and factory inspectors protested on hygienic and moral grounds, but Capital answered:

"My deeds upon my head! I crave the law,
The penalty and forfeit of my bond."

In fact, according to statistics laid before the House of Commons on July 26th, 1850, in spite of all protests, on July 15th, 1850, 3,742 children were subjected to this "practice" in 257 factories. [117] Still, this was not enough. The Lynx eye of Capital discovered that the Act of 1844 did not allow 5 hours' work before mid-day without a pause of at least 30 minutes for refreshment, but prescribed nothing of the kind for work after mid-day. Therefore, it claimed and obtained the enjoyment not only of making children of 8 drudge without intermission from 2 to 8.30 p.m., but also of making them hunger during that time.

"Ay, his heart.
So says the bond."

This Shylock-clinging [118] to the letter of the law of 1844, so far as it regulated children's labour, was but to lead up to an open revolt against the same law, so far as it regulated the labour of "young persons and women." It will be remembered that the abolition of the "false relay system" was the chief aim and object of that law. The masters began their revolt with the simple declaration that the sections of the Act of 1844 which prohibited the ad libitum use of young persons and women in such short fractions of the day of 15 hours as the employer chose, were "comparatively harmless" so long as the work-time was fixed at 12 hours. But under the Ten Hours' Act they were a "grievous hardship." [119] They informed the inspectors in the coolest manner that they should place themselves above the letter of the law, and re-introduce the old system on their own account. [120] They were acting in the interests of the ill-advised operatives themselves, "in order to be able to pay them higher wages." "This was the only possible plan by which to maintain, under the Ten Hours' Act, the industrial supremacy of Great Britain." "Perhaps it may be a little difficult to detect irregularities under the relay system; but what of that? Is the great manufacturing interest of this country to be treated as a secondary matter in order to save some little trouble to Inspectors and Sub-Inspectors of Factories?" [121]

All these shifts naturally were of no avail. The Factory Inspectors appealed to the Law Courts. But soon such a cloud of dust in the way of petitions from the masters overwhelmed the Home Secretary, Sir George Grey, that in a circular of August 5th, 1848, he recommends the inspectors not "to lay informations against mill-owners for a breach of the letter of the Act, or for employment of young persons by relays in cases in which there is no reason to believe that such young persons have been actually employed for a longer period than that sanctioned by law." Hereupon, Factory Inspector J. Stuart allowed the so-called relay system during the 15 hours of the factory day throughout Scotland, where it soon flourished again as of old. The English Factory Inspectors, on the other hand, declared that the Home Secretary had no power dictatorially to suspend the law, and continued their legal proceedings against the pro-slavery rebellion.

But what was the good of summoning the capitalists when the Courts in this case the country magistrates — Cobbett's "Great Unpaid" — acquitted them? In these tribunals, the masters sat in judgment on themselves. An example. One Eskrigge, cotton-spinner, of the firm of Kershaw, Leese, & Co., had laid before the Factory Inspector of his district the scheme of a relay system intended for his mill. Receiving a refusal, he at first kept quiet. A few months later, an individual named Robinson, also a cotton-spinner, and if not his Man Friday, at all events related to Eskrigge, appeared before the borough magistrates of Stockport on a charge of introducing the identical plan of relays invented by Eskrigge. Four Justices sat, among them three cotton spinners, at their head this same inevitable Eskrigge. Eskrigge acquitted Robinson, and now was of opinion that what was right for Robinson was fair for Eskrigge. Supported by his own legal decision, he introduced the system at once into his own factory. [122] Of course, the composition of this tribunal was in itself a violation of the law. [123] These judicial farces, exclaims Inspector Howell, "urgently call for a remedy — either that the law should be so altered as to be made to conform to these decisions, or that it should be administered by a less fallible tribunal, whose decisions would conform to the law ... when these cases are brought forward. I long for a stipendiary magistrate." [124]

