

# Capital

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## CHAPTER EIGHT

# The Working Day

### I. Limits of the Working Day

We began by assuming that labor-power is bought and sold at its value. Like the value of every other commodity, labor-power's is determined by the labor-time needed to produce it. If it takes six hours of labor to produce a worker's average daily means of subsistence, then on average, he must work six hours a day to produce his labor-power—that is, to reproduce the value for which his labor-power is sold. Here the necessary part of his working day amounts to six hours and is a given quantity, provided all other conditions remain the same. But with this, the length of the working day as a whole isn't yet given.

Imagine that the line A—B represents the duration of the necessary labor-time, which is six hours. If labor is extended beyond this line by different amounts of time, say, one hour, three hours, or six hours, its extension will result in three different lines that represent three different working days:

Working Day I (seven hours)

A—B—C

Working Day II (nine hours)

A—B—C

Working Day III (twelve hours)

A—B—C

The extension BC represents the surplus-labor. Since the working day = AB + BC, or simply AC, it varies with the varying magnitudes of BC. Since AB is fixed, the ratio of BC to AB can always be calculated. In Working Day I, BC is  $\frac{1}{6}$  of AB, in Working Day II,  $\frac{3}{6}$  of AB, and in Working Day III,  $\frac{6}{6}$ . And since the ratio  $\frac{\text{surplus labor-time}}{\text{necessary labor-time}}$  determines the rate of

surplus-value, the ratio of BC to AB gives us that rate. In these three different working days, it amounts to  $16\frac{2}{3}\%$ , 50%, and 100%, respectively. But the rate of surplus-value doesn't tell us by itself the magnitude of the working day. If the rate of surplus-value were 100%, the working day could be eight hours, ten hours, or twelve hours, or longer or shorter. A rate of 100% says only that the two parts of the working day, the part for necessary labor and the part for surplus-labor, are of equal magnitude. It doesn't say how large or small those magnitudes are.

The magnitude of the working day is thus variable rather than constant. Of course, one part of the day is determined by the labor-time it takes to continually reproduce the worker. But the total length of the working day varies with the length or duration of the surplus-labor. So while the length of a particular working day can be determined, the working day is by nature indeterminate.<sup>1</sup>

Although the working day's magnitude is fluid rather than fixed, it varies only within certain limits. Its minimum limit, however, can't be determined. If we set the segment BC (the amount of surplus-labor) to zero, then we will obviously have a minimum limit: the part of the day during which workers perform the necessary labor that maintains them. Yet under the capitalist mode of production, necessary labor can take up only part of the working day, and so the workday can never be reduced to that minimum. On the other hand, the working day does have a maximum limit: it can't be extended beyond a certain point. This maximum limit is doubly determined. First, by labor-power's physical limitations: during a natural day of twenty-four hours, a human being can expend only so much vital power, just as a horse can only work eight hours a day. A bearer of this power has to rest and sleep during one part of the day and satisfy additional physical needs during another—eating, washing, dressing, and so on. And not only do purely physical needs limit the extension of the workday; moral limits play a role here, too. A worker requires time to satisfy his intellectual and social needs, which are determined (with respect to how far reaching and numerous they are) by the general state of culture. While the magnitude of the working day varies, it thus varies within both physical and social limits. Both kinds of limits are by nature highly elastic, affording a great deal of latitude. Hence we see working days of many different lengths: eight hours, ten hours, twelve, fourteen, sixteen, and eighteen hours.

1. "A day's labour is vague, it may be long or short." "An Essay on Trade and Commerce, containing Observations on Taxation etc. London 1770," p. 73.

A capitalist buys labor-power at its daily value. The labor-power belongs to him for the duration of one working day. He has obtained the right to put the worker to work during this time. But what is a working day?<sup>2</sup> It has to be shorter than a natural day of life. The question is: Shorter by how much? The capitalist has his own view on this *ultima Thule*, the necessary limit of a workday.<sup>1</sup> As a capitalist, he is merely capital personified. His soul is the soul of capital, which knows only one drive in life: the drive to valorize itself; to create surplus-value; to use its constant part, the means of production, to absorb the greatest possible quantity of surplus-labor.<sup>3</sup> Capital is dead labor that acts like a vampire: it comes to life only when it drinks living labor, and the more living labor it drinks, the more it comes to life. The time when the worker is working is the time when the capitalist consumes the labor-power he has bought.<sup>4</sup> When a worker uses his disposable time for his own purposes, he is stealing from the capitalist.<sup>5</sup>

The capitalist can therefore invoke the law of commodity exchange. Just like every other buyer, he tries to consume the use-value of his commodity as fully as he can. But then the worker, having fallen silent amid the din of the production process, suddenly lets his voice be heard:

“The commodity I sold you differs from the great mass of other commodities in that it creates value when it is consumed—more value than it costs. That is why you bought it. What you see as the valorization of capital presents itself to me as labor-power expended past the point of excess. In the market, you and I know only one law: that of commodity exchange, according to which the person who sells a commodity isn’t the one who

2. This question is infinitely more important than the one Sir Robert Peel famously put to the Birmingham Chamber of Commerce: “What is a pound?” A question that could only be posed because Peel was just as confused about the nature of money as “the little shilling men” of Birmingham were. [Editor’s note: The phrase “little shilling men” refers to a school of monetary theory in early-nineteenth-century England, or really Birmingham. Its members called for the gold content in shillings to be reduced and named their campaign “the little shilling project.”]

3. It is the aim of the capitalist “to obtain the greatest possible amount of labor from the capital spent” (“D’obtenir du capital dépense la plus forte somme de travail possible”). J. G. Courcelle-Seneuil, “Traité théorique et pratique des entreprises industrielles. 2ème édit. Paris 1857,” p. 62.

4. “An Hour’s Labour lost in a day is a prodigious injury to a commercial state.” “There is a very great consumption of luxuries among the labouring poor of this kingdom; particularly among the manufacturing populace: by which they also consume their time, the most fatal of consumptions.” “An Essay on Trade and Commerce etc.” pp. 47 and 153.

5. “If the free laborer takes a moment’s rest, the sordid economy that follows him with worried eyes, claims he is stealing it” (N. Linguet: “Théorie des Lois Civiles etc. London 1767,” Vol. 2, p. 466).

has the right to consume it. The person who buys it has that right. Thus you own the use of my daily labor-power. But with the money I'm paid for my labor-power daily, I have to be able to reproduce it daily and keep selling it anew. Even though I will slow down, of course, as I grow older, I have to be able to work tomorrow with the same normal health, strength, and energy that I bring to my labor today. You are forever preaching the gospel of 'thrift' and 'self-restraint.' Fair enough! I want to treat the only wealth I have, my labor-power, the way a sensible, frugal innkeeper would and refrain from spending it recklessly. I want to activate—to set in motion or turn into labor each day—only as much of my labor-power as is compatible with allowing it to develop properly and not using it up prematurely. When you extend the workday beyond all limits, you activate more of my labor-power in one day than I can replace in three. What you gain in labor I lose in labor's substance. To use my labor-power and to steal it are two very different things. If the average worker can live for an average of 30 years while shouldering a reasonable workload, then the value of the labor-power you pay me for daily is  $\frac{1}{3}65 \times 30$ , or  $\frac{1}{10,950}$  of its total value. But when you consume my labor-power in 10 years instead of 30, you are paying me  $\frac{1}{10,950}$  of its total value per day instead of  $\frac{1}{3},650$ . In other words, you are paying me just  $\frac{1}{3}$  of its daily value: you are stealing  $\frac{2}{3}$  of my commodity's value daily. You are paying for one day of labor-power but consuming three days of it. This violates both our contract and the law of commodity exchange. I therefore demand a working day of normal length. I won't appeal to your heart, because sentimentality and matters of money don't mix. For all I know, you are a model citizen. Perhaps you belong to an association devoted to eradicating the mistreatment of animals. Maybe the 'odor of holiness' wafts about you. But in your dealings with me, you are a thing that has no heart. What seems to be beating in your chest is actually my own heartbeat. I demand a normal working day because I demand to be paid what my commodity is worth, just as every seller does."<sup>6</sup>

6. During the builders' great strike in London (1860–61), which aimed at reducing the working day to nine hours, their committee published a manifesto that partially overlaps with our worker's plea. Not without irony, the manifesto alludes to the fact that the most rapacious profitmonger among the "master builders," a certain Sir M. Peto, was in the "odour of sanctity" (in 1867, this Peto suffered the same fate that later befell Strousberg!). [Editor's note: Peto's firm went bankrupt in 1866; about a decade later, that also happened to the German fancier B. H. Strousberg. He was thereupon charged with fraud and, subsequently, expelled from Russia. The phrase "odour of sanctity" was associated with the medieval Christian notion that the bodies of saints emitted a pleasant smell, even upon becoming corpses.]

