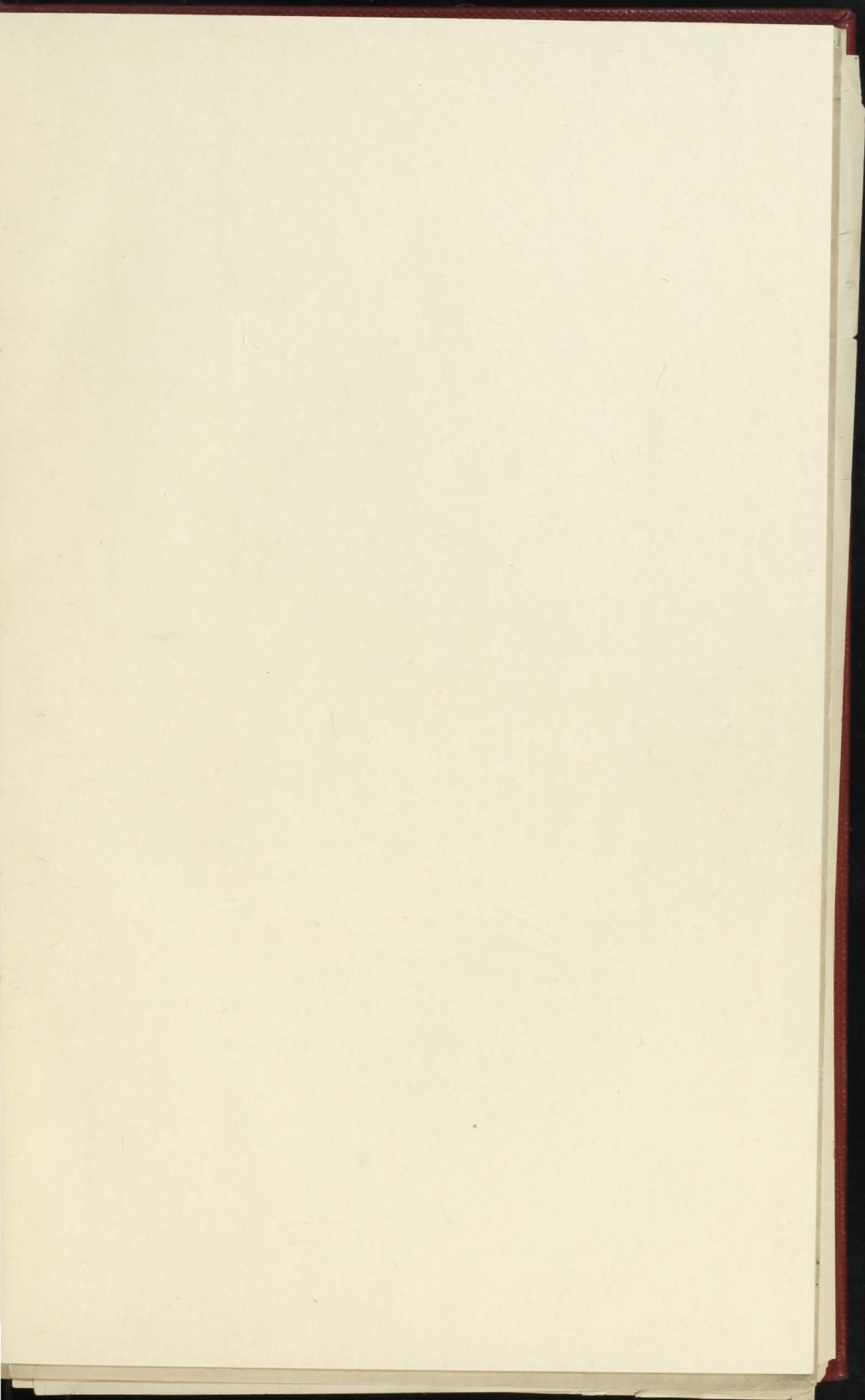
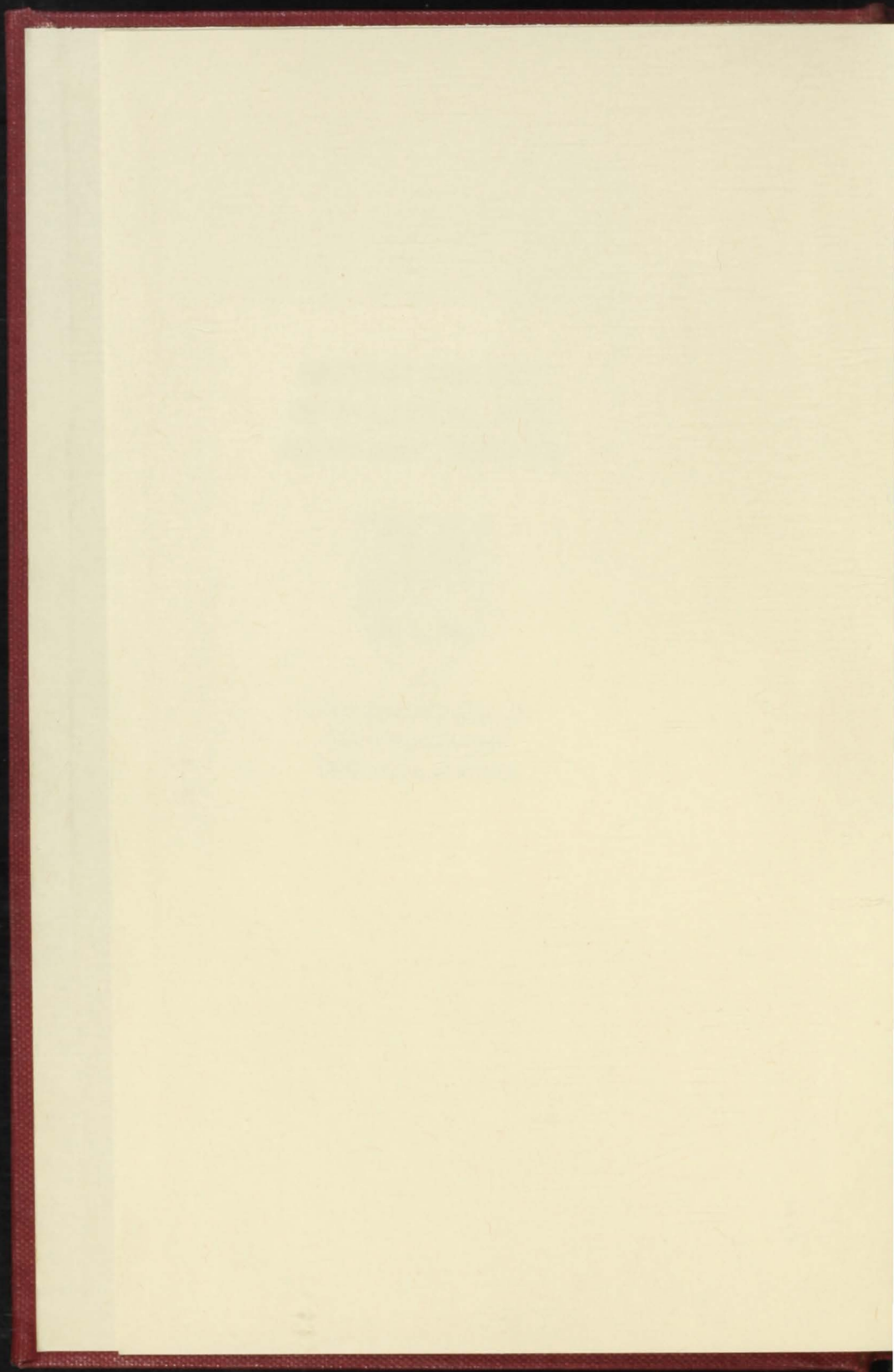