The crown lawyers declared the masters' interpretation of the Act of 1848 absurd. But the Saviours of Society would not allow themselves to be turned from their purpose. Leonard Homer reports, "Having endeavoured to enforce the Act ... by ten prosecutions in seven magisterial divisions, and having been supported by the magistrates in one case only ... I considered it useless to prosecute more for this evasion of the law. That part of the Act of 1848 which was framed for securing uniformity in the hours of work, ... is thus no longer in force in my district (Lancashire). Neither have the sub-inspectors or myself any means of satisfying ourselves, when we inspect a mill working by shifts, that the young persons and women are not working more than 10 hours a-day.... In a return of the 30th April, ... of millowners working by shifts, the number amounts to 114, and has been for some time rapidly increasing. In general, the time of working the mill is extended to 13 1/2 hours' from 6 a.m. to 7 1/2 p.m., in some instances it amounts to 15 hours, from 5 1/2 a.m. to 8 1/2 p.m." [125] Already, in December, 1848, Leonard Homer had a list of 65 manufacturers and 29 overlookers who unanimously declared that no system of supervision could, under this relay system, prevent enormous over-work. [126] Now, the same children and young persons were shifted from the spinning-room to the weaving-room, now, during 15 hours, from one factory to another. [127] How was it possible to control a system which, "under the guise of relays, is some one of the many plans for shuffling 'the hands' about in endless variety, and shifting the hours of work and of rest for different individuals throughout the day, so that you may never have one complete set of hands working together in the same room at the same time." [128]

But altogether independently of actual over-work, this so-called relay system was an offspring of capitalistic fantasy, such as Fourier, in his humorous sketches of "Courses Seances," has never surpassed, except that the "attraction of labour" was changed into the attraction of capital. Look, for example, at those schemes of the masters which the "respectable" press praised as models of "what a reasonable degree of care and method can accomplish." The personnel of the workpeople was sometimes divided into from 12 to 14 categories, which themselves constantly changed and recharged their constituent parts. During the 15 hours of the factory day, capital dragged in the labourer now for 30 minutes, now for an hour, and then pushed him out again, to drag him into the factory and to thrust him out afresh, hounding him hither and thither, in scattered shreds of time, without ever losing hold of him until the full 10 hours' work was done. As on the stage, the same persons had to appear in turns in the different scenes of the different acts. But as an actor during the whole course of the play belongs to the stage, so the operatives, during 15 hours, belonged to the factory, without reckoning the time for going and coming. Thus the hours of rest were turned into hours of enforced idleness, which drove the youths to the pot-house, and the girls to the brothel. At every new trick that the capitalist, from day to day, hit upon for keeping his machinery going 12 or 15 hours without increasing the number of his hands, the worker had to swallow his meals now in this fragment of time, now in that. At the time of the 10 hours' agitation, the masters cried out that the working mob petitioned in the hope of obtaining 12 hours' wages for 10 hours' work. Now they reversed the medal. They paid 10 hours' wages for 12 or 15 hours' lordship over labour-power. [129] This was the gist of the matter, this the masters' interpretation of the 10 hours' law! These were the same unctuous Free-traders, perspiring with the love of humanity, who for full 10 years, during the Anti-Corn Law agitation, had preached to the operatives, by a reckoning of pounds, shillings, and pence, that with free importation of corn, and with the means possessed by English industry, 10 hours' labour would be

quite enough to enrich the capitalists. [130] This revolt of capital, after two years was at last crowned with victory by a decision of one of the four highest Courts of Justice in England, the Court of Exchequer, which in a case brought before it on February 8th, 1850, decided that the manufacturers were certainly acting against the sense of the Act of 1844, but that this Act itself contained certain words that rendered it meaningless. "By this decision, the Ten Hours' Act was abolished." [131] A crowd of masters, who until then had been afraid of using the relay system for young persons and women, now took it up heart and soul. [132]

But on this apparently decisive victory of capital, followed at once a revulsion. The workpeople had hitherto offered a passive, although inflexible and unremitting resistance. They now protested in Lancashire and Yorkshire in threatening meetings. The pretended Ten Hours' Act was thus simple humbug, parliamentary cheating, had never existed! The Factory Inspectors urgently warned the Government that the antagonism of classes had arrived at an incredible tension. Some of the masters themselves murmured: "On account of the contradictory decisions of the magistrates, a condition of things altogether abnormal and anarchical obtains. One law holds in Yorkshire, another in Lancashire, one law in one parish of Lancashire, another in its immediate neighbourhood. The manufacturer in large towns could evade the law, the manufacturer in country districts could not find the people necessary for the relay system, still less for the shifting of hands from one factory to another," &c. And the first birthright of capital is equal exploitation of labour-power by all capitalists.