It should be clear that the nature of commodity exchange doesn't impose any limits on the working day and thus surplus-labor, except certain very elastic ones. The capitalist is asserting his right as a buyer when he tries to extend the working day as much as possible and, where possible, turn one workday into two. On the other hand, the special nature of the commodity purchased here implies a limit to how much of it a buyer can consume, and the worker is asserting his right as a seller when he calls for the workday to be limited to a certain normal magnitude. We have come to a theoretical impasse: right versus right, each as legitimate as the other under the law of commodity exchange. In such situations, whoever has more power will decide which right is enforced. The normalization of the working day has thus played out, over the course of the history of capitalist production, as a struggle over the limits of the workday—a struggle between the collective capitalist, or the members of the capitalist class, and the collective worker, or the members of the working class.

## 2. The Bottomless Appetite for Surplus-Labor. Manufacturer and Boyar

Capital didn't invent surplus-labor. Wherever part of society owns all the means of production, a worker, whether a free person or not, has to work beyond the time it takes to produce what he needs to maintain himself. The labor he performs during this excess labor-time produces something else: what the person who controls the means of production needs to maintain himself.<sup>7</sup> This holds whether that person is an Athenian *καλὸς καγαθός*, an Etruscan theocrat, a *civis romanus*, a Norman baron, an American slave owner, a Wallachian Boyar, a modern landlord, or a capitalist.<sup>8,ii</sup> But when the use-value of products, rather than their exchange-value, figures decisively in an economic formation of society, surplus-labor will of course be limited by a greater or smaller aggregation of wants and needs, while a limitless appetite for

7. "Those who labour . . . in reality feed both the pensioners called the rich, and themselves" (Edmund Burke op. cit. pp. 2–3).

8. In his "Roman History," Niebuhr remarks quite naïvely, "We cannot disguise from ourselves that works like the Etruscan, the very ruins of which astonish us, could not be executed in small [!] states without taskmasters and bondmen." [Editor's note: Barthold Georg Niebuhr, *The History of Rome*, vol. 1, trans. Julius Charles Hare and Connop Thirwall (Cambridge: Cambridge University Press, 1828), p. 106.] Sismondi is much deeper when he says that "Brussels lace" presupposes wage masters and wage slaves.

### 5. The Struggle for a Normal Working Day. Laws for the Compulsory Extension of the Working Day from the Middle of the Fourteenth Century to the End of the Seventeenth Century

“What is a working day?” For how long can capital, having paid what a day of labor power is worth, consume labor-power? How far can the working day be extended beyond the labor-time it takes to reproduce the labor-power being consumed? We know what capital will say to that: “The hours in the working day number the full twenty-four, minus the few hours of rest that labor-power absolutely needs in order to perform its service anew.” From this perspective, a worker self-evidently lives his whole life as nothing but labor-power. Thus, by nature and by right, all his disposable time is labor-time that belongs to capital’s process of self-valorization. Time spent on human and intellectual growth or social functions and interactions or the free play of vital physical and mental powers, or even time spent resting on Sundays—it’s all just a waste! (And this in a country of Sabbatarians!<sup>69</sup>) But with its blind drive, its bottomless werewolf-hunger for surplus-labor, capital doesn’t merely push past the moral limits of the working day. It does the same with the physical limits, too. Capital usurps the time that the body needs to grow and develop, and also the time for maintaining the body in a healthy condition. It steals the time it takes to get fresh air and sun. It chips away at mealtimes, incorporating them into the production process wherever it can; as a result, food is added to workers as though they were merely so many means of production, or the same way a boiler is fed coal, machines are fed grease and oil, and so on. Sound sleep restores and refreshes a person’s vital powers, enabling him to build

69. In rural England, for example, workers can still be, and sometimes are, sent to prison for desecrating the Sabbath when they work at home in the front garden. The same workers would be punished for breach of contract if they didn’t come to work on Sunday at the metal factory, the paper mill, or the glass factory, even if they stayed away because of some religious quirk. Parliament, that orthodox body, doesn’t worry about the sanctity of the Sabbath when it is violated during the capitalist “process of valorization.” In a petition of August 1863, in which the workers in London’s fish and poultry shops demand that Sunday work be abolished, we read that workers’ labor lasts on average for 15 hours a day during the first six days of the week and 8 hours to 10 hours on Sunday. We also learn that the delicate gourmands among the aristocratic hypocrites at Exeter Hall have been especially energetic in encouraging this “Sunday work.” These “saints,” so eager “*in cute curanda*,” prove that they are good Christians through the humility with which they endure the overwork, privation, and hunger of others. *Obsequium ventris istis* (the workers’) *perniciosisus est*. [Editor’s note: Constructed in 1831 on the north side of London’s Strand, Exeter Hall was a gathering place for religious groups. The Latin lines come from Horace’s *Epistles* and *Satires*, respectively, and mean, respectively, “preoccupied with physical pleasure” and “over-indulgence does more to harm their (the workers’) stomachs.”]

up his strength, but capital reduces it to only as many hours as it takes to revive a totally exhausted organism. Here, what determines the limits of the working day isn't the time that labor-power needs to maintain itself in a normal state, but rather the maximum amount of labor-power that can be expended in a day, regardless of the cost in terms of ill-health, violence, and suffering. Capital doesn't think about whether the bearers of labor-power die young or old. Only one thing interests capital: the maximum amount of labor-power that can be activated in a workday. It achieves this goal by shortening the lives of labor-power's bearers, just like a greedy farmer gets the most out of the land by rendering it barren.

When capitalist production—in essence, the production of surplus-value or the absorption of surplus-labor—extends the working day, it doesn't merely rob human labor-power of normal conditions, both moral and physical, in which to develop and function, thereby causing labor-power to deteriorate; it also produces the premature exhaustion and death of the bearers of labor-power.<sup>70</sup> Capitalist production extends the amount of time a worker works in a given period by shortening his life.

Labor-power's value includes the value of the commodities needed to reproduce the worker and perpetuate the working class. What happens to labor-power's value when the working day is extended unnaturally, which capital, with its heedless drive to valorize itself, inevitably seeks to do—what happens when the lifespan of individual workers is thereby decreased, and thus their labor-power is, as well? When workers break down faster, they have to be replaced more often. The cost that arises from their deterioration, and therefore the cost of reproducing labor-power, increases, just as the part of a machine's value that has to be reproduced daily will increase if the machine starts to wear down faster. So a normal working day would seem to be in capital's own interest.

A slave owner buys his workers the same way he buys his horses. If he loses a slave, he loses capital that he has to replace by spending more money in the slave market.<sup>xv</sup> However, "the rice-grounds of Georgia or the swamps of the Mississippi may be fatally injurious to the human constitution; but the waste of human life, which the cultivation of these districts necessitates, is not so great that it cannot be repaired from the teeming preserves of Virginia and Kentucky. Considerations of economy, moreover, which afforded some security for humane treatment by identi-

70. "We have given in our previous reports the statements of several experienced manufacturers to the effect that over-hours . . . certainly tend prematurely to exhaust the working power of the men." *Ibid.* 64, p. XIII.



fyng the master's interest with the slave's preservation, when once trading in slaves is practiced, become reasons for racking to the uttermost the toil of the slave; for, when his place can at once be supplied from foreign preserves, the duration of his life becomes a matter of less moment than its productiveness while it lasts. It is accordingly a maxim of slave management, in slave-importing countries, that the most effective economy is that which takes out of the human chattel in the shortest space of time the utmost amount of exertion it is capable of putting forth. 'It is in tropical culture, where annual profits often equal the whole capital of plantations, that negro life is most recklessly sacrificed. It is the agriculture of the West Indies, which has been for centuries prolific of fabulous wealth, which has engulfed millions of the African race. It is in Cuba, at this day, whose revenues are reckoned by millions, and whose planters are princes, that we see, in the servile class, the coarsest fare, the most exhausting and unremitting toil, and even the absolute destruction of a portion of its numbers every year, by the slow torture of overwork and insufficient sleep and rest.'<sup>71</sup>xvi