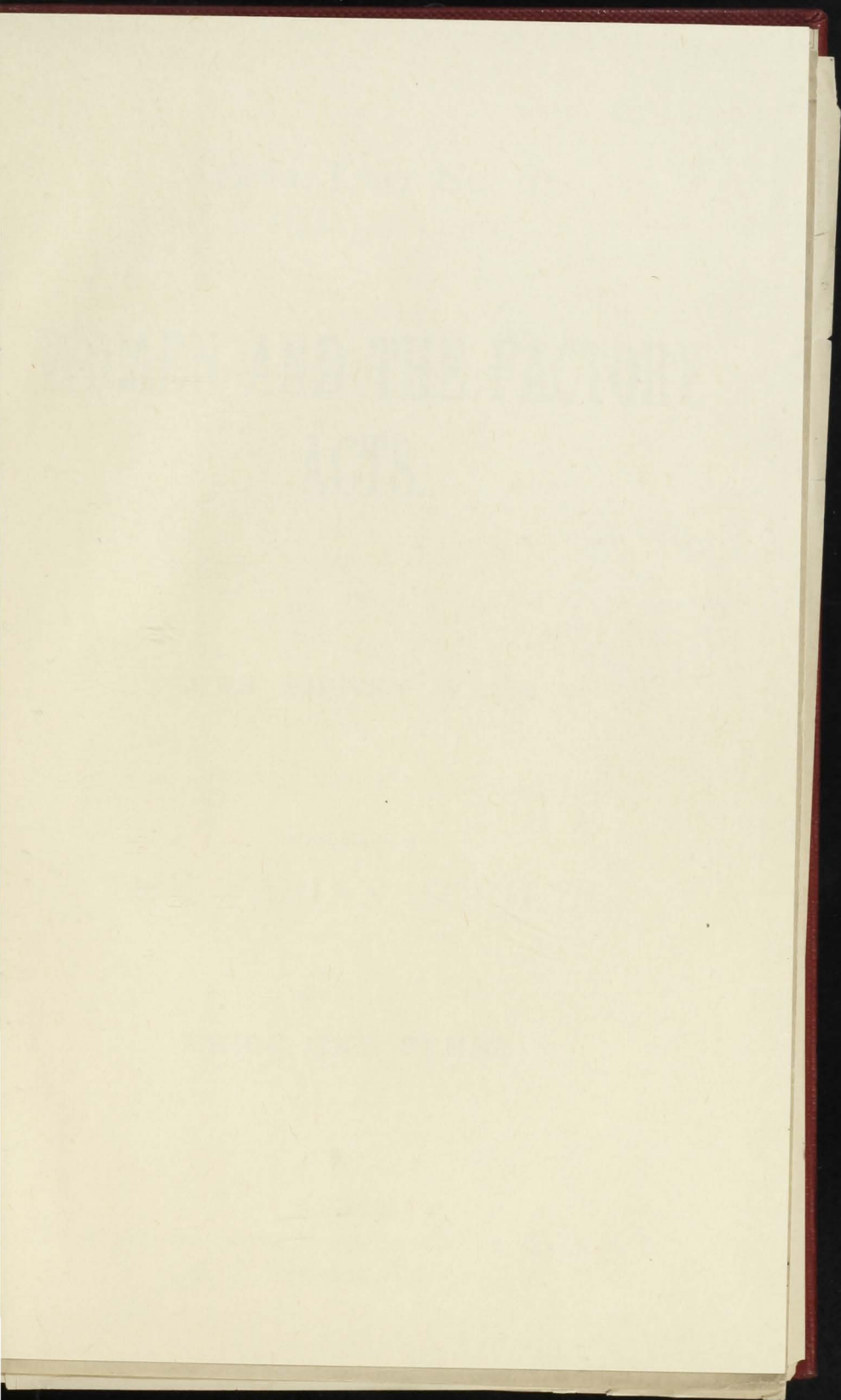
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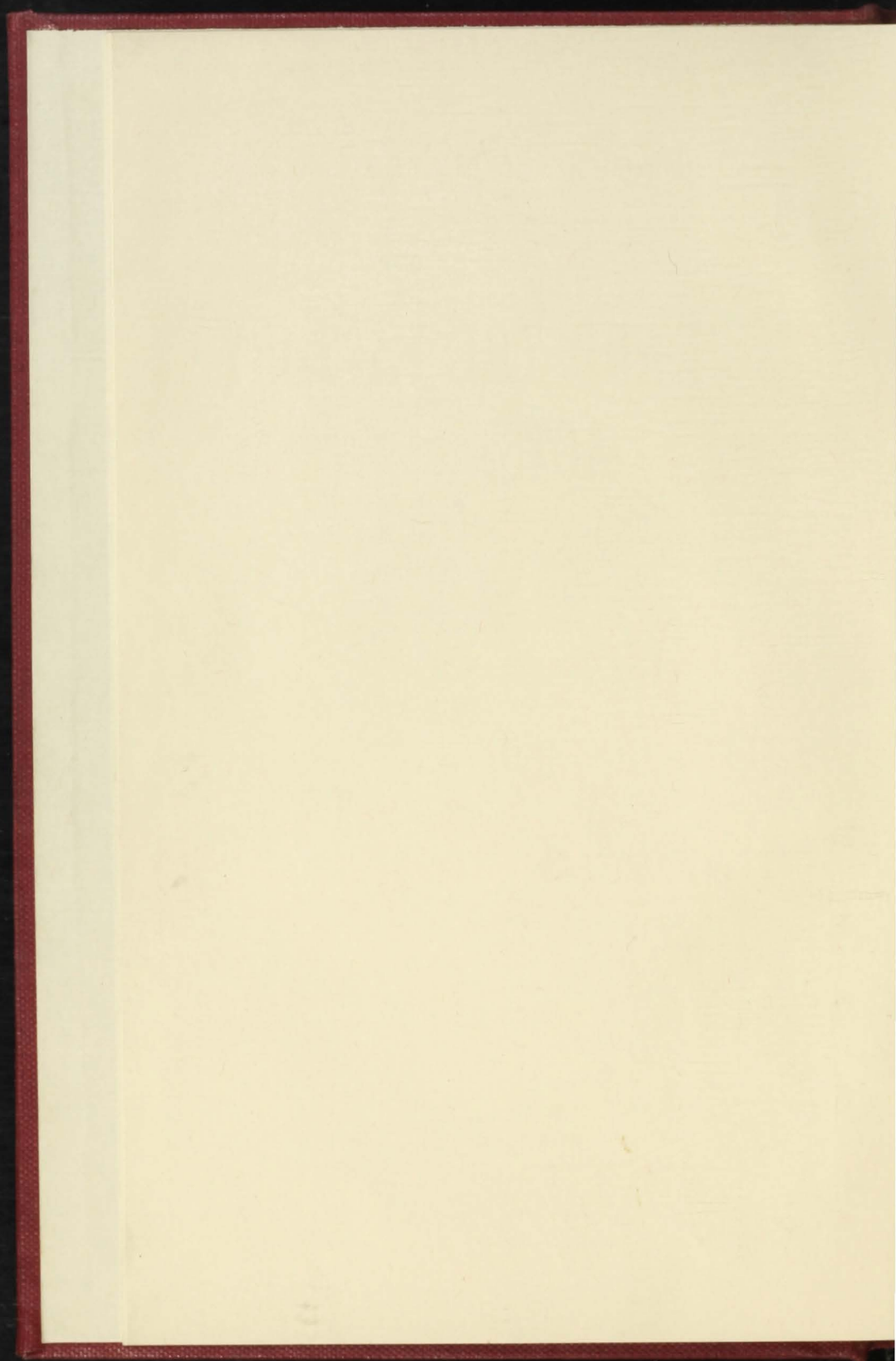


