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THE LORDS AND THE
SWEATING SYSTEM.

The Select Committee of the House of Lords, appointed two years since to inquire into the Sweating System, has at last brought its labours to a close. The inquiry has been exhaustive. Under the chairmanship of Lord Dunraven, it has been extended from the East End of London, to which it was originally restricted, to the principal provincial towns; it has embraced, besides the great clothing industries, the nail and chain, cutlery, gunlocks, saddlery and furniture trades—in fact, the manufacture of almost every article of personal use turned out in wholesale quantities.

At the end of last Session the evidence was complete, and the Court adjourned. For the last nine months the public have anxiously awaited the verdict. Vague rumours of dissension, followed by inspired paragraphs in the London and provincial papers, telling of the wrongs of Lord Dunraven, and lastly the dramatic scene in the House of Lords, have roused personal curiosity as well as public interest as to the outcome of the inquiry. We were led to believe, on the highest authority, that the Report of the Select Committee (bereft of the chairman), always supposing that such a living thing as a Report should break the shell of chalky indifference and all-round obstruction of a compact body of Whig Peers, would be a lame and colourless creature. It is with a sense of deep relief that those who ardently desire reform see before them a concise document containing sound statement and helpful suggestion.
If the 'conclusions' drawn up by Lord Derby and his colleagues are worded in self-possessed and somewhat thin language, if their proposals show signs of extreme deliberation, and of caution disguised as vague and indeterminate expression, surely it lies with us to fill in their meaning, and carry forward their recommendations; resting thankful that each assertion made, and each step taken, proves firm and in the right direction. It is with this object and in this spirit that I venture to analyse the Report, together with the evidence upon which it is based, and to define and elaborate the plan of campaign.

At the outset the Committee are met with the difficulties of definition.

We have endeavoured, without much success, to extract from the principal witnesses a clear idea of what they understand by the term sweating. The replies received were neither clear nor consistent. It was urged by some that sweating is an abuse of the sub-contract system; . . . others, on the contrary, have maintained that sub-contracting is by no means a necessary element of sweating.

This latter opinion is apparently shared by the authors of the Report, as they remark later on, in discussing the causes of the evil known by the name of sweating, that the 'middleman is found to be absent where they abound.' It is noteworthy, moreover, that the popular and picturesque name—the sweating system (a term which has served well or ill to describe the scope of the inquiry)—is conspicuous by its absence from the terse propositions drawn up as the conclusions of the Select Committee. They speak of sweating, but they drop the additional word system, and by this significant omission they tacitly deny that these evils are co-extensive with, or peculiar to, any one form of industrial organisation. But although they are unable to agree on a scientific definition of the whole subject matter before them, they are absolutely clear as to the nature of the evils they have been called upon to examine and to remedy. These are stated to be: (1) an unduly low rate of wages; (2) excessive hours of labour; (3) the insanitary state of the houses in which the work is carried on. By the use of the word 'unduly' their Lordships would seem to imply that these evils are relative to a bad state of things; a fringe of destitution surrounding a mass of struggling poverty; a zone of disease encircling an already unhealthy area. To this practical definition of sweating they add the significant remark: 'These evils can hardly be exaggerated.' The case for a vigorous effort at reform is therefore complete.

If we pass from the definition of the so-called sweating system to the causes of the evils of sweating, we note that the Committee again reject the common view. The great majority of workers examined before the Committee attributed their sufferings to four distinct causes: to the presence of middlemen, machinery, and subdivision of labour on the one hand, and to foreign immigration on the other. The Select Committee have taken the courageous but
unpopular course of denying the truth of the first opinion, while giving a strictly qualified assent to the latter. But as they have dismissed the four questions somewhat curtly, it will be needful, in face of this deep-rooted popular conviction, to give each point an independent examination. For if we cannot agree as to the seat of the disease, we are unlikely to advise and carry out the same treatment.

Now it is obvious that, if we wish to determine, once for all, whether the presence of middlemen, machinery, and subdivision of labour are at once the cause and the essence of the evils of sweating, we must take a wider survey of industrial facts than that afforded us by the four volumes of evidence published by the Committee. We must use the comparative method; we must lay side by side with the organisation of production in the sweated trades the organisation of production in those industries admittedly free from the evils of sweating. In short, to discover what constitutes disease, we must compare the diseased body with the relatively healthy organism.

First as to the presence of middlemen or sub-contractors. In the staple manufactures of the kingdom—in the cotton, woollen, and manufactured metal trades—we find, as a general fact, three profit-making capitalist middlemen between the manual worker and the consumer: (1) the master of the factory or workshop; (2) the wholesale trader, supplying foreign agents and English shopkeepers; (3) the large or small retailer in direct contact with the consumer. At the present time this may be considered the typical organisation of English industry. It admits, of course, of varieties; in some branches of these industries, various grades of brokers and warehousemen intercept intermediate profits; in other cases, the manufacturer sells direct to the shopkeeper; while we find instances in which the wholesale trader is himself a retailer. But, taken as a whole, we see throughout manufacturing industry, outside the so-called sweating system, two general facts: the functions and responsibilities of the manufacturer on the one hand, and the trader on the other, are kept clear and distinct; and, secondly, the profits of distribution are usually divided between two classes of dealers—the wholesale trader and the retail tradesman. The first of these facts is the more universal and significant.