Under these circumstances a compromise between masters and men was effected that received the seal of Parliament in the additional Factory Act of August 5th, 1850. The working-day for "young persons and women," was raised from 10 to 10 — hours for the first five days of the week, and shortened to 7 1/2 on the Saturday. The work was to go on between 6 a.m. and 6 p.m., [133] with pauses of not less than 1 1/2 hours for meal-times, these meal-times to be allowed at one and the same time for all, and conformably to the conditions of 1844. By this an end was put to the relay system once for all. [134] For children's labour, the Act of 1844 remained in force.

One set of masters, this time as before, secured to itself special seigniorial rights over the children of the proletariat. These were the silk manufacturers. In 1833 they had howled out in threatening fashion, "if the liberty of working children of any age for 10 hours a day were taken away, it would stop their works." [135] It would be impossible for them to buy a sufficient number of children over 13. They extorted the privilege they desired. The pretext was shown on subsequent investigation to be a deliberate lie. [136] It did not, however, prevent them, during 10 years, from spinning silk 10 hours a day out of the blood of little children who had to be placed upon stools for the performance of their work. [137] The Act of 1844 certainly "robbed" them of the "liberty" of employing children under 11 longer than 6 1/2 hours a day. But it secured to them, on the other hand, the privilege of working children between 11 and 13, 10 hours a day, and of annulling in their case the education made compulsory for all other factory children. This time the pretext was "the delicate texture of the fabric in which they were employed, requiring a lightness of touch, only to be acquired by their early introduction to these factories." [138] The children were slaughtered out-and-out for the sake of their delicate fingers, as in Southern Russia the horned cattle for the sake of their hide and tallow. At length, in 1850, the privilege granted in 1844, was limited to the departments of silk-twisting and silk-winding. But here, to make

amends to capital bereft of its "freedom," the work-time for children from 11 to 13 was raised from 10 to 10 1/2 hours. Pretext: "Labour in silk mills was lighter than in mills for other fabrics, and less likely in other respects also to be prejudicial to health." [139] Official medical inquiries proved afterwards that, on the contrary, "the average death-rate is exceedingly high in the silk districts and amongst the female part of the population is higher even than it is in the cotton districts of Lancashire." [140] Despite the protests of the Factory Inspector, renewed every 6 months, the mischief continues to this hour. [141]

The Act of 1850 changed the 15 hours' time from 6 a.m. to 8.30 p.m., into the 12 hours from 6 a.m. to 6 p.m. for "young persons and women" only. It did not, therefore, affect children who could always be employed for half an hour before and 2 1/2 hours after this period, provided the whole of their labour did not exceed 6 1/2 hours. Whilst the bill was under discussion, the Factory Inspectors laid before Parliament statistics of the infamous abuses due to this anomaly. To no purpose. In the background lurked the intention of screwing up, during prosperous years, the working-day of adult males to 15 hours by the aid of the children. The experience of the three following years showed that such an attempt must come to grief against the resistance of the adult male operatives. The Act of 1850 was therefore finally completed in 1853 by forbidding the "employment of children in the morning before and in the evening after young persons and women." Henceforth with a few exceptions the Factory Act of 1850 regulated the working-day of all workers in the branches of industry that come under it. [142] Since the passing of the first Factory Act half a century had elapsed. [143]

Factory legislation for the first time went beyond its original sphere in the "Printworks' Act of 1845." The displeasure with which capital received this new "extravagance" speaks through every line of the Act. It limits the working-day for children from 8 to 13, and for women to 16 hours, between 6 a.m. and 10 p.m., without any legal pause for meal-times. It allows males over 13 to be worked at will day and night. [144] It is a Parliamentary abortion. [145]