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WOMEN AND THE FACTORY ACTS.

BY

MRS. SIDNEY WEBB.



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WOMEN AND THE FACTORY ACTS.*

THE discussions on the Factory Act of 1895† raised once more all the old arguments about Factory legislation, but with a significant new cleavage. This time legal regulation was demanded, not only by all the organizations of working women whose labor was affected,‡ but also by, practically, all those actively engaged in Factory Act administration. The four women Factory Inspectors unanimously confirmed the opinion of their male colleagues. Of all the classes§ having any practical experience of Factory legislation, only one—that of the employers—was ranged against the Bill, and that not unanimously. But the employers had the powerful aid of most of the able and devoted ladies who have usually led the cause of women's enfranchisement, and whose strong theoretic objection to Factory legislation caused many of the most important clauses in the Bill to be rejected.

The ladies who resist further legal regulation of women's labor usually declare that their objection is to special legislation applying only to women. They regard it as unfair, they say, that women's power to compete in the labor market should be "hampered" by any regulation from which men are free. Any such restriction, they assert, results in the lowering of women's wages, and in diminishing the aggregate demand for women's work. I shall, later on, have something to say about this assumed competition between men and women. But it is curious that we seldom find these objectors to unequal laws coming forward to support even those regulations which apply equally to men and to women. Nearly all the clauses of the 1895 Bill, for instance, and nearly all the amendments proposed to it, applied to men and women alike. The sanitary provisions; the regulations about fire-escapes; the pre-eminently important clause making the giver-out of work responsible for the places

* Reproduced, with some additions, from papers read at the Nottingham Conference of the National Union of Women Workers (October, 1895), and the Fabian Society (January, 1896).

† Factory and Workshop Act, 1895 (58 and 59 Vict. ch. 37).

‡ Petitions were sent in, and meetings held in support of the Bill by, I believe, all the Trade Unions of Women, as well as by the Women's Co-operative Guild, which is mainly composed of women textile workers, whose hours of labor have, for nearly forty years, been rigidly fixed by law.