*Mutato nomine de te fabula narrator!*<sup>xvii</sup> For "slave trade," read labor market; for "Kentucky and Virginia," read Ireland and the farmlands of England, Scotland, and Wales; for "Africa," read Germany! We know what overwork did to London's bakers, and yet the labor market in London always has an oversupply of Germans and other candidates for work—and thus death—in the bakeries. The life expectancy of potters ranks, as we saw, among the lowest of any workers. Has that resulted in a labor shortage? In 1785, Josiah Wedgwood, who invented modern pottery (after starting out as an ordinary worker), declared before the House of Commons that in all of Great Britain the industry employed 15,000–20,000 people.<sup>72</sup> By 1861, its population in the urban centers alone had grown to 101,302 workers. "The cotton trade had existed for 90 years . . . it had lasted through three generations of the English race and destroyed nine generations of the cotton operatives themselves."<sup>73</sup> Of course, frenzied expansion has at times led to notable gaps in the labor market, as it did in 1834.<sup>xviii</sup> But the manufacturers simply asked the Poor Law Commissioners to send the "surplus population" of the agricultural districts to the north, explaining that they would "absorb it and use it up."<sup>74</sup> Those

71. Cairnes, op. cit. pp. 110, 111.

72. John Ward, "History of the Borough of Stoke-upon-Trent. London 1843," p. 42.

73. Ferrand's speech in the House of Commons on 27th April 1863.

74. "That the manufacturers would absorb it and use it up. Those were the very words used by the cotton manufacturers." Ibid.

were the manufacturers' own words. "Agents were appointed in the town of Manchester, with the consent of the Poor Law Commissioners, lists of those workpeople were made out and sent to these agents, the manufacturers went to the offices, and, having selected such as suited them, the families were sent down from the South. They were forwarded ticketed, like so many bales of goods—by canal and carriers' carts—some tramped, and many were found in the manufacturing districts lost and half starved. This had grown up into a regular trade. The House would hardly believe it, that this regular trade, this traffic in human flesh—for it was nothing else—had continued to be carried on, and these people were bought and sold by the agents in Manchester to the cotton manufacturers just as regularly as slaves were sold to the cotton growers in the Southern States. . . . In 1860 the cotton trade was at its zenith, but when the mills were built and filled with machinery there were no hands. The millowners applied to the flesh agents, as they were called, and they sent to the downs of Dorset, to the glades of Devon, and to the plains of Wilts, but the surplus population had been used up. The *Bury Guardian* complained that after the Anglo-French trade agreement was signed, 10,000 additional hands could be absorbed—such was the phrase—in Lancashire, and that between 30,000 or 40,000 would be needed. After the agents and sub-agents had scoured the agricultural districts in 1860 and found the surplus population absorbed, a deputation from the cotton manufacturers waited upon the right hon. gentleman the President of the Poor Law Board [Mr. Villiers], to ask him—the head guardian of the poor England—to supply them again with the poor orphans from the workhouses.<sup>75</sup>

75. Ibid. Villiers was "legally" obligated to reject the manufacturers' requests, despite his good intentions. Those gentlemen managed, nevertheless, to achieve their goals because the local Poor Law boards proved to be so compliant. Mr. Alexander Redgrave, a factory inspector, avowed that this time, the system under which orphans and paupers' children had the "legal" status of apprentices "was not accompanied with the old abuses" (on these "abuses," see Engels op. cit.), even though in one case, there most certainly was "abuse of this system with respect to a number of girls and young women brought from the agricultural districts of Scotland and Lancashire and Cheshire." Under this "system," the manufacturers entered into a contract with the authorities at the poorhouses for a limited period. The manufacturers fed the children, and also provided them with lodging and a small cash allowance. The following remark by Mr. Redgrave seems quite odd, especially when we consider that even by the standards of the boom years for England's cotton industry, the year 1860 has a singular status, and, moreover, wages were high because the extraordinary demand for labor ran up against population implosion in Ireland, unprecedented migration to Australia and America from the agricultural areas in England and Scotland, and actual population decreases in several English agricultural districts, which resulted, in part, from an intentional and successful undoing of the workers' powers of reproduction, and also from the fact that the supply of a disposable population had already been dis-

What experience tends to show the capitalist is that there is chronic overpopulation: i.e., at any given moment the population exceeds what capital requires for its valorization, although the source of this excess is generations of worn-out, rapidly replaced people who die young—in a phrase, people plucked from the vine before they were ripe.<sup>76</sup> On the other hand, experience shows the intelligent observer that even if capitalist production began just yesterday, historically speaking, it has quickly and firmly grabbed the nation's vital forces by their very roots. It also shows him that the only thing slowing the degeneration of urban workers is the fresher elements from the country continuously being absorbed by the urban population. Yet despite the healthy rural air that these workers once took in and the principle of natural selection that reigns among them, letting only the strongest individuals survive, the intelligent observer sees that they, too, have already begun to die off.<sup>77,xix</sup> Capital has “good reasons” to ignore how generations of workers all around it have suffered, and in its actual movement it is affected by the prospect of humanity's coming ruin and unstoppable depopulation just as much or as

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persed by human traffickers. Yet despite all this, Mr. Redgrave says, “This kind of labour, however [i.e., the labor of the poorhouse children], would only be sought after when none other could be procured, for it is a high-priced labour. The ordinary wages of a boy of 13 would already be about 4s. per week; but to lodge, to clothe, to feed, and to provide medical attendance and proper superintendence for 50 or 100 of these boys, and to set aside some remuneration for them, could not be accomplished for 4s. a head per week” (“Rep. of the Insp. of Factories for 30th April 1860,” p. 27). Mr. Redgrave forgets to say how the worker can afford to do this for his children with their wages of 4 shillings per week when the manufacturer can't do it for 50 or 100 children who live, eat, and are supervised together. But in order to make it less likely that someone will draw false conclusions from the text, I should note here that since becoming subject to the Factory Act of 1850, and its rules about labor-time, etc., the English cotton industry has become the model English industry. In every respect, the English cotton worker stands above his counterpart on the Continent. “The Prussian factory operative labours at least ten hours per week more than his English competitor, and if employed at his own loom in his own house his labour is not restricted to even those additional hours” (“Rep. of Insp. of Fact. 31st Oct 1855,” p. 85). After the industrial exhibition of 1851, the factory inspector mentioned above, Mr. Redgrave, traveled on the Continent, in particular throughout France and Prussia, in order to investigate factory conditions there. He says the following about the Prussian factory worker: “He receives a remuneration sufficient to procure the simple fare, and to supply the slender comforts to which he has been accustomed . . . he lives upon his coarse fare and works hard, wherein his position is subordinate to that of his English competitor” (“Rep. of Insp. of Fact. 31st Oct. 1853,” p. 85).

76. “The overworked die off with strange rapidity; but the places of those who perish are instantly filled, and a frequent change of persons makes no alteration in the scene” (“England and America. Lond. 1833,” Vol. 1, p. 55. Author E. G. Wakefield).

77. See “Public Health. Sixth Report of the Medical Officer of the Privy Council. 1863.” Published in London in 1864. This report focuses on agricultural workers: “Sutherland is

little as by the possibility that the earth will fall into the sun. Every time some swindle causes a stock to soar, everyone knows that the stock will eventually crash, and every person hopes that before this happens he will manage to collect the rain of gold and store it safely while someone else is caught outside in the lightning and thunder. “Apres moi le déluge!”<sup>xx</sup> is the watchword of every capitalist and every capitalist country. Capital takes into account the well-being and mortality rates of its workers only when society forces it to.<sup>78</sup> When capital responds to complaints about stunted physical and intellectual development, premature death, and the agony of overwork, it says, “Why should the torments you list torment us? They increase our pleasure—that is, our profit.” Overall, however, this behavior doesn’t come down to the individual capitalist’s will, to whether his will is good or bad. Free competition makes the immanent laws of capitalist production operate for individual capitalists as external laws that they are forced to obey.<sup>79</sup>

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commonly represented as a highly improved county but recent inquiry has discovered that even there, in districts once famous for fine men and gallant soldiers, the inhabitants have degenerated into a meagre and stunted race. In the healthiest situations, on the hill sides fronting the sea, the faces of their famished children are as thin and pale as they could be in the foul atmosphere of a London alley” (Thornton op. cit. pp. 74, 75). They resemble in fact the 30,000 “gallant Highlanders” whom Glasgow thrusts together with prostitutes and thieves in its wynds and closes.