Let us next examine the organisation of the sweated industries. In the coat trade at the East End, the so-called sweating system consists of a host of small masters and female home-workers competing for work at the counters of wholesale firms; at the West End, this wholesale trader disappears, and is replaced by the retail tradesman in direct contact with the customer. It is true that, in the earlier stages of the inquiry, vague statements were made as to the existence of a series of middlemen between wholesale and retail traders and the small masters and home-workers. No attempt, however, was made to prove the truth of this statement; and in all the
instances of sweating actually brought before the Committee, the work was taken out direct by small masters or out-workers from the wholesale or retail traders. In the manufacture of trousers and vests, the small master, at work in his own shop, is exchanged for the distributing sweater, employing women in their own homes. This individual, however, seems to be disappearing before the steady pressure of the wholesale and retail firms eager to absorb the whole profit of labour. In the Glasgow clothing trade the representative of the workers states that the 'real sweater is the man who takes work from the retail shop and does it at his own home;' from Birmingham, Manchester, and Liverpool we have much the same tale. If we sum up, therefore, the general facts of the clothing trade, we find the three profit-making middlemen, typical of English industry—the manufacturer, the wholesale trader, and retail tradesman—are not multiplied in the manufacture of slop clothing, but, on the contrary, are, in many instances, reduced to one or two hybrid figures—the small master who works as hard as, if not harder than, those he employs (and may be therefore considered, in many instances, as a manual worker), and the wholesale or retail tradesman, manufacturing to some extent on his own premises, and giving work out, not only to large and small masters, but direct into the homes of the people.

In the furniture and cabinet trades this concentration of the various profit-makers of English industry in one person is still more apparent. The whole indictment brought against a well-known West End upholsterer (who is accused of bringing down the wages of indoor hands by the competition of out-workers) on the counts of low wages, discounts on cheques, high-handed and insolent foremen, is a striking illustration of this fact. And if we descend to the lower sections of the furniture trade, in which the evils of sweating were proved to exist, we may watch the poverty-stricken maker of tables and chairs hawking his wares along Curtain Road, selling direct to the export merchant or to the retail tradesman—or, perchance, to the private customer. In the manufacture of cheap boots in the Metropolis, of cheap cutlery at Sheffield, of indifferent nails at Halesowen, we meet with this same sorrowful figure—the small master or out-worker buying his material on credit, and selling his product to meet the necessities of the hour; in all instances underselling his competitors great and small.1 Respectable employers, interested in a high standard of production, trade unionists, keen for a high standard of wage, agree in attributing to this pitiful personage the worst evils of the sweating system. Here, not only do we fail to discover the existence of sub-contract, but the element of contract disappears,

1 See evidence of Parnell and Jeliffe, cabinet trade, 2864–66, 2918, 3225; of Salloman, 11,337, 11,345, 11,366, 11,381; of Lovejo, 12,299, in boot trade; of Hingley 22,514, 22,515, chain trade; and of Uttley, 24,717–36, in tool and cutlery trade.
and the elaborate organisation of modern industry is replaced by a
near approach to that primitive higgling of the market between pro­
ducer and consumer to that primaeval trial of struggle and endurance,
in which the weakest and most necessitous invariably suffers.

I do not wish the reader to imagine that I deny the existence of
the sweater in the sweated industries. But I deny that the sweater
is necessarily or usually a sub-contractor or employing middleman.
The sweater is, in fact, the whole nation. The mass of struggling
men and women whose sufferings have been laid bare by the inquiry
are oppressed and defrauded in every relation of life: by the man
who sells or gives out the material on which they labour; by the
shopkeeper who sells them provisions on credit, or forces them under
the truck system; by the landlord who exacts, in return for the four
walls of a bedroom, or for the unpaved and undrained back yard, the
double rent of workshop and dwelling; and, lastly, by every man,
woman, and child who consumes the product of their labour. In the
front rank of this, the most numerous class of sweaters, we find the
oppressed workers of other trades. Hence, it is not the presence nor
the absence of the sub-contractor which causes the evils of sweating.
Traders of all grades, who call themselves manufacturers—warehouse­
men, shippers, factors, sub-purchasers, retailers who trade as whole­
sale firms, sub-contractors, distributing contractors, small masters,
out-workers and home-workers claiming to be journeymen—this
whole army of nondescript and masked characters spring up and dis­
appear in the sweated industries, as they serve or are worthless to
the spirit of unrestrained competition. In short, to use the words
of the Report, ' the middleman, where he exists, is not the hand of
the oppressor, but the instrument of oppression: ' this amphibious
being, styled ' the middleman, ' is the effect, and not the cause, of
industrial disorder. Like the noxious fungus that breeds in dark
places, he lives or dies on already decaying and disorganised matter.

But, in the midst of this medley of methods and confusion of
persons, one feature stands out clear and distinct, as persistently
characteristic of all sweated industries—the absence of the responsible
employer. The mill-owner, coal-owner, or large iron-master, is
forced to assume, to some slight extent, the guardianship of the
workers. He is compelled by the State to provide healthy accom­
modation, to regulate the hours of labour of women and young per­
sons, to see to the education of children, to guard against and insure
all workers against accident. Trades unions, arising from the
massing of men under the factory system, insist on a recognised
rate of wages. Public opinion, whether social or political, observes
the actions of a responsible employer in the open light of day.
Willingly or unwillingly, he must interpose his brains and his capital
between groups of workers on the one hand, and the great mass of
conscienceless consumers on the other. These are the services
exacted from him by the community in return for the profits he makes. He is, in fact, the first link between the private individual intent on his own gain, and the ideal official of the Socialist State administering property in trust for the people. It is the absence of this typical figure of nineteenth century industry which is at once a distinguishing feature and a main cause of those grosser forms of fraud and oppression known as the sweating system.

Machinery and subdivision of labour are accused of being, together with the sub-contractor, joint forerunners of evil. On this point the Report somewhat laconically remarks: 'The answer to this charge seems to be that, in some of the largest clothing and other factories in which labour is admitted to be carried on under the most favourable conditions for the workers, machinery and subdivision of labour to the greatest possible extent are found in every department of the factory, from the highest to the lowest.' And whatever may be the historical justification for the popular faith, no intelligent person, who will take the trouble to compare the methods of production and the conditions of employment in the sweater's den or worker's home at the East End with those obtaining in the largest, best appointed, and most successful clothing factories at Leeds, boot factories at Leicester, furniture factories near Glasgow, can seriously maintain that the use of machinery and subdivision of labour are in any sense characteristic of the cheap production and unhealthy conditions of the so-called sweating system. The coat that fits to perfection, the boot that keeps its shape in spite of the roughest wear, the cabinet perfect alike in design and finish, are still made by the individual worker—by the handicraftsman using tools and not machinery. The use of these articles is the luxury of the rich, as their construction is the monopoly of the artistic journeyman. But leaving on one side the artist mechanic, with his aristocratic customers, we may assert as an economic truism that machinery and subdivision of labour are characteristic of the factory system with its responsible employer, fixed wages, regulated hours, and serviceable product; that they are seen in a less perfect form in the medium class of sweated industries such as the East End coat trade, and that they are conspicuously absent in those trades, or in those sections of trades, in which the evils of sweating assume the most virulent type—in the manufacture of chains and nails, and in the 'finishing' of the cheapest class of men's clothing and of boots and slippers.