§ See the *Report of the Chief Inspector of Factories* for 1894, C. 7745, price 5s. 3d.; also the *Opinions on Overtime*, published by the Women's Trade Union League (Club Union Buildings, Clerkenwell Road, London). The evidence before the Royal Commission on Labor was decidedly in favor of an extension of, and the more rigid enforcement of Factory legislation: see, in particular, the Minority Report (published separately, price 2d., by the Manchester Labor Press, Tib Street, Manchester).

where his work is done ; the power to regulate unhealthy trades or processes: all these made no distinction between the sexes. Yet the ladies who declared that they objected only to inequality of legislation, gave no effective aid to the impartial sections of the Bill. If we believe that legal regulation of the hours and conditions of labor is found, in practice, to promote the economic independence and positively to add to the industrial efficiency of the workers concerned, why should we not help women workers in unregulated trades to gain this superior economic position, even if Parliament persists in denying it to the men? It is clear that there lurks behind the objection of inequality an inveterate scepticism as to the positive advantages of Factory legislation. Indeed, the most energetic and prominent opponents of women's Factory Acts openly avow as much. Mrs. Henry Fawcett and Miss Ada Heather-Bigg, for instance, usually speak of legal regulation as something which, whether for men or for women, decreases personal freedom, diminishes productive capacity, and handicaps the worker in the struggle for existence. I need not recall how firmly and conscientiously this view was held by men like Nassau Senior and John Bright in the generation gone by. To-day there are evidently many ladies of education and position superstitiously clinging to the same belief. Therefore before discussing whether any particular Factory Act is good for women or not, we had better make up our minds on the general question. Does State regulation of the hours and conditions of labor increase or decrease the economic independence and industrial efficiency of the workers concerned?

Now those who object to further Factory legislation are right in asserting that the issue cannot be decided by harrowing accounts of factory tyranny, or particular cases of cruelty or hardship. I shall not trouble you with the long list of calamities in the unregulated trades, on which the official report of the Chief Inspector of Factories lays so much stress—the constitutions ruined by long hours in dress-makers' workrooms or insanitary laundries, the undermining of family life by the degradation of the home into a workshop, the diseases and deaths caused by white lead and lucifer matches. And, I hope, no one in the discussion will think it any argument against Factory Acts that some poor widow might find it more difficult to get bread for her starving children if she were forbidden to work at the white lead factory; that some sick man's daughter would not be allowed to earn the doctor's fee by taking extra work home after her factory day; or that some struggling laundress might find it impossible to make a living if she could not employ her girls for unlimited hours. Either way there must be hard cases, and individual grievances. The question is whether, taking the whole population and all considerations into account, the evils will be greater under regulation or under free competition.

Let us concede to the opponents of Factory legislation that we must do nothing to impair or limit the growing sense of personal responsibility in women; that we must seek, in every way, to increase their economic independence, and their efficiency as workers

and citizens, not less than as wives and mothers; and that the best and only real means of attaining these ends is the safeguarding and promoting of women's freedom. The only question at issue is how best to obtain this freedom. When we are concerned with the propertied classes—when, for instance, it is sought to open up to women higher education or the learned professions—it is easy to see that freedom is secured by abolishing restrictions. But when we come to the relations between capital and labor an entirely new set of considerations come into play. In the life of the wage-earning class, absence of regulation does not mean personal freedom. Fifty years' experience shows that Factory legislation, far from diminishing individual liberty, greatly increases the personal freedom of the workers who are subject to it. Everyone knows that the Lancashire woman weaver, whose hours of labor and conditions of work are rigidly fixed by law, enjoys, for this very reason, more personal liberty than the unregulated laundry-woman in Notting Hill. She is not only a more efficient producer, and more capable of associating with her fellows in Trade Unions, Friendly Societies, and Co-operative Stores, but an enormously more independent and self-reliant citizen. It is the law, in fact, which is the mother of freedom.*

To understand the position fully we must realize how our long series of Factory Acts, Truck Acts, Mines Regulation Acts, and Shop Hours Acts, have come into existence.† All these are based upon a fundamental economic fact which has slowly forced itself into the minds of economists and social reformers—the essential and permanent inequality between the individual wage-earner and the capitalist employer. When the conditions of the workman's life are settled, without any collective regulation, by absolutely free contract between man and man, the workman's freedom is entirely delusive. Where he bargains, he bargains at a hopeless disadvantage; and on many of the points most vital to his health, efficiency, and personal comfort, he is unable to bargain at all.

Let us see how this comes about. I will not, to prove my point, take a time of bad trade, when five workmen are competing for one situation: I will assume that the whole labor market is in a state of perfect equilibrium; that there is only one workman wanting work, and only one situation vacant. Now, watch the process of bargaining between the employer and the workman. If the capitalist refuses to accept the workman's terms, he will, no doubt, suffer some inconvenience as an employer. To fulfil his orders he will have to "speed up" some of his machinery, or insist on his workpeople working longer hours. Failing these expedients he may have to delay the delivery of his goods, and may even find his profits, at the end of the year, fractionally less than before. But, meanwhile, he goes on eating and drinking, his wife and family go on living, just as before. His physical comfort is not affected: he can afford to

* This was pointed out by the Duke of Argyll, in the final chapter of his *Reign of Law*, which deals with Factory legislation.

† See W. C. Taylor, *The Modern Factory System*; Von Plenier's *English Factory Legislation*; and Miss Victorine Jeans' *Factory Act Legislation*.

wait until the laborer comes back in a humbler frame of mind. And that is just what the laborer must presently do. For he, meanwhile, has lost his day. His very subsistence depends on his promptly coming to an agreement. If he stands out, he has no money to meet his weekly rent, or to buy food for his family. If he is obstinate, consumption of his little hoard, or the pawning of his furniture, may put off the catastrophe; but sooner or later slow starvation forces him to come to terms. This is no real freedom of contract. The alternative on one side is inconvenience; on the other it is starvation. I need not remind you that the fallacy of free and equal contract between capital and labor has been long since given up by the economists. If you read, for instance, our foremost economist, Professor Marshall, he will tell you that the employer is a combination in himself, with whom the individual wage-earner is seriously at a disadvantage.* No competent authority would now deny that unfettered individual bargaining between capitalist and workman inevitably tends to result, not in the highest wage that the industry can afford, but in the lowest on which the workman and his family can subsist.