However, the principle had triumphed with its victory in those great branches of industry which form the most characteristic creation of the modern mode of production. Their wonderful development from 1853 to 1860, hand-in-hand with the physical and moral regeneration of the factory workers, struck the most purblind. The masters from whom the legal limitation and regulation had been wrung step by step after a civil war of half a century, themselves referred ostentatiously to the contrast with the branches of exploitation still "free." [146] The Pharisees of "Political Economy" now proclaimed the discernment of the necessity of a legally fixed working-day as a characteristic new discovery of their "science." [147] It will be easily understood that after the factory magnates had resigned themselves and become reconciled to the inevitable, the power of resistance of capital gradually weakened, whilst at the same time the power of attack of the working-class grew with the number of its allies in the classes of society not immediately interested in the question. Hence the comparatively rapid advance since 1860.

The dye-works and bleach-works all came under the Factory Act of 1850 in 1860; [148] lace and stocking manufactures in 1861.

In consequence of the first report of the Commission on the employment of children (1863) the same fate was shared by the manufacturers of all earthenwares (not merely pottery), Lucifer-matches, percussioncaps, cartridges, carpets, fustian-cutting, and many processes included under the

name of "finishing." In the year 1863 bleaching in the open air [149] and baking were placed under special Acts, by which, in the former, the labour of young persons and women during the night-time (from 8 in the evening to 6 in the morning), and in the latter, the employment of journeymen bakers under 18, between 9 in the evening and 5 in the morning were forbidden. We shall return to the later proposals of the same Commission, which threatened to deprive of their "freedom" all the important branches of English Industry, with the exception of agriculture, mines, and the means of transport. [150]

Footnotes

[98] It is certainly much to be regretted that any class of persons should toil 12 hours a day, which, including the time for their meals and for going to and returning from their work, amounts, in fact, to 14 of the 24 hours.... Without entering into the question of health, no one will hesitate, I think, to admit that, in a moral point of view, so entire an absorption of the time of the working-classes, without intermission, from the early age of 13, and in trades not subject to restriction, much younger, must be extremely prejudicial, and is an evil greatly to be deplored.... For the sake, therefore, of public morals, of bringing up an orderly population, and of giving the great body of the people a reasonable enjoyment of life, it is much to be desired that in all trades some portion of every working-day should be reserved for rest and leisure." (Leonard Homer in *Reports of Insp. of Fact. for 31st Dec., 1841.*)

[99] See *Judgment of Mr. J. H. Otway, Belfast. Hilary Sessions, County Antrim, 1860.*

[100] It is very characteristic of the regime of Louis Philippe, the bourgeois king, that the one Factory Act passed during his reign, that of March 22nd, 1841, was never put in force. And this law only dealt with child-labour. It fixed 8 hours a day for children between 8 and 12, 12 hours for children between 12 and 16, &c., with many exceptions which allow night-work even for children 8 years old. The supervision and enforcement of this law are, in a country where every mouse is under police administration, left to the good-will of the amis du commerce. Only since 1853, in one single department — the Departement du Nord — has a paid government inspector been appointed. Not less characteristic of the development of French society, generally, is the fact, that Louis Philippe's law stood solitary among the all-embracing mass of French laws, till the Revolution of 1848.

[101] *Report of Insp. of Fact. 30th April, 1860*, p. 50.

[102] *Rept. of Insp. of Fact., 31st October, 1849*, p. 6.

[103] *Rept. of Insp. of Fact., 31st October, 1848*, p. 98.

[104] Leonard Homer uses the expression "nefarious practices" in his official reports. (*Report of Insp. of Fact., 31st October, 1859*, p. 7.)

[105] *Rept., &c., 30th Sept., 1844*, p. 15.

[106] The Act allows children to be employed for 10 hours if they do not work day after day, but only on alternate days. In the main, this clause remained inoperative.