But, from the point of view of remedial proposals, the origin of this deep-rooted popular fallacy—that sweating is caused by the introduction of profit-making middlemen, machinery, and subdivision of labour—is both interesting and instructive. It arises, I venture to think, from a one-sided observation of the growth of certain manufactures, from retail trades carried on by individual workers for the benefit of individual customers, into wholesale in-
industries, undertaken by whole classes of producers and supplying home and foreign markets. This 'industrial revolution' swept over the staple trades of the kingdom at the end of last and the beginning of this century. Machinery and subdivision of labour acted as cause and effect; profit-making middlemen, between the manual worker and the consumer, devoting brains and capital to the organisation of labour and the perfection of technical processes, others to the distribution of products in the markets of the world, were an inevitable accompaniment to the early development of private enterprise. In the textile and other industries, the transformation was rapid and universal. And, after fifty years of untold misery to the workers, of enormous gains to the profit-making capitalists, of vigorous effort on the part of large-hearted and far-sighted reformers, it ended in the present factory system—or the creation by the State of the legal responsibility of the employer for the conditions of employment. But in the minor manufactures of men and women's clothing, of household furniture, and of other articles of personal use, the change has been more tardy and less complete. The hand-loom weaver, selling his piece of cloth to a neighbour's wife or to the travelling factor, has become long since an historic figure; but the tailor, bootmaker, cabinet-maker, executing the order of the private customer or shopkeeper, are still at work in village and town. Moreover, the machinery introduced into these latter trades (of which the sewing machine may be taken as a type) can be owned by the worker, and is independent of motive power; while subdivision of labour may begin with the matrimonial tie and end with the children. Hence these mixed and degraded forms of employment known as the sweating system. Production, retail or wholesale, is undertaken in the homes of the people, by small masters in hidden workshops, or by workers in their own dwellings. The profit-making middleman appears, but in the character of a wholesale trader, distributing the work, or buying the product; in either case relieved, by the homework system, from his duties as a responsible employer—at once landlord and wage-payer. The workers, on the other hand, incapacitated for combination by the isolation of their lives, and carefully excluded by special clauses from the protection of the Factory and Workshop Act, are delivered over body and soul to the spirit of unrestrained competition, arising from the ever-increasing demand for cheap articles in the great markets of the world. The peculiar evils of sweating cannot, therefore, be attributed to the introduction of profit-making middlemen, machinery, subdivision of labour, since we owe to these same causes, and to a far higher degree, the advantages of the factory system. It would be more plausible to affirm that these evils originated in the absence of a (responsible) middleman, and in the imperfect introduction of machinery and subdivision of labour—that it was, in fact, a good instance of 'arrested develop-
ment.' In simple words, it is the oft-told story of new wine in old bottles: an attempt to conduct wholesale manufacture in the effete and decaying channels of the home-work and small workshop system.

Let us for one brief moment translate these dry terms, home-work and small workshops, into the living words of human life and suffering. I take samples, not from the evidence of paid agitators or sensational philanthropists, but from the plain statements of unbiased officials.

A workshop is erected on the area which was formerly the yard of the house. The walls are reeking with wet, and to hide that wet a little bit of thin matchlining is put up against it. The roof is constructed in such a manner that it leaks badly, and always will leak. The flooring, in many instances, is on the earth, which is not properly drained as it should be. In many cases the window-sashes are rotten, or the sashes of the skylight are rotten. In some cases, for the only outlet there is merely a little iron stove, very low, on the surface, with a four-inch pipe to carry off the smoke, no properly constructed chimney; that is in some cases.

There was a room about 12 or 14 ft. by 10 ft. and 8 ft. high, as near as I could judge it by the eye: in this room there was a large bed, the only bed in the room, on which the mother of the family was dying of consumption; although it was summer, there was a large fire in the room, before which the husband was at his work as a tailor, pressing cloth, and so, of course, filling the air with steam; besides him, there was his son also at work, and playing on the floor were two or three small children; all crowded into a room which would properly contain two or three people at the most, with due consideration to health.

I could multiply, from the abundant materials of the evidence, or from my own personal experience, these graphic accounts of home-work, and give examples from each of the sweated industries; but I will content myself with quoting Mr. Burnett's apt statement of the effect of home-work or small workshops in the chain and nail trade—equally applicable to all industries in which 'sweating' has been proved to exist.

To people working each in their own little shop from early morning until late at night combination is above all things difficult. Each man struggles for himself and his family, and thinks nothing of the common good... One man or one woman can be played off against another, and the prices of labour are thus subject to the daily haggle of workers competing for bread. This is clearly and unmistakably the result of the small workshop system, which is undoubtedly the root of many if not all the evils from which the nailmakers suffer.

With these facts before them we cannot wonder at the decided opinion of the Select Committee 'that the sanitary conditions under which work is conducted are not only injurious in the highest degree to the health of the person employed, but are dangerous to the public; nor can we be surprised that they confirm the opinion of the Labour correspondent of the Board of Trade that home-workers form the great obstacle in the way of combination. As their Lordships hold that trade combination is the only effectual remedy for the evils of long hours and low wages, it is clear that they have arrived at a sound

2 Goodwin, 31,801. 3 Squire, 17,398.
conclusion: viz., that the evils of bad sanitation, low wages, and long hours are rooted in the home-work or domestic workshop system.