Here, then, we have the first justification for something more than unfettered bargaining between man and man. But this is not all. We often forget that the contract between employer and workman is to the employer simply a question of the number of shillings to be paid at the end of the week. To the workman it is much more than that. The wage-earner does not, like the shopkeeper, merely sell a piece of goods which is carried away. It is his whole life which, for the stated term, he places at the disposal of his employer. What hours he shall work, when and where he shall get his meals, the sanitary conditions of his employment, the safety of the machinery, the atmosphere and temperature to which he is subjected, the fatigue or strains which he endures, the risks of accident or disease which he has to incur: all these are involved in the workman's contract and not in his employer's. Yet about the majority of these vital conditions he cannot bargain at all. Imagine a weaver, before accepting employment in a Lancashire cotton mill, examining the quantity of steam in the shed, the strength of the shuttle-guards, and the soundness of the belts of the shafting; an engineer prying into the security of the hoists and cranes, or the safety of the lathes and steam hammers among which he must move; a dressmaker's assistant computing the cubic space which will be her share of the workroom, criticising the ventilation, warmth and lighting, or examining the decency of the sanitary accommodation; think of the woman who wants a job at the white lead works, testing the poisonous influence in the particular process employed, and reckoning, in terms of shillings and pence, the exact degree of injury to her health which she is consenting to incur. No sensible person can really assert that the individual operative seeking a job has either the knowledge or the opportunity to ascertain what the conditions are, or to determine what they should be, even if he could bargain about them at all. On these matters, at any rate,

* See, for instance, the *Elements of the Economics of Industry* [1892], p. 382.

there can be no question of free contract. We may, indeed, leave them to be determined by the employer himself: that is to say, by the competition between employers as to who can most reduce the expenses of production. What this means, we know from the ghastly experience of the early factory system; when whole generations of our factory hands were stunted and maimed, diseased and demoralized, hurried into early graves by the progressive degeneration of conditions imposed on even the best employers by the reckless competition of the worst.* The only alternative to this disastrous reliance on a delusive freedom is the settlement, by expert advice, of standard conditions of health, safety, and convenience, to which all employers, good and bad alike, are compelled by law to conform.

We see, therefore, that many of the most vital conditions of employment cannot be made subjects of bargain at all, whilst, even about wages, unfettered freedom of individual bargaining places the operative at a serious disadvantage. But there is one important matter which stands midway between the two. In manual work it is seldom that an individual can bargain as to when he shall begin or leave off work. In the most typical processes of modern industry, individual choice as to the length of the working day is absolutely impossible. The most philanthropic or easy-going builder or manufacturer could not possibly make separate arrangements with each of his workpeople as to the times at which they should come and go, the particular intervals for meals, or what days they should take as holidays. Directly we get machinery and division of labor—directly we have more than one person working at the production of an article, all the persons concerned are compelled, by the very nature of their occupation, to work in concert. This means that there must be one uniform rule for the whole establishment. Every workman must come when the bell rings, and stay as long as the works are open; individual choice there can be none. The hours at which the bell shall ring must either be left to the autocratic decision of the employer, or else settled by collective regulation to which every workman is compelled to conform.

We can now understand why it is that the representative wage-earner declares, to the astonishment of the professional man or the journalist, that a rule fixing his hours of labor, or defining conditions of sanitation or safety, is not a restriction on his personal liberty. The workman knows by experience that there is no question of his ever settling these matters for himself. There are only two alternatives to their decision by the employer. One is their settlement by a conference between the representatives of the employers and the representatives of the organized workmen; both sides, of course, acting through their expert salaried officials. This is the method of collective bargaining—in short, Trade Unionism. The other method is the settlement by the whole community of questions which affect the health and industrial efficiency of the race. Then we get expert

* Some account of this development is given in the first chapter of my *Co-operative Movement in Great Britain*. See also Engels' *Condition of the English Working Classes in 1844*, or Arnold Toynbee's *The Industrial Revolution*.

investigation as to the proper conditions, which are enforced by laws binding on all. This is the method of Factory legislation.

No greater mistake can be made in comparing these two methods than to assume that Trade Unionism sacrifices the imaginary personal liberty of the individual workman to make his own bargain any less than Factory legislation. Take, for instance, the Oldham weaver. Here we see both methods at work. The rate of wages is determined entirely by Trade Unionism; the hours of labor and sanitary conditions are fixed by law. But there is no more individual choice in the one than in the other. I do not hesitate to say, indeed, that an employer or a weaver would find it easier and less costly to defy the Factory Inspector and work overtime, than to defy the Trade Union official and evade the Piecework List of Prices. Or, take the Northumberland coal-miner. He, for particular reasons, objects to have his hours fixed by law. But we need be under no delusion as to his views on "personal liberty." If any inhabitant of a Northumberland village offered to hew coal below the rate fixed by the Trade Union for the whole county, or if he proposed to work two shifts instead of one, the whole village would rise against him, and he would find it absolutely impossible to descend the mine, or to get work anywhere in the county. It is not my business to-day either to defend or to criticise Trade Union action. But we cannot understand this question without fully realizing that Trade Unionism, in substituting for the despotism of the employer or the individual choice of the workman a general rule binding on all concerned, is just as much founded on the subordination of the individual whim to the deliberate decision of the majority as any law can be. If I had the time I could show you, by elaborate technical arguments, how the one method of over-riding the individual will is best for certain matters, and the other method more expedient in regard to other matters. Rates of wages, for instance, are best settled by collective bargaining; and sanitation, safety, and the prevention of overwork by fixed hours of labor are best secured by legal enactment.