[107] "As a reduction in their hours of work would cause a larger number (of children) to be employed, it was thought that the additional supply of children from 8 to 9 years of age would meet the increased demand" (l. c., p. 13).

[108] *Rep. of Insp. of Fact., 31st Oct., 1848*, p. 16.

[109] "I found that men who had been getting 10s. a week, had had 1s. taken off for a reduction in the rate of 10 per cent, and 1s. 6d. off the remaining 9s. for the reduction in time, together 2s. 6d. and notwithstanding this, many of them said they would rather work 10 hours." l. c.

[110] "Though I signed it [the petition], I said at the time I was putting my hand to a wrong thing.' 'Then why did you put your hand to it?' 'Because I should have been turned off if I had refused.' Whence it would appear that this petitioner felt himself 'oppressed,' but not exactly by the Factory Act." l. c., p. 102.

[111] p. 17, l. c. In Mr. Homer's district 10,270 adult male labourers were thus examined in 181 factories. Their evidence is to be found in the appendix to the Factory Reports for the half-year

ending October 1848. These examinations furnish valuable material in other connexions also.

[112] l. c. See the evidence collected by Leonard Homer himself, Nos. 69, 70, 71, 72, 92, 93, and that collected by Sub-Inspector A., Nos. 51, 52, 58, 59, 62, 70, of the Appendix. One manufacturer, too, tells the plain truth. See No. 14, and No. 265, l. c.

[113] *Reports, &c., for 31st October, 1848*, pp. 133, 134.

[114] *Reports, &c., for 30th April, 1848*, p. 47.

[115] *Reports, &c., for 31st October, 1848*, p. 130.

[116] *Reports, &c., l. c.*, p. 142.

[117] *Reports &c., for 31st October, 1850*, pp. 5, 6.

[118] The nature of capital remains the same in its developed as in its undeveloped form. In the code which the influence of the slave-owners, shortly before the outbreak of the American Civil War, imposed on the territory of New Mexico, it is said that the labourer, in as much as the capitalist has bought his labour-power, "is his (the capitalist's) money." The same view was current among the Roman patricians. The money they had advanced to the plebeian debtor had been transformed via the means of subsistence into the flesh and blood of the debtor. This "flesh and blood" were, therefore, "their money." Hence, the Shylock-law of the Ten Tables. Linguet's hypothesis that the patrician creditors from time to time prepared, beyond the Tiber, banquets of debtors' flesh, may remain as undecided as that of Daumer on the Christian Eucharist.

[119] *Reports, &c., for 30th April, 1848*, p. 28.

[120] Thus, among others, Philanthropist Ashworth to Leonard Homer, in a disgusting Quaker letter. (*Reports, &c., April, 1849*, p. 4.)

[121] l. c., p. 140.

[122] *Reports, &c., for 30th April, 1849*, pp. 21, 22. Cf like examples *ibid.*, pp. 4, 5.

[123] By I. and II. Will. IV., ch. 24, s. 10, known as Sir John Wobhouse's Factory Act, it was forbidden to any owner of a cotton-spinning or weaving mill, or the father, son, or brother of such owner, to act as Justice of the Peace in any inquiries that concerned the Factory Act.

[124] l. c.

[125] *Reports, &c., for 30th April, 1849*, p. S.

[126] *Reports, &c., for 31st October, 1849*, p. 6.

[127] *Reports, &c., for 30th April, 1849*, p. 21.

[128] *Reports, &c., for 31st October, 1848*, p. 95.

[129] See *Reports, &c.*, for 30th April, 1849, p. 6, and the detailed explanation of the "shifting system," by Factory Inspectors Howell and Saunders, in "Reports, &c., for 31st October, 1848." See also the petition to the Queen from the clergy of Ashton and vicinity, in the spring of 1849, against the shift system."

[130] Cf. for example, *The Factory Question and the Ten Hours' bill.*, By R. H. Greg, 1837.

[131] F. Engels: "The English Ten Hours' Bill." (In the *Neue Rheinische Zeitung. Politisch-oekonomische Revue*. Edited by K. Marx. April number, 1850, p. 13.) The same "high" Court of Justice discovered, during the American Civil War, a verbal ambiguity which exactly reversed the meaning of the law against the arming of pirate ships.