78. “But, though the health of a population is so important a part of the national capital, we are afraid it must be said that the class of employers of labour have not been the most forward to guard and cherish this treasure. The consideration of the health of the operatives was forced upon the mill-owners” (“Times” 5th November 1861). “The men of the West Riding became the clothiers of mankind, the health of the workpeople was sacrificed, and the race in a few generations must have degenerated. But a reaction set in. Lord Shaftesbury’s Bill limited the hours of children’s labour, etc.” (“Report of the Registrar General for October 1861”).

79. Thus, for example: at the beginning of 1863, 26 firms that owned large potteries, including Josiah Wedgwood & Sons, petitioned for “some legislative enactment.” “Competition with other capitalists” prevented them from “voluntarily” limiting the labor-time of children: “Much as we deplore the evils before mentioned it would not be possible to prevent them by any scheme of agreement between the manufacturers. . . . Taking all these points into consideration, we have come to the conviction that some legislative enactment is wanted.” *Children’s Emp. Comm. Rep I, 1863, p. 322.*

Addendum to note 79: The recent past offers us a much more striking example. By mutual agreement, the manufacturers of Blackburn shortened the labor-time in their mills for a certain period, which ended in late November 1871. They did this during a moment of intense activity, and what prompted them to take that step was the high price of cotton. As a result of the agreement, production dropped. The wealthier manufacturers, who combined cotton and weaving, used this circumstance to expand their business, thereby making large profits at the expense of the smaller employers. In their desperation, these smaller

When a normal working day was finally established, this was the result of a centuries-long struggle between capitalists and workers. Over the course of its history, the struggle has exhibited two opposing tendencies, which we see when we compare the English factory laws of our own time with England's labor statutes from the fourteenth century to the 1760s and the 1770s.<sup>80</sup> The modern Factory Acts made it compulsory to shorten the workday. The purpose of the earlier statutes, in contrast, was to compel lengthening it. Of course, when capital is still in its embryonic form and relies to some extent on state power—not merely the force of economic relations—to secure the right to absorb a sufficient quantity of surplus-labor, what it demands appears quite modest compared with what it will later, as an adult, grudgingly give up. It took centuries for workers set “free” by an advanced capitalist mode of production to get to the point where they would sell—in other words, would be forced by society to sell—the entire active period of their lives, even their very capacity to work itself, for the price of their normal means of subsistence: to get to the point where they are forced to exchange their firstborn for a bowl of lentil stew. From the mid-fourteenth century to the end of the seventeenth century, capital used the power of the state to try to impose on adult workers an extended workday that, naturally enough, coincides more or less with the limits the state has occasionally imposed on the transformation of children's blood into capital in the second half of the nineteenth century. Massachusetts, until recently the freest state in the North American Republic, now has a law limiting the workday of children under 12 to what was even in mid-seventeenth-century England the normal workday of seasoned artisans, robust farmhands, and hulking blacksmiths.<sup>81</sup>

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employers turned to the factory workers and exhorted them to agitate in earnest for the nine-hour system, promising them financial support if they did!

80. These labor statutes, which we also find at this time in France, the Netherlands, and so on, weren't formally abolished in England until 1813. By then, the relations of production had long since made them irrelevant.

81. “No child under the age of 12 shall be employed in any manufacturing establishment more than 10 hours in one day.” “General Statutes of Massachusetts.” Sect. 3, ch. 60. (The ordinances were enacted from 1836 to 1858.) “Labour performed during a period of 10 hours on any day in all cotton, woollen, silk, paper, glass, and flax factories, or in manufactories of iron and brass, shall be considered a legal day's labour. And be it enacted, that hereafter no minor engaged in any factory shall be holden or required to work more than 10 hours in any day, or 60 hours in any week; and that hereafter no minor shall be admitted as a worker under the age of 10 years in any factory within the state.” “State of New Jersey. An Act to limit the hours of labor etc.” § 1 and 2 (law of 18th March 1851). “No minor who has attained the age of 12 years and is under the age of 15 years, shall be employed in any manufacturing establishment more than 11 hours in any one day, nor before 5 o'clock in the

The immediate pretext for the first “Statute of Labourers” (23 Edward III. 1349) was the great plague that wiped out much of the population. As a Tory writer put it, this had the following effect: “The difficulty of getting men to work on reasonable terms [that is, on terms that allowed the people putting them to work to gain a reasonable quantity of surplus-labor] grew to such a height as to be quite intolerable.”<sup>82</sup> (The plague was the pretext here, not the cause; laws of this kind stayed in place long after the pretexts for them were gone.) Reasonable wages were thus established by law, as was the limit of the working day. This limit, which is our sole concern here, was set forth again in the Statute of 1496 (under Henry VII). From March until September, all craftsmen (or “artificers”) and field workers were supposed to begin working at 5 A.M. and go until between 7 and 8 P.M., although that was never actually enforced. And with one hour for breakfast, ninety minutes for lunch, and half an hour for “noon-meate,” the hours for mealtimes amounted to twice as much as what the current Factory Acts entitle workers to.<sup>83</sup> Workers were supposed to work from 5 A.M. until dark in the wintertime, and they were granted the same amount of time for meals and rest. In 1562, Elizabeth promulgated a statute that didn’t change the length of the working day for all workers “hired for daily or weekly wages,” but sought instead to limit their breaks to two and a half hours in the summer and two hours in the winter. The mid-day meal was supposed to last only an hour, and workers were permitted an “afternoon sleep of half an hour” only from the middle of May until mid-August. For every hour a worker was absent, 1d. (about 10 cents) was deducted from his wages. But the workers’ actual conditions were far better

morning, nor after 7½ in the evening.” *Revised Statutes of the State of Rhode Island etc.* ch. 139, § 23, 1st July 1857.”

82. “Sophisms of Free Trade. 7th edit., Lond. 1850,” p. 205. In addition, the same Tory admits, “Acts of Parliament regulating wages, but against the labourer and in favor of the master, lasted for the long period of 464 years. Population grew. These laws were then found, and really became unnecessary and burdensome” (*ibid.* p. 206).

83. John Wade is correct when he remarks about this statute, “From the statement above, it appears that in 1496 the diet was considered equivalent to one-third of the income of an artificer and one-half the income of a labourer, which indicates a greater degree of independence among the working classes than prevails at present; for the board, both of labourers and artificers, would now be reckoned at a much higher proportion of their wages” (John Wade *op. cit.* pp. 24–25, 577). The idea that this difference stems from the difference between the relative prices of food and clothing then and today should be discredited by even the most cursory glance at “Chronicon Precosium etc. By Bishop Fleetwood. 1st edit. London 1707. 2nd edit London 1745.”

than those prescribed by the statute. William Petty, who founded political economy and helped invent statistics, writes in a work published in the last third of the seventeenth century, "Labouring men [which at the time meant "agricultural workers"] work ten hours per diem, and make twenty meals per week, viz., 3 a day for working-days, and two on Sundays; whereby it is plain, that if they could fast on Friday nights, and dine in one hour and an half, whereas they take two, from 11 to 1; thereby this working  $\frac{1}{20}$  more, and spending  $\frac{1}{20}$  less, the  $\frac{1}{10}$  above-mentioned might be raised."<sup>84</sup> How right Dr. Andrew Ure was when he complained that the Twelve Hours' Bill of 1833 took society back to the Dark Ages.<sup>xxi</sup> The regulations in the statutes, and mentioned by Petty, also applied to apprentices, but from the following lament we can see what child labor still looked like at the end of the seventeenth century: "Our youth, here in England, being bred to nothing before they come to be apprentices, make a very slow progress, and require much longer time—seven years—wherein to reach the perfection of accomplished artists." Germany, on the other hand, was lauded because children there were raised from the cradle on to have at least "something of employment."<sup>85</sup>

84. "W. Petty: Political Anatomy of Ireland. 1672. edit. 1691," p. 10.