But this question of the relative advantages of legislative regulation and Trade Unionism has unhappily no bearing on the women employed in the sweated industries. Before we can have Trade Union regulation we must build up strong Trade Unions; and the unfortunate women workers whose overtime it was proposed to curtail, and whose health and vigor it was proposed to improve, by Mr. Asquith's Bill of 1895, are without any effective organization. The Lancashire women weavers and card-room hands were in the same predicament before the Factory Acts. It was only when they were saved from the unhealthy conditions and excessive hours of the cotton mills of that time that they began to combine in Trade Unions, to join Friendly Societies, and to form Co-operative Stores. This, too, is the constant experience of the men's trades. Where effective Trade Unions have grown up, legal protection of one kind or another has led the way.* And it is easy to see why this is so.

* For proof of this see *The History of Trade Unionism*, by Sidney and Beatrice Webb, particularly the first chapter.

Before wage-earners can exercise the intelligence, the deliberation, and the self-denial that are necessary for Trade Unionism, they must enjoy a certain standard of physical health, a certain surplus of energy, and a reasonable amount of leisure. It is cruel mockery to preach Trade Unionism, and Trade Unionism alone, to the sempstress sewing day and night in her garret for a bare subsistence; to the laundrywoman standing at the tub eighteen hours at a stretch; or to the woman whose health is undermined with "Wrist-drop," "Potter's-rot," or "Phossy-jaw." If we are really in earnest in wanting Trade Unions for women, the way is unmistakable. If we wish to see the capacity for organization, the self-reliance, and the personal independence of the Lancashire cotton weaver spread to other trades, we must give the women workers in these trades the same legal fixing of hours, the same effective prohibition of overtime, the same legal security against accident and disease, the same legal standard of sanitation and health as is now enjoyed by the women in the Lancashire cotton mills.

So much for the general theory of Factory legislation. We have still to deal with the special arguments directed against those clauses of the 1895 Bill which sought to restrict the overtime worked by women in the sweated trades. If, however, we have fully realized the advantages, both direct and indirect, which the workers obtain from the legal regulation of their labor, we shall regard with a good deal of suspicion any special arguments alleged in opposition to any particular Factory Acts. The student of past Factory agitations sees the same old bogeys come up again and again. Among these bogeys the commonest and most obstructive has always been that of foreign competition, that is to say, the risk that the regulated workers will be supplanted by "free labor"—whether of other countries or of other classes at home. At every step forward in legal regulation the miner and the textile worker have been solemnly warned that the result of any raising of their standard of sanitation, safety, education or leisure would be the transference of British capital to China or Peru. And to my mind it is only another form of the same fallacy when capitalists' wives and daughters seek to alarm working women by prophesying, as the result of further Factory legislation, the dismissal of women and girls from employment, and their replacement by men. The opposition to Factory legislation never comes from workers who have any practical experience of it. Every existing organization of working women in the kingdom has declared itself in favor of Factory legislation. Unfortunately, working women have less power to obtain legislation than middle-class women have to obstruct it. Unfortunately, too, not a few middle-class women have allowed their democratic sympathies and Collectivist principles to be overborne by this fear of handicapping women in their struggle for employment. Let us, therefore, consider, as seriously as we can, this terror lest the capitalist employing women and girls at from five to twelve shillings a week, should, on the passage of a new Factory Act, replace them by men at twenty or thirty shillings.

First let us realize the exact amount of the inequality between the sexes in our Factory Acts. All the regulations with respect to safety, sanitation, employers' liability, and age apply to men and women alike. The only restriction of any importance in our Labor Code which bears unequally on men and women is that relating to the hours of labor.* Up to now there has been sufficient influence among the employers, and sufficient prejudice and misunderstanding among legislators, to prevent them expressly legislating, in so many words, about the hours of labor of adult men. That better counsels are now prevailing is shown by the fact that Parliament in 1892 gave power to the Board of Trade to prevent excessive hours of work among railway servants, and that the Home Secretary has now a similar power in respect of any kind of manual labor which is injurious to health or dangerous to life and limb. I need hardly say that I am heartily in favor of regulating, by law, the hours of adult men, wherever and whenever possible.† But although the prejudice is breaking down, it is not likely that the men in the great staple industries will be able to secure for themselves the same legal limitation of hours and prohibition of overtime that the women in the textile manufactures have enjoyed for nearly forty years. And thus it comes about that some of the most practical proposals for raising the condition of the women in the sweated trades must take the form of regulations applying to women only.

It is frequently asserted as self-evident that any special limitation of women's labor must militate against their employment. If employers are not allowed to make their women work overtime, or during the night, they will, it is said, inevitably prefer to have men. Thus, it is urged, any extension of Factory legislation to trades at present unregulated must diminish the demand for women's labor. But this conclusion, which seems so obvious, really rests on a series of assumptions which are not borne out by facts.

The first assumption is, that in British industry to-day, men and women are actively competing for the same employment. I doubt whether any one here has any conception of the infinitesimal extent to which this is true. We are so accustomed, in the middle-class, to see men and women engaged in identical work, as teachers, journalists, authors, painters, sculptors, comedians, singers, musicians,

* *The Law relating to Factories and Workshops*, by May Abraham and A. Llewelyn Davies (Eyre and Spottiswoode, 1896, 5/-), contains a convenient summary of all the Acts. With regard to hours, the main provisions are as follows: Textile factories employing women or children, may work only between 6 a.m. and 6 p.m. (or 7 a.m. and 7 p.m.), only 56½ hours net per week, and overtime is absolutely prohibited. In non-textile factories and in ordinary workshops, women may be worked 60 hours per week, overtime is (usually) permitted under certain conditions, and the day's work may (except on Saturdays) range over a period from 6 a.m. to 8 p.m., or, if no children or young persons are employed, even from 6 a.m. to 10 p.m. This absence of a precisely determined legal working-day makes it practically impossible to enforce the law. In "domestic workshops" there is no restriction on women's hours, and in laundries the only limit is a general one of sixty hours per week (or fourteen in any one day), without regulation of the hours of beginning or ending, or of meal-times. This is quite illusory.