[132] *Rep., &c., for 30th April, 1850*.

[133] In winter, from 7 a.m. to 7 p.m. may be substituted.

[134] "The present law (of 1850) was a compromise whereby the employed surrendered the benefit of the Ten Hours' Act for the advantage of one uniform period for the commencement and termination of the labour of those whose labour is restricted." (*Reports, &c., for 30th April, 1852*, p. 14.)

[135] *Repons, &c., for Sept., 1844*, p. 13.

[136] l. c.

[137] l. c.

[138] *Reports, &c., for 31st Oct., 1846*, p. 20.

[139] *Reports, &c., for 31st Oct., 1861*, p. 26.

[140] l. c., p. 27. On the whole the working population, subject to the Factory Act, has greatly improved physically. All medical testimony agrees on this point, and personal observation at different times has convinced me of it. Nevertheless, and exclusive of the terrible death-rate of children in the first years of their life, the official reports of Dr. Greenhow show the unfavourable health condition of the manufacturing districts as compared with "agricultural districts of normal health." As evidence, take the following table from his 1861 report: —

Name of District:	Wigan	Blackburn	Halifax	Bradford	Macclesfield	Leek	Stoke-upon-Trent	Woolstanton	Eight Healthy agricultural Districts
Percentage of Adult Males Engaged in Manufactures:	14.9	42.6	37.3	41.9	31.0	14.9	36.6	30.4	—
Death-rate from Pulmonary Affections per 100,000 Males:	598	708	547	611	691	588	721	726	305
Death-rate from Pulmonary Affections per 100,000 Females:	644	734	564	603	804	705	665	727	340
Percentage of Adult Females Engaged in Manufactures:	18.0	34.9	20.4	30.0	26.0	17.2	19.3	13.9	—
Kind of Female Occupation"	Cotton	Ditto	Worsted	Ditto	Silk	Ditto	Earthenware	Ditto	—

[141] It is well known with what reluctance the English "Free-traders," gave up the protective duty on the silk manufacture. Instead of the protection against French importation, the absence of protection to English factory children now senes their turn.

[142] During 1859 and 1860, the zenith years of the English cotton industry, some manufacturer³ tried, by the decoy bait of higher wages for ever-time, to reconcile the adult male operatives to an extension of the working-day. The hand-mule spinners and self-actor mincers put an end to the experiment by a petition to their employers in which they say, "Plainly speaking, our lives are to us a burthen; and, while we are confined to the mills nearly two days a week more than the other operatives of the country, we feel like helots in the land, and that we are perpetuating a system injurious to ourselves and future generations.... This, therefore, is to give you most respectful notice that when we commence work again after the Christmas and New Year's holidays, we shall work 60 hours per week, and no more, or from six to six, with one hour and a half out." (*Reports, &c., for 30th April, 1860*, p. 30.)

[143] On the means that the wording of this Act afforded for its violation of the Parliamentary *Return Factories Regulation Act* (6th August, 1859), and in it Leonard Homer's *Suggestions for amending the Factory Acts to enable the Inspectors to prevent illegal working, now becoming very prevalent*.

[144] "Children of the age of 8 years and upwards, have, indeed, been employed from 6 a.m. to 9 p.m. during the last half year in my district." (*Reports, &c., for 31st October, 1857*, p. 39.)

[145] "The Printworks' Act is admitted to be a failure both with reference to its educational and protective provisions." (*Reports, &c., for 31st October, 1862*, p. 52.)

[146] Thus, e.g., E. Potter in a letter to the *Times* of March 24th, 1863. *The Times* reminded him of the manufacturers' revolt against the Ten Hours' Bill.

[147] Thus, among others, Mr. W. Newmarch, collaborator and editor of Tooke's *History of Prices*. Is it a scientific advance to make cowardly concessions to public opinion?