85. "A Discourse on the Necessity of Encouraging Mechanick Industry. London 1689," p. 13. Macaulay, who falsified English history to advance the interests of the Whigs and the bourgeoisie, declaims as follows: "The practice of setting children prematurely to work prevailed in the seventeenth century to an extent which, when compared with the extent of the manufacturing system, seems almost incredible. At Norwich, the chief seat of the clothing trade, a little creature of six years old was thought fit for labour. Several writers of that time, and among them some who were considered as eminently benevolent, mention, with exultation, the fact that in that single city boys and girls of tender age, created wealth exceeding what was necessary for their own subsistence by twelve thousand pounds a year. The more carefully we examine the history of the past, the more reason shall we find to dissent from those who imagine that our age has been fruitful of new social evils. That which is new is the intelligence which discerns and the humanity which remedies them" ("History of England," Vol. 1, p. 417). Macaulay might also have reported that in the seventeenth century, "extremely well-disposed" *amis du commerce* recounted "with exultation" the story of a child of 4 who was put to work by a poorhouse in Holland, and that in all the writings of humanitarians *à la* Macaulay, this instance of "applied virtue" is accepted as adequate evidence, though only up to Adam Smith's day. It is true that when manufacturing, as opposed to handicrafts, began its ascent, traces of the exploitation of children started to appear, traces that to some extent were always present among peasants, and the heavier the yoke pressing upon the peasants, the more developed those traces were. This tendency on the part of capital is unmistakable, but the facts themselves are as isolated as the phenomenon of two-headed children. "With exultation," therefore, perceptive "friends of commerce" depict them as peculiar and admirable, recommending that they serve as models for the present and posterity. Macaulay, that smooth-talking Scottish sycophant, also says, "We hear today only of retrogression and see only progress." What eyes he has, and, even more so, what ears!



It wasn't until the last decades of the eighteenth century—or the epoch of large-scale industry—that capital successfully took possession of a worker's whole week, which it managed to do by paying for the weekly value of his labor-power. (Agricultural workers were an exception here.) Since workers could live for an entire week from the wages they earned in four days of labor, they didn't see why they should spend the other two days working for a capitalist. Acting in the service of capital, one faction of English political economists vehemently condemned the workers' stubbornness; another faction defended the workers. Let's listen to the debate between Postlethwayt, whose dictionary of commerce was as well regarded then as similar writings by MacCulloch and MacGregor are today, and his opponent, the author of *An Essay on Trade and Commerce*, which was cited earlier.<sup>86</sup>

Postlethwayt says, among other things, "We cannot put an end to these few observations, without noticing that trite remark in the mouth of too many, that if the industrious poor can obtain enough to maintain themselves in five days, they will not work the whole six. Whence they infer the necessity of, even the necessities of life, being made dear by taxes, or any other means, to compel the working artisan and manufacturer to labour the whole six days in the week without ceasing. I must beg leave to differ in sentiment from those great politicians, who contend for the perpetual slavery of the working people of this kingdom; they forget the vulgar adage, all work and no play. Have not the English boasted of the ingenuity and dexterity of her working artists and manufacturers, which have hitherto given credit and reputation to British wares in general? What has this been owing to? To nothing more, probably, than the relaxation of the working people in their own way. Were they obliged to toil the year round, the whole six days in the week, in a repetition of the same work, might it not blunt their ingenuity, and render them stupid, instead of alert and dexterous; and might not our workmen lose their reputation, instead

86. Of the workers' accusers, the fiercest is the anonymous author of the abovementioned "An Essay on Trade and Commerce, containing Observations on Taxation etc. London 1770." See also his earlier work, "Considerations on Taxes. London 1765." There is also Polonius Arthur Young, an insufferable statistical babbler. Chief among the workers' defenders are: Jacob Vanderlint in "Money answers all things. London 1774," Rev. Nathaniel Forster, D.D. in "An Enquiry into the Causes of the Present High Price of Provisions. London 1767," Dr. Price, and especially Postlethwayt, in both a supplement to his "Universal Dictionary of Trade and Commerce" and "Great Britain's Commercial Interest explained and improved. 2nd edit. London 1759." The facts here are confirmed by the writings of many other contemporary writers—Josiah Tucker, among others.



of maintaining it by such eternal slavery? And what sort of workmanship could we expect from such hard-driven animals? . . . Many of them will execute as much work in four days, as a Frenchman does in five or six. But, if Englishmen are to be eternal drudges, 'tis to be feared they will degenerate below the Frenchmen. As our people are fam'd for bravery in war, do we not say it is owing to good English roast beef and pudding in their bellies, as well as our constitutional spirit of liberty? And why may not the superior ingenuity and dexterity of our artists and manufacturers, be owing to that freedom and liberty they enjoy to divert themselves in their own way? And, I hope, we shall never have them deprived of such privileges, and of that good living from whence their ingenuity, no less than their courage, may proceed."<sup>87</sup>

The author of *An Essay on Trade and Commerce* writes in response, "If the making every seventh day an holiday is supposed to be of divine institution, as it implies the appropriating the other six days to labour [he means to capital, as we are about to see] surely it will not be thought cruel to enforce this commandment from God. . . . That mankind, in general, are naturally inclined to ease and indolence, we fatally experience to be true, from the conduct of our manufacturing populace, who do not labour, upon an average, above four days in a week, unless provisions happen to be very dear. . . . Suppose that the bushel of wheat shall cost five shillings and represent all the worker's means of subsistence, and he earns a shilling a day by his labour; he then would be obliged to work five days only in a week. If the bushel of wheat should cost but four shillings, he would be obliged to work but four days; but, as wages in this kingdom are much higher, in proportion to the price of necessities, the manufacturer [i.e., the worker in the manufacturing workshop], who labours four days, has a surplus of money to live idle with the rest of the week. . . . I hope I have said enough to make it appear that the moderate labour of six days in a week is no slavery. Our laboring people [i.e., agricultural workers] do this, and, to all appearance, they are the happiest of all our labouring poor;<sup>88</sup> but the Dutch do this in manufactories, and appear to be a very happy people. The French do so, when holidays do not intervene.<sup>89</sup> . . . But our manufacturing populace have

87. Postlethwayt op. cit. "First Preliminary Discourse," p. 14.

88. "An Essay etc." He takes it upon himself to tell us (p. 96) what had come to constitute "the happiness" of English agricultural workers as early as 1770. "Their working powers are always upon the stretch, they cannot live cheaper than they do, nor work harder."

89. By turning almost all traditional holidays into workdays—and not only by doing that, Protestantism played an important role in the genesis of capital.

adopted a notion, that as Englishmen they enjoy a birthright privilege of being more free and independent than in any country in Europe. Now, this idea, as far as it may affect the bravery of our troops, may be of some use; but the less the manufacturing poor have of it, certainly the better for themselves and for the state. The labouring people should never think themselves independent of their superiors. . . . It is extremely dangerous to encourage mobs in a commercial state like ours, where, perhaps, seven parts out of eight of the whole, are people with little or no property.<sup>90</sup> . . . The cure will not be perfect, till our manufacturing poor are contented to labour six days for the same sum which they now earn in four days.<sup>91</sup> How does capital's "faithful Eckhart" propose to achieve this end,<sup>xxii</sup> while also "extirpating idleness, debauchery, and excess," fostering "a spirit of industry," and "lowering the price of labour in our manufactories"?<sup>xxiii</sup> He recommends the tried-and-true method of locking up workers who depend on public assistance (in a word, paupers) in an "ideal workhouse." "Such an ideal workhouse must be made a 'House of Terror,' and not an asylum for the poor, where they are to be plentifully fed, warmly and decently clothed, and where they do little but work."<sup>92</sup> In this 'House of Terror,' this 'ideal workhouse,' the poor shall work 14 hours in a day, allowing proper time for meals, in such a manner that there shall remain 12 hours of neat labour."<sup>93,xxiv</sup>

Twelve hours of labor a day in the "ideal workhouse"—1770's "House of Terror"! Sixty-three years later, or in 1833, Parliament reduced the workday in four branches of factory labor, limiting it to twelve hours for children 13 to 18, and England's friends of industry thought that Judgment Day had arrived! In 1852, when Louis Bonaparte tried to improve his standing with the bourgeoisie by taking aim at the legal workday, members of the French working class shouted in unison, "The law that shortened the workday to twelve hours is the only good left over from the Republic!"<sup>94,xxv</sup> In Zurich, the workday has been restricted to twelve hours

90. "An Essay etc." pp. 15–17 *passim*.