We now touch on the question of foreign immigration, or, to put it more plainly, the competition of Jewish labour. For it is urged that the home-work or small workshop system, with its oppressed workers and cheap and nasty product, might be left to speedy extinction by the competition of large and well-appointed factories if it were not for an apparently inexhaustible supply of two distinct classes of workers: Jews and semi-dependent women. These workers are said to share in common characteristics which disinclined and unfit them for factory labour, while they admirably adapt them to work under the sweating system. And it is further maintained that, through the competition of this cheap labour, English journeymen are dragged into the ranks of sweated workers or forced into the army of the unemployed. Of these two sources of industrial degradation, Jewish workers, with their uncouth manners and foreign origin, have been most in evidence throughout the inquiry.

The Select Committee do not deny the truth of the popular view. They devote a comparatively long paragraph to describing the low standard of life, the absence of skill, and the apparent incapacity for trade combination, characteristic of the Jewish immigrants, and the effect of these qualities or deficiencies on the English labour market. But they point out that the competition of Jewish labour is practically limited to the tailoring and boot and shoe trades, and is conspicuously absent in many of those industries which are honeycombed with the evils of sweating. On the other hand, they draw attention to the large supply of cheap female labour, occasioned by the fact that married women working at unskilled labour in their own homes . . . and not wholly supporting themselves, can afford to work at what would be starvation wages to an unmarried woman. In their opinion the ill-effect of Jewish immigration is not a question of fact but a question of proportion. The Jews are counted by their thousands; the women, dragging in their rear semi-dependent husbands and a huge force of unprotected children, may be numbered by hundred thousands.

Through this double analysis of the Lords' Report and popular opinion as to the causes of the so-called sweating system, I venture to think we have discovered and laid bare the roots of the evils known as sweating. An unduly low rate of wages, excessive hours of labour, and the bad sanitation of work-places have been shown to exist in industries distinguished by the following circumstances: (1) By the presence of workers with an indefinitely low standard of life, with a lack of class loyalty, and usually, but not always, with a want of skill; (2) by the absence of an employer responsible to the State and to public opinion for the condition of his workers; and, lastly, as the form in which these facts manifest themselves, as the oppor-
tunity for this class of character; (3) by the prevalence of home-work or small workshops, hidden or exempted from the inspection of the Factory Acts, and free from the regulations of trade unions.

These three circumstances form a vicious circle, each point of which rises out of and runs into the other, while the omission of any one point would destroy the whole circle. For it is obvious, if we could remove these workers as competitors for employment, the evils of sweating would not exist; or, if we could transform every wholesale trader into an employer legally responsible for the conditions of employment, we might smile on home-work or family workshops as an ideal arrangement, and encourage Jews and women to join the throng of well-cared-for workers; and, lastly, if we could restrict or regulate home-work, we should raise the standard of comfort to the level of the Factory Acts; or, supposing trade competition did not allow of this, we should drive the workers under the factory system where Jews and women would be forced to work in a regular fashion, and to compete on equal terms with English journeymen. The question of reform, therefore, resolves itself into a question of strategy: Which point in this fortress of iniquity is the easiest to assail and overcome?

Let us begin at the first point. Is it possible to check at its source the supply of low-class labour? Clearly we cannot check the numbers of native workers; the practical question is, therefore, narrowed down to a restraint or prohibition of foreign immigration.

Now, the settlement of this question was expressly excluded from the inquiry of the Lords' Committee. A Select Committee of the Commons was appointed at the same time 'to inquire into the laws existing in the United States and elsewhere on the subject of the immigration of destitute aliens, and to report whether it is desirable to impose any, and if so what, restrictions on such foreign immigration.' And after taking full evidence, both as to the importance of foreign immigration as a factor in labour troubles, and with regard to political and administrative difficulties in checking it, the Committee summed up in the following words: 'that while your Committee see great difficulties in the way of enforcing laws similar to those of the United States against the importation of pauper and destitute aliens, and while they are not prepared to recommend such legislation at present, they contemplate the possibility of such legislation becoming necessary in the future.'

We can hardly dispute this judgment, unless we are prepared to consider the Commons' Report and the evidence upon which it is based, a task beyond the scope of this paper. Moreover, as before said, even if we were able and willing to check foreign immigration, we should still have to deal with the larger half of the question—with the apparently inexhaustible supply of women, young persons, and children, working for pocket-money, or supplementing the wages of
semi-dependent husbands and fathers—with, in fact, the family as a unit of labour.

The second question, the absence of the responsible employer, is open to a direct solution. We might create a responsible employer, in the form of a State or municipal official, and reorganise the sweated industries on a Socialist basis, offering the oppressed workers employment in State or municipal workshops.

This "simple remedy" for sweating was advocated by one or more witnesses, notably by a gentleman from the Black Country, who laid before the Committee an elaborate plan for the complete reorganisation of the chain and nail trades in State-subsidised workshops. But, whatever may lie hidden in the future, public opinion is not ripe for the Socialist answer to the labour problem. And in face of the revelation made before the Committee, with regard to the execution of Government and municipal contracts, Socialists may well confine their present efforts to forcing central and local authorities to fulfil the duties of responsible employers in those trades in which they are actually engaged. To reform the constitution and conduct of these bodies, to inspire them with the Socialist spirit—with a due consciousness of responsibility for the physical and mental welfare of those by whose labour they profit—will be a sufficiently hard task for one generation of energetic reformers.

It is, however, gratifying that in this practical attempt at reform Radicals and labour representatives receive the emphatic encouragement of the Select Committee of the House of Lords. The Committee urge on the attention of Parliament 'the grave scandal of sweating' in government and municipal contracts; they recommend the adoption of the factory clause, and the payment of minimum rates of wages (to be specified by the Department) by all contractors. This is nothing less than an official condemnation of the business maxim of buying in the cheapest market when applied to the State or municipal employment of labour. To carry out this reform is a needful preparation, if not a first step, towards the direct creation by the State of employers responsible to the people for the welfare of the workers.