[148] The Act passed in 1860, determined that, in regard to dye and bleachworks, the working-day should be fixed on August 1st, 1861, provisionally at 12 hours, and definitely on August 1st, 1862, at 10 hours, i.e., at 10 1/2 hours for ordinary days, and 7 1/2 for Saturday. Now, when the fatal year, 1862, came, the old farce was repeated. Besides, the manufacturers petitioned Parliament to allow the employment of young persons and women for 12 hours during one year longer. "In the existing condition of the trade (the time of the cotton famine), it was greatly to the advantage of the operatives to work 12 hours per day, and make wages when they could." A bill to this effect had been brought in, "and it was mainly due to the action of the operative bleachers in Scotland that the bill was abandoned." (*Reports, &c., for 31st October, 1862*, pp. 14-15.) Thus defeated by -the very workpeople, in whose name it pretended to speak Capital discovered, with the help of lawyer spectacles, that the Act of 1860, drawn up, like all the Acts of Parliament for the "protection of

labour," in equivocal phrases, gave them a pretext to exclude from its working the calenderers and finishers. English jurisprudence, ever the faithful servant of capital, sanctioned in the Court of Common Pleas this piece of pettifogging. "The operatives have been greatly disappointed ... they have complained of over-work, and it is greatly to be regretted that the clear intention of the legislature should have failed by reason of a faulty definition." (l. c., p. 18.)

[149] The "open-air bleachers" had evaded the law of 1860, by means of the lie that no women worked at it in the night. The lie was exposed by the Factory Inspectors, and at the same time Parliament was, by petitions from the operatives, bereft of its notions as to the cool meadow-fragrance, in which bleaching in the open-air was reported to take place. In this aerial bleaching, drying-rooms were used at temperatures of from 90° to 100° Fahrenheit, in which the work was done for the most part by girls. "Cooling" is the technical expression for their occasional escape from the drying-rooms into the fresh air. "Fifteen girls in stoves. Heat from 80° to 90° for linens, and 100° and upwards for cambrics. Twelve girls ironing and doing-up in a small room about 10 feet square, in the centre of which is a close stove. The girls stand round the stove, which throws out a terrific heat, and dries the cambrics rapidly for the ironers. The hours of work for these hands are unlimited. If busy, they work till 9 or 12 at night for successive nights." (Reports, &c., for 31st October, 1862, p. 56.) A medical man states: "No special hours are allowed for cooling, but if the temperature gets too high, or the workers' hands get soiled from perspiration, they are allowed to go out for a few minutes.... My experience, which is considerable, in treating the diseases of stove workers, compels me to express the opinion that their sanitary condition is by no means so high as that of the operatives in a spinning factory (and Capital, in its memorials to Parliament, had painted them as floridly healthy after the manner of Rubens.) The diseases most observable amongst them are phthisis, bronchitis, irregularity of uterine functions, hysteria in its most aggravated forms, and rheumatism. All of these, I believe, are either directly or indirectly induced by the impure, overheated air of the apartments in which the hands are employed and the want of sufficient comfortable clothing to protect them from the cold, damp atmosphere, in winter, when going to their homes." (l. c., pp. 56-57.) The Factory Inspectors remarked on the supplementary law of 1860, torn from these open-air bleachers: "The Act has not only failed to afford that protection to the workers which it appears to offer, but contains a clause ... apparently so worded that, unless persons are detected working after 8 o'clock at night they appear to come under no protective provisions at all, and if they do so work the mode of proof is so doubtful that a conviction can scarcely follow." (l. c., p. 52.) "To all intents and purposes, therefore, as an Act for any benevolent or educational purpose, it is a failure; since it can scarcely be called benevolent to permit, which is tantamount to compelling, women and children to work 14 hours a day with or without meals, as the case may be, and perhaps for longer hours than these, without limit as to age, without reference to sex, and without regard to the social habits of the families of the neighbourhood, in which such works (bleaching and dyeing) are situated." (Reports, &c., for 30th April, 1863, p. 40.)

[150] Note to the 2nd Ed. Since 1866, when I wrote the above passages, a reaction has again set in.

(Originally) Transcribed by Zodiac