91. *Ibid.* p. 69. Why did capitalists complain about the workers' laziness? As early as 1734, Jacob Vanderlint declared that the secret behind this was really quite simple: The capitalists were claiming six days of labor for the same wages they had paid for four days.

92. *Ibid.* pp. 242, 243.

93. "The French," he says, "laugh at our enthusiastic ideas of liberty" (*ibid.* p. 78).

94. "They especially objected to work beyond the 12 hours per day, because the law which fixed those hours is the only good which remains to them of the legislation of the Republic" (Rep. of Insp. of Fact. 31st Octob. 1855, p. 80). The French Twelve Hours' Bill of 5th September 1850, a bourgeois version of the Provisional Government's decree of 2nd March 1848, applies to all workshops without exception. Before it was enacted, the

for children over 10. In Aargau, in 1862, the workday of children 13 to 16 years old was reduced from twelve and a half hours to twelve. The same thing happened in 1860 for Austrian children 14 to 16 years old—their workday was likewise reduced to twelve hours.<sup>95</sup> So “much progress since 1770,” Macaulay would cry out “with exultation”!

The “House of Terror” for paupers that capital’s soul could only dream about in 1770 came into being just a few years later, taking the shape of a giant “workhouse” for industrial workers. We call this a factory. Here the dream version pales in comparison with the actual thing.

## **6. The Struggle for a Normal Working Day. Laws that Limit Labor-Time. English Factory Legislation from 1833 to 1864**

It took capital centuries to extend the working day to its normal maximum limit—and then to the point where its limit was the natural twelve-hour day.<sup>96</sup> But since the birth of large-scale industry in the last third of the eighteenth century, change has come like an avalanche. Limits have been overrun violently and heedlessly. All boundaries have crumbled: those set by tradition and nature, age and sex, day and night. Even the concepts

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French workday had no legal limit and amounted in the factories to 14 hours, 15 hours, or even longer. See “Des classes ouvrières en France pendant l’année 1848. By Monsieur Blanqui.” The Mr. Blanqui in question here is the political economist, not the revolutionary—the political economist whom the government had given the task of examining the condition of the working class.

95. When it comes to regulating the workday, Belgium has shown itself to be the model bourgeois state. Lord Howard de Walden, the English plenipotentiary in Brussels, reported to the Foreign Office on 12th May 1862, “Minister Rogier stated to me that neither general law nor local regulations imposed any restriction on the labour of children; that for the last three years the Government has had under consideration each session the opportuneness of presenting to the Chamber a law upon the subject, but that they had encountered obstacles in the jealousy manifested in many quarters of the legislation at variance with the principle of perfect liberty of labour.”

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

“day” and “night,” which were as simple as peasant life in the old statutes, have been twisted around. As recently as 1860, an English judge had to summon Talmudic incisiveness before he could figure out how to “legally” define them.<sup>97</sup> Capital was celebrating its orgies.

The din caused by so much production left members of the working class stunned, but once they had recovered their senses (at least to some extent), they began to mount resistance in England, the birthplace of large industry. For three decades, the concessions they managed to win there remained purely nominal. While Parliament passed five labor laws between 1802 and 1833, it was clever enough not to appropriate a single penny for the resources that their compulsory implementation required, such as bureaucratic personnel.<sup>98</sup> The laws remained a dead letter. “The fact is, that prior to the Act of 1833, young persons and children were worked all night, all day, or both *ad libitum*.”<sup>99</sup>

Modern industry’s first normal working day dates only to the Factory Act of 1833 (which covered the cotton, wool, and flax and silk textile industries). Nothing characterizes the spirit of capital better than the history of the English factory legislation enacted between 1833 and 1864!

The Act of 1833 set forth that “the ordinary working day should begin at 5:30 in the morning and end at 8:30 in the evening. Within these limits, a fifteen-hour period, it was legal to put young persons, i.e., persons 9 to 18 years old, to work at any time of the day, provided, always, that no single young person worked more than 12 hours in any one day, though exceptions were permitted in certain cases expressly identified as such.” The sixth section of the Act stipulated that “there shall be allowed in the course of every day not less than one and a half hours for meals to every such person restricted as herein-before provided.” The Act made it illegal to employ children under 9 years old, although with exceptions that we

97. See “Judgment of Mr. J. H. Otway, Belfast, Hilary Sessions, 1860.”

98. It is entirely characteristic of the regime of Louis Philippe, the “*roi bourgeois*,” that the lone factory law passed under him (the Law of 22nd March 1841) was never enforced. And this law addressed only child labor. It established 8 hours as the workday limit for children 8 to 12, and 12 hours for children 12 to 16 years old, and so on. There were many exceptions, and these made night work permissible for children as young as 8. The supervision and implementation of the law was left to the good will of the “*amis du commerce*”—and this in a country where every mouse has to register with the police. Only since 1853 has there been a paid government inspector, and only in a single department, the “*Département du Nord*.” No less characteristic of the development of French society in general is that until 1848, Louis Philippe’s law stood alone in the great spinning factory of French laws!

99. “Rep. of Insp. of Fact. 30th April 1860,” p. 50.

will note later. For children 9 to 13, the workday was limited to eight hours. Night work, which the Act defined as labor performed between 8:30 P.M. and 5:30 A.M., was prohibited for all persons 9 to 18 years old.

The lawmakers wanted to avoid laying even a finger on capital's freedom to exploit adult labor-power, or, as they put it, "the freedom of labor"—so much so that they devised a special system to prevent their own legislation from having such an egregious effect.

"The great evil of the factory system as at present conducted," says the first report of the Central Board of the Commission (June 28, 1833), "has appeared to us to be, that it entails the necessity of continuing the labour of children to the utmost length of that of the adults. The only remedy for this evil, short of a limitation of the labour of adults, which would, in our opinion, create an evil greater than that which is sought to be remedied, appears to be the plan of working double sets of children." This "plan" was thus implemented under the name "system of relays." ("Relay" refers in English, as it does in French, to the system of switching post horses at different stations). One team of children 9 to 13 years old had to pull the stagecoach from, say, 5:30 A.M. until 1:30 P.M., another team had to pull it from 1:30 in the afternoon until 8:30 in the evening, etc.

To reward the manufacturers for blatantly disregarding every child labor law enacted over the previous twenty-two years, the lawmakers took all the bitterness out of the pill the manufacturers were forced to swallow. Parliament decreed that after March 1, 1834, no child under 11 would be allowed to work more than eight hours in a factory. After March 1, 1835, this would also apply to children under 12, and after March 1, 1836, to children under 13 as well! The "liberalism" that treated "capital" so gently was all the more remarkable for an additional reason. In their testimony before the House of Commons, Dr. Farre, Sir Carlisle, Sir Brodie, Sir Bell, Mr. Guthrie, and others—in short, London's most eminent physicians and surgeons—all claimed that *periculum in mora!*<sup>xxvi</sup> Dr. Farre was somewhat blunter: "Legislation is equally necessary for the prevention of death, in any form in which it can be prematurely inflicted, and certainly this [the factory modus] must be viewed as the most cruel form of inflicting it." Since Parliament had such a nurturing attitude toward the manufacturers, it condemned children under 13 to the hell of seventy-two-hour weeks of factory labor, sending them there, moreover, for years to come. Yet with the Emancipation Act, which also granted freedom drop by drop, the same "reformed" Parliament made it illegal for planters to work any Black slave more than forty-five hours a week—and that restriction went into effect right away!

None of this did much to placate capital, which proceeded to launch a noisy campaign that went on for years and turned on the question: At what ages should young people be categorized as “children”? (As children, they were permitted to work only eight hours a day and subject to some measure of compulsory education.) According to capitalist anthropology, childhood ends in the tenth year of life, at the latest in the eleventh. As the deadline approached for implementing the Factory Act in full, namely, the fateful year 1836, the manufacturers’ protests became increasingly wild. In fact, the mob of manufacturers managed to intimidate the government to such an extent that in 1835, it proposed to make 12 years of age instead of 13 the end of childhood. But in the meantime, the pressure from the other side had reached a menacing level of intensity. The House of Commons lost its nerve. It refused to throw 13-year-olds under the juggernaut wheels of capital for longer than eight hours a day, and the Act of 1833 went into effect in its entirety. No revisions were made until June 1844.