We cannot, therefore, stop at its source the supply of workers with a low standard of life. Neither can we, at the present time, extend to the whole domain of the sweating system the representative government of industry. But by attacking the last point in the vicious circle—the prevalence of home-work or domestic workshops—by insisting on the responsibility of the landlords and employers, who profit by this system of sweating, we can go far towards securing to the workers the same level of comfort and well-being as under the Factory Acts; or, if (owing to the essential badness of home-work) trade competition does not allow of this, we can force the majority of workers into factories at the expense of these same land-
lords and employers, who have hitherto reaped the gain from this depressed and demoralised labour market.

Now it is satisfactory to note that the Select Committee are perfectly aware that the regulation or restriction of home-work is the crucial point—that here at last they are face to face with the practical question of remedies. 'We have been urged to recommend the prohibition by legislation of working at home, but we think such a measure would be arbitrary and oppressive.' Verily this is damning reform by proposing strong measures! To prohibit a system of employment would be without precedent, even if it were practicable; to regulate and restrict, to give fair field and no favour, would be in full accordance with the Factory, Employers' Liability, and Public Health Acts of this century—with the gradual extensions under these Acts of legislative regulations to the employment of all classes of labour, and to the use of all kinds of property—to the gradual creation of responsibility among all classes of employers, and all classes of property owners.

This is, in fact, notwithstanding their protest, the line taken by the noble Lords. They simply differ from popular opinion in restricting the proposed reform to the one evil of bad sanitation. Long hours, with its twin brother, low wages, they refer for treatment to trades unions and to co-operative societies. But they seem to forget that in an immediately preceding sentence they have declared trades unions hors de combat; home-work forming, according to the evidence of all the experts,(whether factory inspectors, trades unionists, or respectable employers) an insuperable barrier to effective combination. Platonic praise might well be exchanged for practical helpfulness. We must give, by legislative reform, these same unions a firmer foothold. As for co-operative societies, if by 'co-operative societies' the Select Committee mean productive co-operation, any student of the co-operative movement of the last seventy years cannot read the suggestion otherwise than as a very grim joke. Productive co-operation demands for its fulfilment exactly those qualities which are conspicuously absent among sweat workers—loyalty, integrity, commercial experience—besides the possession of that little trifle, Capital. Presumably, from the lack of those qualities and from the difficulty of raising sufficient capital, productive co-operation has failed to extend among our most skilled, responsible, and well-to-do artisans; while the simpler forms of combination—trades unions and joint-stock shopkeeping—have grown apace. Self-governing associations of producers may be the goal, they are certainly not the starting-point of industrial reform. To recommend co-operative societies, therefore, to the victims of 'sweating' is somewhat similar to advising a people ignorant of the three R's to start, at their own initiative and from their own resources, technical schools and universities of learning.

I fear it will be impossible to discuss the reforms advocated by
the Lords, and realise the possibility of extending their recommendations to the other evils of sweating, without some reference to the Workshop and Factory Act of 1878, and the Public Health Act of 1875.

Broadly speaking, the provisions of the Factory Law may be classed under two headings: (1) regulations with regard to the hours of labour, education, &c. of the protected classes—women, young persons, and children; (2) and regulations affecting the safety and health of all workers, whether male or female, adults or children. In these latter regulations—in the sanitary requirements of all workplaces—the clauses of the Factory Acts are interdependent with the clauses of the Public Health Acts, the whole presenting an inextricable tangle. Now (in spite of cross-reference to other Acts and of a perfect medley of special exemptions affecting certain trades) it is easy to perceive that, in both classes of regulations, the provisions of the Factory Act form a sliding scale of stringency and efficiency; ranging from the enforced registration, drastic rules, and centralised inspection of textile and other factories, to the elastic requirements as to notices of occupation, hours of labour, overcrowding and general cleanliness in the domestic workshop; until all attempt at regulation is lost in the work-place of husband and wife, or in any workshops, however large, 'to or over which the employer of the persons working thereon has [not] the right of access or control.'

To illustrate this sliding scale of requirements, take, for example, the hours of labour for women and young persons. In textile factories the working hours are limited to ten a day, fifty-six and a half a week; in non-textile factories and the workshops of certain specified trades to ten and a half hours a day, or sixty hours a week; while in workshops, in which adult women only are employed, or in domestic workshops (a place used also for a dwelling, in which the members of the same family are at work) the hours may be extended from six to nine, or to fifteen hours a day, or eighty-five a week. And owing to an unnecessary addition to the definition of a workshop quoted above, women and young persons hiring stalls, machines, or standing-places in any place (other than a factory), are exempt from any regulations under the Factory Act. This latter exception tells most seriously in the chain and nail and furniture trades.

The sliding scale, with regard to sanitation, is more a matter of efficiency of inspection and prompt punishment than of decreased stringency of the rules. Textile and other factories are under the jurisdiction of the factory department. Within one month of starting, the occupier is required to register 'the name of the factory, the place where it is situate, . . . the nature of the work, the nature and amount of the moving power therein, the name of the firm under

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4 A Factory is a place in which power is used.
5 See evidence of Hoare, 22, 921; Parnell, 2864.
which the business of the factory is to be carried on.' The premises are open to inspection at all times of day and night. And, finally, should any factory or workshop be kept in an overcrowded, insanitary, unventilated state, or should the occupier fail to register or comply with the other regulations of the Factory Act, the factory inspector may bring the case before a court of summary jurisdiction, and the magistrate may award penalties for keeping a factory or workshop not in conformity with the provisions of the Factory Act.