† See Fabian Tract, No. 48, *Eight Hours by Law: a Practicable Solution*.

medical practitioners, clerks, or what not, that we almost inevitably assume the same state of things to exist in manual labor and manufacturing industry. But this is very far from being the case. To begin with, in over nine-tenths of the industrial field there is no such thing as competition between men and women: the men do one thing, and the women do another. There is no more chance of our having our houses built by women than of our getting our floors scrubbed by men. And even in those industries which employ both men and women, we find them sharply divided in different departments, working at different processes, and performing different operations. In the tailoring trade, for instance, it is often assumed that men and women are competitors. But in a detailed investigation of that trade I discovered that men were working at entirely separate branches to those pursued by the women. And when my husband, as an economist, lately tried to demonstrate the oft-repeated statement that women are paid at a lower rate than men, he found it very difficult to discover any trade whatever in which men and women did the same work.* As a matter of fact, the employment of men or women in any particular industry is almost always determined by the character of the process. In many cases the physical strength or endurance required, or the exposure involved, puts the work absolutely out of the power of the average woman. No law has hindered employers from engaging women as blacksmiths, steel-smelters, masons, or omnibus-drivers. The great mass of extractive, constructive, and transport industries must always fall to men. On the other hand, the women of the wage-earning class have hitherto been distinguished by certain qualities not possessed by the average working man. For good or for evil they eat little, despise tobacco, and seldom get drunk; they rarely strike or disobey orders; and they are in many other ways easier for an employer to deal with. Hence, where women can really perform a given task with anything like the efficiency of a man, they have, owing to their lower standard of expenditure, a far better chance than the man of getting work. The men, in short, enjoy what may be called a "rent" of superior strength and endurance; the women, on their side, in this preference for certain employments, what may be called a "rent" of abstemiousness.

I do not wish to imply that there are absolutely no cases in British industry in which men and women are really competing with each other. It is, I believe, easy to pick out an instance here and there in which it might be prophesied that the removal of an existing legal restriction might, in the first instance, lead to some women being taken on in place of men. In the book and printing trade of London, for instance, it has been said that if women were allowed by law to work all through the night, a certain number of

* "The Alleged Difference between the Wages of Men and Women," *Economic Journal*, December, 1891; see, on the general question, *Economic Studies*, by Professor W. Smart, and the valuable report by Miss Clara Collet, on the *Statistics of Employment of Women and Girls*, published by the Labor Department of the Board of Trade (C-7564), price 8d.

exceptionally strong women might oust some men in book-folding and even in compositors' work.* We must not overlook these cases; but we must learn to view them in their proper proportion to the whole field of industry. It would clearly be a calamity to the cause of women's advancement if we were to sacrifice the personal liberty and economic independence of three or four millions of wage-earning women in order to enable a few hundreds or a few thousands to supplant men in certain minor spheres of industry.†

The second assumption is, that in the few cases in which men and women may be supposed really to compete with each other for employment, the effect of any regulation of women's hours is pure loss to them, and wholly in favor of their assumed competitors who are unrestricted. This, I believe, is simply a delusion. Any investigator of women's work knows full well that what most handicaps women is their general deficiency in industrial capacity and technical skill. Where the average woman fails is in being too much of an amateur at her work, and too little of a professional. Doubtless it may be said that the men are to blame here: it is they who induce women to marry, and thus divert their attention from professional life. But though we cannot cut at the root of this, by insisting, as I once heard it gravely suggested, on "three generations of unmarried women," we can do a great deal to encourage the growth of professional spirit and professional capacity among women workers, if we take care to develop our industrial organization along the proper lines. The first necessity is the exclusion of illegitimate competitors. The real enemies of the working woman are not the men, who always insist on higher wages, but the "amateurs" of her own sex. So long as there are women, married or unmarried, eager and able to take work home, and do it in the intervals of another profession, domestic service, we shall never disentangle ourselves from that vicious circle in which low wages lead to bad work, and bad work compels low wages. The one practical remedy for this disastrous competition is the extension of Factory legislation, with its strict limitation of women's hours, to all manufacturing work wherever carried on.‡ It is no mere coincidence that the only great industry in which women get the same wages as men—Lancashire cotton weaving—is the one in which precise legal regulation of women's hours has involved the absolute exclusion of the casual amateur. No woman will be taken on at a cotton mill unless she is prepared to work the full factory hours, to come regularly every day, and put her whole energy into her task. In a Lancashire village a woman must decide whether she will earn her maintenance by working in the mill or by tending the

* With regard to the employment of women as compositors, an article by Amy Linnett, in the *Economic Review* for January, 1892, should be referred to.

† Looked at from the point of view of the whole community, and not merely from that of one sex, it would, of course, be a matter for further consideration whether, and in what directions, it is socially desirable that men should be replaced by women as industrial operatives. Throughout this paper I have abstained from discussing this consideration.

‡ See Fabian Tract, No. 50, *Sweating: its Cause and Remedy*.

home : there is no "betwixt and between." The result is a class of women wage-earners who are capable of working side by side with men at identical tasks ; who can earn as high wages as their male competitors ; who display the same economic independence and professional spirit as the men ; and who are, in fact, in technical skill and industrial capacity, far in advance of any other class of women workers in the kingdom.* If we want to bring the women wage-earners all over England up to the level of the Lancashire cotton weavers, we must subject them to the same conditions of exclusively professional work.

There is another way in which the extension of the Factory Acts to the unregulated trades is certain to advance women's industrial position. We have said that the choice of men or women as workers is really determined by the nature of the industrial process. Now these processes are constantly changing ; new inventions bring in new methods of work, and often new kinds of machinery. This usually means an entire revolution in the character of the labor required. What to-day needs the physical strength or the life-long apprenticeship of the skilled handicraftsman may, to-morrow, by a new machine, or the use of motive power, be suddenly brought within the capacity of the nimble fingers of a girl from the Board School. It is in this substitution of one process for another that we discover the real competition between different classes or different sexes in industry. The tailoring trade, for instance, once carried on exclusively by skilled handicraftsmen, is now rapidly slipping out of their hands. But it is not the woman free to work all the night in her garret who is ousting the male operative. What is happening is that the individual tailor, man or woman, is being superseded by the great clothing factories established at Leeds,† or elsewhere, where highly-paid skilled designers prepare work for the costly "cutting-out" guillotines, and hundreds of women guide the pieces through self-acting sewing and button-holing machines, to be finally pressed by steam power into the "smart new suit" of the City clerk.