Thus the Act regulated factory labor for a decade, although at first only part of it was in force. The reports that factory inspectors produced during this time abound with complaints about the impossibility of implementing the Act. Under the Law of 1833, the gentlemen of capital could have “every young person” and “every child” start, interrupt, and finish his or her twelve- and eight-hour shift, respectively, at any time during the fifteen-hour period between 5:30 A.M. and 8:30 P.M., and they could also have workers eat their meals at irregular times. This allowed those gentlemen to develop a new “relay system” in which the workhorses weren’t rotated out at fixed stations; rather, they were harnessed anew at rotating stations. Since we will have to come back to the beauty of this system, we won’t discuss it any further here. Still, we can see this much at a glance: the system nullified not only the spirit of the whole Factory Act but also its letter. The bookkeeping for every child and teenager became extremely complex, and given that, how were factory inspectors supposed to enforce the legal restrictions on labor-time? How were they to determine whether every single child and teen was working only as long as the law allowed and getting the time for meals he was legally entitled to? In many factories, brutal old tricks regained their former prominence and went unpunished. During one meeting with the Home Secretary (in 1844), the factory inspectors showed how the new relay system undermined all their attempts to monitor it.<sup>100</sup> By then, however, circumstances had changed dramatically. Factory workers had made the Ten Hours’ Bill into

100. “Rep. of Insp. of Fact. 31st October 1849,” p. 6.

their economic watchword, particularly since 1838, just as they had made the Charter their political mantra. One group of manufacturers, a group that had been operating in accord with the Act of 1833, inundated Parliament with petitions about immoral “competition” from the “false brethren” who violated the law because they were more shameless, or because local conditions more readily allowed them to. In addition, however much individual manufacturers may have wanted to give their customary greed free rein, the mouthpieces and political leaders of the manufacturing class admonished them to behave and speak in a new way in their dealings with workers. The manufacturers had initiated a campaign to repeal the Corn Laws that wouldn’t be successful without the workers’ help!<sup>101,xxvii</sup> Hence they promised not only to double the workers’ loaf of bread but also to accept the Ten Hours Bill in the millennium of free trade.<sup>101</sup> This left the manufacturers less inclined—and less able—to oppose a measure meant to make the Act of 1833 a reality. Lastly, the Tories, who believed that their most sacred institution, ground rent, was under threat, railed with philanthropic indignation against the “nefarious practices” of their enemies.<sup>102,xxviii</sup>

The supplementary Factory Act of June 6, 1844, was brought about by these developments. It went into effect on October 1, 1844, and established a new category of workers who enjoyed legal protections, namely, women over 18. In every respect, their protections were equal to the ones in place for teenagers (up to 18 years old). Their daily labor-time was reduced to twelve hours, it was now illegal to have them perform night work, etc. For the first time, lawmakers had felt compelled to directly and officially regulate the labor of adults. The Factory Report of 1844–45 wryly observed about the response of female workers, “No instances have come to my knowledge of adult women having expressed any regret at their rights being thus far interfered with.”<sup>103</sup> The daily labor of children under 13 was reduced to six and a half hours, although under certain circumstances, they were allowed to perform seven hours of labor.<sup>104</sup>

To put an end to abuses of the fraudulent “relay system,” the law included, among other things, the following important regulatory details: “The hours of the work of children and young persons shall be reckoned

101. “Rep. of Insp. of Fact. 31st Oct. 1848,” p. 98.

102. Leonard Horner in fact uses the expression “nefarious practices” as an official term. (“Reports of Insp. of Fact. 31st October 1859,” p. 7.)

103. “Rep. etc. for 30th Sept. 1844,” p. 15.

104. The Act allows children to be employed for 10 hours but not on consecutive days, only every other day. For the most part, this clause had no effect.



from the time when any child or young person shall first begin to work in the morning.” Thus if A starts working at 8 A.M. and B begins at 10 A.M., B’s workday still has to end at the same time as A’s. “The workday should begin when the time for that is shown on a public clock, such as the nearest railway clock, by which, moreover, the factory bell is to be rung. The manufacturer must hang up a printed notice with large type that gives the hours for when work begins and ends, and when the breaks for meals are permitted. Children whose work starts before noon may not be employed after 1 P.M. The afternoon shift must therefore be made up of children who didn’t begin working before 1 P.M. All protected workers should have their ninety minutes of meal breaks at the same time, and they must at least get one hour for meals before 3 in the afternoon. No child or young person may work more than five hours before 1 P.M. without getting at least a thirty-minute break for meals. No child, young person, or woman is allowed to spend a meal break in a room where a manufacturing process is occurring.”<sup>xxix</sup>

We have seen that Parliament didn’t simply dream up these highly specific regulations, which used the stroke of the clock to impose military uniformity on labor’s schedule—in other words, when workers worked, how long they worked for, and the amount of rest they had. Rather, the regulations gradually arose out of real circumstances, or as natural laws of the modern mode of production. That they were proposed at all, and that they won official recognition and were promulgated by the state, resulted from a protracted class struggle. One of their first consequences was that in practice the workday of adult males also became subject to them, because in most processes of production, men couldn’t perform their labor if children, teenagers, and women weren’t performing theirs. Thus during the period 1844–47, the twelve-hour day generally came to apply to all workers in the branches of industry that were regulated by the Factory Laws.

The manufacturers, however, wouldn’t accept such “progress” if there were no “regress” to counterbalance it. At their instigation, the House of Commons changed the minimum age of children eligible to be exploited, lowering it from 9 to 8. This way, capital would have the “additional supply of factory children”<sup>105</sup> that it was owed, according to divine and human law.

105. “As a reduction in their hours of work would cause a large number (of children) to be employed, it was thought that the additional supply of children from eight to nine years of age, would meet the increased demand” (ibid. p. 13).



The years 1846–47 are of epochal importance in England's economic history. The Corn Laws were repealed! The tariffs on cotton and raw materials were abolished! Free trade was declared the lodestar of legislation! In short, its thousand-year empire began. But at the same time, the Chartist movement reached its peak, as did the agitation for a ten-hour day.<sup>xxx</sup> Both found allies in the Tories, who were out for revenge. Despite the fanatical opposition mounted by an army of perjured free traders, with Bright and Cobden leading the way, Parliament passed the Ten Hours' Bill. The struggle was long, but now its goal was finally achieved.

The new Factory Act of June 8, 1847, established that on July 1, 1847, a provisional reduction would go into effect: the working day of "young persons" (13 to 18 years old) and all female workers would be shortened to eleven hours. On May 1, 1848, the workday would be definitively reduced to ten hours. In all other areas, this Act was merely a supplementary amendment to the laws of 1833 and 1844.

Capital responded with a preliminary campaign to stop the Act from being implemented in full on May 1, 1848. Furthermore, the workers themselves, who were said to have learned from experience, were supposed to help destroy their own work. Capital's timing was deft. "It must be remembered, too, that there has been more than two years of great suffering [in consequence of the terrible crisis of 1846–47] among the factory operatives, from many mills having worked short time, and many being altogether closed. A considerable number of the operatives must therefore be in very narrow circumstances, many, it is to be feared, in debt; so that it might fairly have been presumed that at the present time they would prefer working the longer time, in order to make up for past losses, perhaps to pay off debts, or get their furniture out of pawn, or replace that sold, or to get a new supply of clothes for themselves and their families."<sup>106</sup> The manufacturers tried to intensify the natural effect of these circumstances with a universal wage reduction of 10%, which was how they inaugurated the new era of free trade. Wages were then reduced by another 8⅓% the moment the eleven-hour limit went into effect, and by twice that amount when the workday was finally shortened to ten hours. Wherever conditions permitted it, wages were slashed by at least 25%.<sup>107</sup> Under these propitious, carefully arranged circumstances, the manufacturers

106. "Rep. of Insp. of Fact. 31st Oct. 1848," p. 16.