Now, if we turn from factories to workshops and domestic workshops, the prompt action of the factory inspector is exchanged for the cumbersome procedure and frequently corrupt administration of vestries and district boards. Workshops in which adults only are employed and domestic workshops are wholly exempt from the sanitary provisions of the Factory Law. If a workshop of this class be kept in an uncleanly or overcrowded state, it becomes a 'nuisance' under Section 91 of the Public Health Act. An amusing description was given to the Committee of the running to and fro of a zealous sanitary official between an unhealthy workshop, the medical officer of health, the sanitary committee of the local authority, and the unregistered and frequently unknown landlord of the unhealthy premises. In all, it takes something like two months to bring an insanitary and overcrowded workshop under the notice of a magistrate. In the meantime the small master or out-worker has probably fitted to a more hidden abode. But, even if the sanitary inspector is fortunate enough to bring the case well into court, penalties can only be exacted from the owner for non-fulfilment of the magistrate's order, and not for keeping or letting a workshop of defective structure, or allowing it to be in an insanitary and overcrowded state.

This is not all. The sanitary inspector who realises that overcrowding and insanitation are more disastrous where men, women, and children work as well as live, the conscientious factory inspector who would ascertain whether children and young persons are at work in the sweater's den—these much-exercised and hard-driven officials are expected to discover the workplaces they are ordered to inspect. 'There is great difficulty in finding these sweaters' shops; they spring up in back streets where they work in their own houses,' remarks a factory inspector to the Select Committee. 'I never know where they are. Under the present system it is perfectly impossible to follow them,' reiterates another factory inspector. And as a practical outcome of official experience we have the one persistent cry: 'Register, 'Register,' 'Register.'

There still remains, however, the last straw which breaks the back of all inspection of domestic industries. Let us suppose that the factory inspector has discovered, through an anonymous letter or otherwise, the existence of a family workshop. If it be also a
The Select Committee recommend the repeal of the Factory Act clause that prohibits workers from entering a dwelling without a magistrate's warrant. The obvious absurdity of this clause has induced the Select Committee to recommend its repeal.

For the lovers of human wisdom, it is satisfactory to observe that this sliding scale of requirements—a mechanism for insuring the growth of the so-called sweating system while discouraging the extension of the factory system—was not invented by the pure 'cussedness' of man. It has arisen from the historical order in which the sufferings of oppressed workers have been brought before the conscience of the people. Regulations of the conditions of labour in textile factories began in the early part of this century; non-textile factories and workshops of specified trades followed in the forties and fifties; while legislative restriction was extended to all manufacture, in a somewhat loose and unsatisfactory fashion, by the Workshop Act of 1867. The last pitched battle between the forces of Reform and Laissez Faire was fought over the consolidation of seventeen previous Workshop and Factories Acts in 1878. As the upshot of this struggle the fundamental principles of the responsibility of all classes of employers, and of State interference with the conditions of employment wherever it was deemed expedient, were conceded. But the Individualists, reinforced by a batch of excellent ladies (eager for the Rights of Woman to work at all hours of day and night with the minimum space and sanitation), and led by an eminent statesman and political economist, beat off the 'New Spirit' from a little bit of outlying territory—the workshops of certain trades in which adults only are employed—and from the whole realm of domestic industry.

How do the Select Committee propose to remove these legislative inequalities in the struggle for existence between the so-called sweating system and the factory system? They suggest an admirable method of registration of workshops by owners; they solve the intricate question of the divided jurisdiction of central and local authorities. With these proposals I shall deal later on. But they leave untouched the first obstacle in the way of reform—this sliding scale of requirements—except on the side of sanitation. They propose that 'for sanitary purposes all workshops (domestic and otherwise) should be treated as factories'; in other words, they suggest a partial repeal of those mischievous sections of the Factories Act exempting certain classes of workshops from the general provisions of the factory law.

But why should we stop here? There is a striking consensus of evidence from factory inspectors, trades unionists, and respectable employers in favour of a total repeal of these sections: i.e. experts...
advocate that the factory standard, with regard to the hours of labour, meal-times, holidays of women, young persons, and children should be enforced in all workshops; while the ‘overtime clause’ in certain trades should be so amended that 48 days in the year be no longer construed 320 days, according to the sweet will of the employer. I propose, therefore, the total repeal of all sections of the Factory Act which exempt domestic workshops, and workshops in which adults only are employed, from the general provisions of the factory law.

The only valid objection to this course is the one I urged before the Committee—the danger of driving the trade out of the workshop into the home. I am glad to see that the Select Committee have partly provided against this danger by recommending to the notice of Parliament an important clause in an Australian Act—a clause which embodies in a practical form suggestions made to the Committee by various witnesses. To complete this reform, and with the double object of including within the jurisdiction of the factory law all labour engaged in manufacture, and of forcing the wholesale trader, factor, or sub-contractor to assume the duties of a responsible employer, I suggest the following complementary amendments to the Factory and Workshop Act.

Briefly put, the definition of a workshop in the present Factory Act runs thus:

Any premises, room, or place not being a factory, . . . in which premises, room, or place . . . any manual labour is exercised by way of trade or the purposes of gain or incidental to the following purposes or any of them: i.e. (a) in or incidental to the making of any article or part of any article; (b) . . . to the altering, repairing, or finishing any article; (c) . . . to the adapting for sale of any article, and to which or over which premises, room, or place the employer of persons working therein has the right of access or control.

No one who reads this definition can fail to admire the skill of the draftsman. With the omission of the words I have placed in italics, the definition at once rises to perfection, and covers the whole field of manufacturing industry. The practical result of this omission would be that a female shirt-hand, or a ‘staller’ in a nailer’s or chainmaker’s smithy, would become an ‘occupier’ within the meaning of the Act, and be liable both to inspection and to penalties. The hardness or injustice of this result I would obviate by inserting in their respective places the following clauses:

Section 98 provides that the exercise of manual labour for purposes of gain shall not in itself constitute the dwelling a workshop, provided the labour does not furnish the whole or principal means of subsistence.