Now this evolution of industry leads inevitably to an increased demand for women's labor. Immediately we substitute the factory, with its use of steam power, and production on a large scale, for the sweater's den or the domestic workshop, we get that division of labor and application of machinery which is directly favorable to the employment of women. It is to "the factory system, and the consequent growth of the ready-made trade," declares Miss Collet, that must "be traced the great increase in the number of girls employed in the tailoring trade."‡ The same change is going on in other occupations. Miss Collet notices that the employment of female labor has specially increased in the great industry of boot and shoe making.§ But, as in the analogous case of the tailoring trade, the

* See the introduction, by Mr. A. J. Mundella, to Von Plenier's *English Factory Legislation*.

† See "Women's Work in Leeds," by Miss Clara Collet (*Economic Journal*, September, 1891, pp. 467-72).

‡ *Statistics of Employment of Women and Girls*, C—7564, p. 11. § *Ibid*, p. 73.

increase has not been in the number of the unregulated women workers in the sweaters' dens. Formerly we had a man working in his own room, and employing his wife and daughter to help him at all hours. Some people might have argued that anything which struck at the root of this system would deprive women of employment. As a matter of fact, the result has been, by division of labor in the rapidly growing great boot factories, to substitute for these few hundreds of unpaid assistants, many thousands of independent and regularly employed women operatives. For we must remember that when these changes take place, they take place on a large scale. Whilst the Society for Promoting the Employment of Women is proud to secure new openings for a few scores or a few hundreds, the industrial evolution which I have described has been silently absorbing, in one trade or another, hundreds of thousands of women of all classes. It is therefore infinitely more important for the friends of women's employment to enquire how an extension of the Factory Acts would influence our progress towards the factory system, than how it would affect, say, the few hundred women who might be engaged in night-work book-folding.

If there is one result more clearly proved by experience than another, it is that the legal fixing of definite hours of labor, the requirement of a high standard of sanitation, and the prohibition of overtime, all favor production on a large scale. It has been the employers' constant complaint against the Factory Acts that they inevitably tend to squeeze out the "little master." The evidence taken by the House of Lords' Committee on Sweating conclusively proved that any effective application of factory regulations to the workplaces of East London and the Black Country would quickly lead to the substitution of large factories. Factory legislation is, therefore, strenuously resisted by the "little masters," who carry on their workshops in the back slums; by the Jewish and other sub-contractors who make a living by organizing helpless labor; and by all who cherish a sentimental yearning for domestic industries. But this sentiment must not blind us to the arithmetical fact that it is the factory system which provides the great market for women's labor. Those well-meaning ladies who, by resisting the extension of Factory legislation, are keeping alive the domestic workshop and the sweaters' den, are thus positively curtailing the sphere of women's employment. The "freedom" of the poor widow to work, in her own bedroom, "all the hours that God made"; and the wife's privilege to supplement a drunken husband's wages by doing work at her own fireside, are, in sober truth, being purchased at the price of the exclusion from regular factory employment of thousands of "independent women."

We can now sum up the whole argument. The case for Factory legislation does not rest on harrowing tales of exceptional tyranny, though plenty of these can be furnished in support of it. It is based on the broad facts of the capitalist system, and the inevitable results of the Industrial Revolution.* A whole century of experience proves

* See Fabian Tract No. 23, *The Case for an Eight Hours Bill*.

that where the conditions of the wage-earner's life are left to be settled by "free competition" and individual bargaining between master and man, the worker's "freedom" is delusive. Where he bargains, he bargains at a serious disadvantage, and on many of the points most vital to himself and to the community he cannot bargain at all. The common middle-class objection to Factory legislation—that it interferes with the individual liberty of the operative—springs from ignorance of the economic position of the wage-earner. Far from diminishing personal freedom, Factory legislation positively increases the individual liberty and economic independence of the workers subject to it. No one who knows what life is among the people in Lancashire textile villages on the one hand, and among the East End or Black Country unregulated trades on the other, can ever doubt this.

All these general considerations apply more forcibly to women wage-earners than to men. Women are far more helpless in the labor market, and much less able to enforce their own common rule by Trade Unionism. The only chance of getting Trade Unions among women workers lies through the Factory Acts. We have before us nearly forty years' actual experience of the precise limitation of hours and the absolute prohibition of overtime for women workers in the cotton manufacture; and they teach us nothing that justifies us in refusing to extend the like protection to the women slaving for irregular and excessive hours in laundries, dressmakers' workrooms, and all the thousand and one trades in which women's hours of work are practically unlimited.

Finally, we have seen that the fear of women's exclusion from industrial employment is wholly unfounded. The uniform effect of Factory legislation in the past has been, by encouraging machinery, division of labor, and production on a large scale, to increase the employment of women, and largely to raise their status in the labor market. At this very moment the neglect to apply the Factory Acts effectively to the domestic workshop is positively restricting the demand for women workers in the clothing trades. And what is even more important, we see that it is only by strict regulation of the conditions of women's employment that we can hope for any general rise in the level of their industrial efficiency. The real enemy of the woman worker is not the skilled male operative, but the unskilled and half-hearted female "amateur" who simultaneously blacklegs both the workshop and the home. The legal regulation of women's labor is required to protect the independent professional woman worker against these enemies of her own sex. Without this regulation it is futile to talk to her of the equality of men and women. With this regulation, experience teaches us that women can work their way in certain occupations to a man's skill, a man's wages, and a man's sense of personal dignity and independence.

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
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