These suggestions do not exhaust the needful reform of the Factory and Workshop Act. Such questions as the specification of cubic space and minimum fines apply to the whole Act, and not to that part of it which deals with the small workshop system, to which I have restricted myself. This limitation to the scope of my paper applies in a greater degree to the suggested amendments of the Public Health Act.
Every occupier of a factory or workroom who has work done for the purpose of his factory or workroom elsewhere than in such factory or workroom shall keep a record, and the same shall be kept so as to be a substantially correct record of the description and quantity of the work done outside of such factory or workroom, and of the name and address of the person by whom the same is done, and in default thereof shall be liable to a fine not exceeding ten pounds. Such record shall be kept for the information of the inspectors, who alone shall be entitled to inspect the same, and who may at all reasonable hours examine the same.

Where an occupier is at work on the material of an employer, all fines to which he is liable under this Act shall be recoverable from the employer whose material is found within the premises at the time of the inspection.

I do not pretend that this latter clause would be frequently enforced. But, taken together, these two clauses would be a direct blow to the employment by large manufacturers of small and irresponsible labour contractors. 'We give out our work to whoever will take it, to the man who will do it best and the cheapest, and we get off with the least trouble.' This is the cynical description of the methods of employment in the East End clothing trade given to the Lords by the representative of the largest manufacturing firm. What with the publicity of the law courts, occasional convictions, and the difficulty of inspecting the worker's home, the 'least trouble' might become troublesome; and the irksomeness and expense of this deliberate system of preying on the necessities of the workers might convert even this frank and outspoken witness into a responsible employer eager for the welfare of those from whose labour he has extracted a magnificent fortune.

We must now deal with the intricate question of administration. For we have seen that the regulation of small workshops under the Factory Act (such as it now stands) is brought to nought by the divided jurisdiction of the factory inspectors and the local authorities in certain workshops, and in all domestic workshops. In these workplaces the factory inspector's authority is limited to the first class of provisions under the factory law: viz. to the regulation of the hours of labour of the protected classes, while all matters of sanitation are under the local authority. Now, there is ample proof of the gross incompetence and frequent inertness (some would say corrupt inertness) of the local authorities in certain districts, while the most energetic and well-intentioned sanitary authority is seriously hampered by the peculiarities of the Public Health Act, with its roundabout procedure and absence of retrospective penalties. The first inclination, therefore, of the earnest reformer is to centralise—to throw the whole responsibility of the sanitation of all workplaces upon the sanitary inspector. But here we are face to face with a serious difficulty. An experienced factory inspector insists that 'the strong statements made about the sanitary state of workshops is utterly misleading: the confusion arising from the state of the yards in which
they are placed, and the houses near which they are.' Indeed, the whole evidence before the Committee points to the fact that it is the approaches to the workplaces—the passages, stairs, back-yards—that are most at fault in the matter of sanitary requirements. Hence, to centralise inspection, besides necessitating an immense increase in the Home Office staff, would simply mean transforming every factory inspector into the sanitary inspector of his district, and would practically strip or relieve the local authority of all jurisdiction and responsibility in a primary matter of public health. This would be obviously inconsistent with our wish to develop to the utmost the powers and duties of County Councils. A County Council, aspiring to the management of farms, docks, and electric lighting, and neglecting questions of local sanitation, would be a strange anomaly.

Now, so far as I understand the somewhat enigmatical wording of the Report, the Select Committee offer suggestions of great practical value. In paragraph 190 they recommend that 'all workplaces shall be treated as factories are treated under the factory law;' in paragraph 193 they advise the repeal of that mischievous clause exempting domestic workshops from regular inspection at all reasonable times of day and night. I take it for granted, therefore, that, in their Lordships' opinion, the factory inspectors should exercise exactly the same powers with regard to general cleanliness, space, ventilation, in all workplaces, whether these workplaces be textile factories or domestic workshops.

But this does not exhaust their recommendations. If they stopped here, their policy would be one of pure centralisation, and would be open to all the objections stated above. In paragraph 194 they 'consider the establishment of County Councils provides in every county a body capable of being trusted with the superintendence of the inspection by sanitary authorities and of making such inspection efficient.'

To understand the bearing of this suggestion we must remember that under the present Local Government Act, County Councils (where they are not at the same time municipalities) have no practical control over local sanitary authorities. Hence there is little hope of making these independent authorities—too small to attract or pay for the services of first-rate men—energetic and efficient. Lord Derby and his colleagues suggest that, in the creation of district councils or in any further development of local government, we should return to the original idea embodied in Mr. Ritchie's draft Local Government Bill: to the policy of making each County Council a small Local Government Board gifted with certain legislative functions (such as enacting or approving of by-laws for all subordinate districts) and endowed with extensive powers of superintendence and control. Now, this recommendation, taken in conjunction with those contained in paragraphs 190–194, points to a
concurrent jurisdiction of the Factory Department and the County Council in all questions of sanitation: in other words, instead of factories being outside the authority of the district board or council, while workshops are especially exempted from the control of the factory department, the County Council shall be made expressly responsible for factories, workshops, and their surroundings; the factory inspector retaining his enlarged powers and intervening in case of default on the part of a local authority. This would be following the precedent of the concurrent authority of the School Board and the factory inspector in the matter of compulsory education.

We shall perceive the wisdom of these far-seeing proposals in considering that second obstacle to the administration of the law—non-registration of workplaces. Who is to register these hidden workshops in the cellars, back-yards, bedrooms—behind, above, below the retail shops and dwellings of metropolitan and provincial slums? The Factory Law answers, the occupier. Now, the occupier, with regard to the hours of labour and conditions of employment, is always the same person, whether he be the master of a factory or the inhabitant of a slum, viz. the person who employs his own or others' labour. But with regard to defective structure or bad sanitation of the workplace, who and what is this occupier?

In the factories and large workshops of legitimate manufacture, he is a responsible capitalist, owning, leasing, or renting the workplace and its surroundings. He is, in fact, the 'owner' of the Sanitary Acts—the person whom a local authority would prosecute for a 'nuisance,' whether arising from the bad sanitation, overcrowding, or deficient accommodation of the interior, or from a foul drain in some outer part of his premises. But when we descend into the sweated industries, we lose sight of this responsible employer, at once landlord and wage-payer, and find ourselves in a shifting population of men and women, natives and foreigners, occupying garrets, back-yards, cellars by the week; living in fear of the landlord's broker, at the mercy of a neighbour's dirt, and ready to flit at a moment's notice. The double duties of the ordinary manufacturer are divorced—the wholesale trader becoming the wage-payer, the owner of the premises the landlord. In our amendment to the Factory Act we have insisted on the responsibility of the wholesale trader; in an amendment to the Public Health Act we can deal with the landlord.

In those districts affected by sweating (that is, where occupiers are weekly tenants), the provisions of the Public Health Acts are practically enforced through the agency of the owners. But in this

11 The 'owner,' under the Sanitary Acts, is the person who receives, or would receive, the rack rent of any premises. Hence, if Smith lets a house to Jones, and Jones sub-lets the house to weekly tenants, Jones, and not Smith, is the 'owner' of
laudable endeavour to affix the responsibility to the man who makes
the profit, and who alone can inspect the condition of his premises,
and remedy any defective structure, the sanitary officials are
thwarted by ignorance of his name and address. It is exactly this
weak spot in the Public Health Acts that the Select Committee desire
to strengthen by advocating a registration of property by owners.

25. We are of opinion that greater facilities should be given to factory inspectors
for inspecting the workplaces within their jurisdiction by registration of owners,
or by requiring notice to be given the inspectors of the establishment of new
work-places, and the discontinuance of old. Some means should also be devised for
enabling sanitary inspectors to discover readily the names and addresses of the
owners of insanitary workplaces and houses.

From the wording of this paragraph I imagine that the Select
Committee recommend that County Councils should be empowered to
make by-laws as to houses or parts of houses let for industrial pur­
poses, and that these by-laws should enforce the free registration of
such premises by the owners.\textsuperscript{12} I suggest that this responsibility of
the owner be extended to the use of such premises for such pur­
poses; the system of weekly rent-collecting forming, to my mind,
an admirable method of voluntary inspection on behalf of the imme­
diate landlords. Moreover, the County Councils should be required
to forward to the Factory Department a complete list of the factories
and workshops within their district, and the Birmingham system of
mutual reports should be adopted, the sanitary inspector notifying all
breaches of the Factory Acts, while the factory inspector would report
to the sanitary authority non-compliance with the provisions of the
Public Health Act.\textsuperscript{13}

In the current criticisms of the Lords' Report, I fail to find any
adequate appreciation of the ability with which the Committee have
dealt with the most difficult practical problem arising out of this
inquiry—I mean with the present divided jurisdiction of the Factory
Department and the local authorities in the workshops of the sweated
industries. Lord Derby and his colleagues have suggested an
administrative reform without which no conceivable amendment of
the regulations of the Factory Act would be of the slightest avail.
For to the unsatisfactory settlement of the relative functions of the
factory inspector and the sanitary inspector in the Workshop Acts
of 1867-71 and in the Factory and Workshop Act 1878, we may
attribute the sanitary evils of the sweating system. Now the advice
given to the Committee by experts was of the most contradictory
and perplexing nature. Mr. Redgrave, the experienced chief of the

the premises. The occupier may become, under the terms of his lease, liable to the
responsibilities of the owner. This provides for those instances in which the occupier
of the Sanitary Acts is a man of substance.

\textsuperscript{12} Under Section 76 of the Public Health Act the sanitary authorities are already
permitted to make by-laws for houses let in lodgings, a permission which is freely
used in well-managed parishes.

\textsuperscript{13} See evidence, Knyvett, 27641.
Factory Department, observed that logically the factory inspector should confine himself to the hours of labour and the safety of machinery, while the sanitary authorities should be held responsible for questions of pure sanitation; and he advocated, in any amendment of the Factory Act, the transference of all sanitary inspection to local authorities. On the other hand, the whole staff of working factory inspectors, and the whole body of trade unionists examined by the Committee recommended the extension of factory jurisdiction to the sanitation of all workshops. The Select Committee have struck an admirable compromise. They have given us (it is true, in faint outline) a policy which, while it increases the present powers of the central government, provides for the gradual absorption, by competent local authorities, of all those duties of the factory inspector which relate to purely local matters, such as the structure and sanitation of buildings and the registration of property—duties which can be far more efficiently performed by officials in constant and intimate communication with the inhabitants of the district. Hence the reform of the sweating system is no simple matter: it needs a delicate adjustment of the Factory Acts, the Public Health Acts, and the Local Government Act—the tuning of these three great legislative instruments to one common note of strength and harmony.

I do not know whether, in the foregoing pages, in this attempt to lend colour and form to the broad lines of the Lords' Report, I have been fortunate enough to give the reader a clear idea of the origin and nature of the evils of sweating, or to lay before him an intelligible body of reform. In this labyrinth of technical detail I have been led by the insinuating logic of facts again and again to the one central idea, round which gather scientific description and practical suggestion—an idea which has loomed larger and larger with a closer and more personal study of the suffering and degradation of the workers—an idea which I conceive to be embodied in all the labour legislation of this century: the direct responsibility, under a capitalist system of private property, of all employers for the welfare of their workers, of all property owners for the use of their property. From the denial of this personal service, in return for profits and rent, arise the dire evils of sweating—evils described in simple but touching words in the Lords' Report: 'earnings barely sufficient to sustain existence; hours of labour such as to make the lives of the workers periods of almost ceaseless toil, hard and unlovely to the last degree; sanitary conditions injurious to the health of the persons employed, and dangerous to the public.' It will be through awakening the sense of this responsibility, through insisting on the performance of this duty, by legislative enactment, by the pressure of public opinion, and by all forms of voluntary association, that we can alone root out and destroy those hideous social evils known as the Sweating System.

Beatrice Potter.