107. "I found that men who had been getting 10s. a week, had had 1s. taken off for a reduction in the rate of 10 per cent, and 1s. 6d. of the remaining 9s for the reduction in time, together 2s. 6d., and notwithstanding this, the majority of them said they would rather work 10 hours" (ibid).

began to agitate against the Act of 1847 among the workers, calling for it to be repealed and seeing no form of deceit, seduction, or intimidation as out of bounds. Still, it was all in vain. The workers were forced to submit half a dozen petitions in which they lamented their “oppression by the Act.” However, when they were interviewed, the workers acknowledged that they had been coerced into signing them. They were in fact being oppressed, “but by something other than the Factory Act!”<sup>108</sup> Having failed to put words into the workers’ mouths, the manufacturers shouted even more loudly in the workers’ name, both in the press and before Parliament. They denounced the factory inspectors as a group of radical commissioners, who were operating in the tradition of the Convention and ruthlessly sacrificed the poor workers as they tried to realize their fantastical plans to improve the world.<sup>xxxi</sup> Like the other measures that the manufacturers deployed, this one fell short. Factory inspector Leonard Horner organized many interviews with witnesses in the factories of Lancashire, conducting some in person and assigning others to subinspectors. About 70% of the workers who were interviewed said that they were in favor of the ten-hour day. A much smaller percentage claimed to prefer the eleven-hour limit. The ones who wanted to keep the old twelve-hour rule in place constituted a tiny minority.<sup>109</sup>

Another “friendly” trick was to have adult male workers work twelve to fifteen hours, then announce that this was what the workers wanted in their heart of hearts. But the “heartless” inspector Horner appeared on the scene again. The majority of the “overtimers” declared “that they would much prefer working 10 hours for less wages, but they had no choice; that so many were out of employment, so many spinners getting very low wages by having to work as piercers, that if they refused to work the longer time, others would immediately get their places, so that it was a question with them of agreeing to work the long time, or of being thrown out of employment altogether.”<sup>110</sup>

108. “Though I signed it [the petition] I said at the time I was putting my hand to a wrong thing.” “Then why did you put your hand to it?” “Because I should have been turned off if I had refused.” “Whence it would appear that this petitioner felt himself ‘oppressed’ indeed, but not exactly by the Factory Act” (ibid. p. 102).

109. Ibid. p. 17. In Mr. Horner’s district, 10,270 adult male workers were interviewed in 181 factories. Their testimonies can be found in the appendix of the factory report for the half-year ending in Oct. 1848. These witness statements are a valuable resource in other regards as well.

110. Ibid. See the statements collected by Horner himself: Nos. 69, 70, 71, 72, 93, as well as those collected by sub-inspector A.: 51, 52, 58, 59, 62, 70. These can all be found in the “appendix.” In one case, a factory gave offered candid responses. See No. 14 after 265, ibid.

Capital's preliminary action failed; the Ten Hours' Law went into effect on May 1, 1848. Meanwhile, the Chartist Party's spectacular demise—the leaders were sent to jail, the organization was dissolved—had shattered the self-confidence of the members of the English working class. Then the June insurrection in Paris and its bloody suppression united all the factions of the ruling classes on the Continent, just as it did in England: land owners and capitalists, wolves of the stock market and shopkeepers, protectionists and free traders, the party in power and the opposition, priests and atheists, young whores and old nuns.<sup>xxxii</sup> All were brought together under the common mantra "Save property, religion, the family, society!" Everywhere, members of the working class were outlawed and smeared, and the "*loi des suspects*" was wielded against them.<sup>xxxiii</sup> The manufacturers no longer needed to hold back. Now they openly rebelled, against not only the Ten Hours' Law, but also all the post-1833 legislation that was meant to rein in (at least to some extent) the "free" exploitation of labor-power. This was a proslavery revolt in miniature, carried out over more than two years with cynical abandon and conspiratorial energy, both of which came all the more easily because the capitalists weren't risking anything but the skin of their workers.

In order to make sense of what happened next, one has to remember, first, that the Factory Acts of 1833, 1844, and 1847 were all in effect at the same time—except those parts of the Act of 1833 that were amended by the latter two Acts, and those parts of the Act of 1844 that were amended by the last one; second, that none of the Acts limited the workday of male workers older than 18; and, finally, that since 1833, the fifteen-hour period from 5:30 A.M. to 8:30 P.M. had remained the legal "day," during which teenagers and women were to perform their twelve hours of labor, and later their ten hours of it, under the prescribed conditions.

In a few places, manufacturers began to let go a portion of the teens and women they employed—sometimes as many as half—and also to reestablish night work (which had mostly disappeared) for men. The Ten Hours' Bill left them no choice, they cried.<sup>111</sup>

After that, the manufacturers turned to the required breaks for meals. Let's listen again to the factory inspectors: "Since the restriction of the hours of work to ten, the factory occupiers maintain, although they have not yet practically gone the whole length, that supposing the hours of work to be from 9 A.M. to 7 P.M., they fulfil the provisions of the statutes by allowing an hour before 9 A.M. and a half hour after 7 P.M. [for meals]. In

111. "Reports etc. for 31st October 1848," pp. 133, 134.

some cases they now allow half an hour for dinner, insisting, at the same time, that they are not bound to allow any part of the hour and a half in the course of the factory working day.”<sup>112</sup> Thus the manufacturers were asserting that the painstakingly precise regulations contained in the Act of 1844 permitted workers to eat and drink only before they arrived at the factory and after they left it—in other words, only at home! And in fact why not? Why shouldn’t workers have their midday meal before 9 o’clock in the morning? Nevertheless, the Crown lawyers decided that the prescribed mealtimes “must be in the interval during the working hours, and that it will not be lawful to work for 10 hours continuously from 9 A.M. to 7 P.M. without any interval.”<sup>113</sup>

But these were just the genial preliminaries. Capital now began to revolt in earnest, taking a step that conformed to the letter of the Law of 1844 and was thus legal.

That law had made it illegal to put children 8 to 13 years old to work after 1 P.M. if they had worked before noon. Yet it had done nothing to regulate the six and a half hours of labor performed by children who began working at 12 P.M. or later! Thus if a child of 8 began working at 12 P.M., he could be employed from noon to 1 P.M. (one hour), from 2 P.M. to 4 P.M. (two hours), and from 5 P.M. to 8:30 P.M. (three and a half hours), all of which amounts to the lawful six and a half hours! Or, even better: in order to align their use of child labor and adult labor, the manufacturers needed only to have children not work until 2 P.M. but then keep working in the factory until 8:30 in the evening—without a break! “And it is now expressly admitted, that the practice exists in England from the desire of millowners to have their machinery at work for more than 10 hours a day, to keep the children of both sexes at work with male adults after all the young persons and women have left, and until half-past eight P.M. if the factory owners choose.”<sup>114,xxxiv</sup> Workers and factory inspectors condemned this practice on hygienic and moral grounds. Capital replied:

My deeds upon my head! I crave the law,  
The penalty and forfeit of my bond.<sup>xxxv</sup>

According to the statistics presented to the House of Commons on July 26, 1850, as of ten days earlier, 3,743 children were in fact being subjected to this “practice” in 257 factories, despite all the protests.<sup>115</sup> But cap-

112. “Reports etc. for 30th April 1848,” p. 47.

113. “Reports etc. for 31st Oct. 1848,” p. 130.

114. “Reports etc. 31 October 1848,” p. 142.

115. “Reports etc. for 31st Oct. 1850,” pp. 5, 6.

ital wanted more, and its eagle eye spotted another omission. The Act of 1844 established that a worker couldn't do more than five hours of labor in the morning without getting a break of at least thirty minutes. However, it didn't contain any such rules for labor performed in the afternoon. Capital thus demanded—and through force of will won—the pleasure not only of having eight-year-old children toil away from 2 P.M. until 8:30 P.M. without a single break, but also of making them go hungry!

Ay, his breast,  
So says the bond.<sup>116,xxxvi</sup>

In clinging, like so many Shylocks, to the letter of the Act of 1844 insofar as it regulated child labor, the manufacturers were trying to mount an open revolt against the Act only insofar as it regulated the labor of “young persons and women.” We will recall that the law's primary aim and substance had to do with putting an end to the “fraudulent relay system.” The manufacturers launched their revolt with a simple declaration. Those sections of the Act of 1844 that made it illegal to employ women and teens in random small blocks of time during the fifteen-hour workday were “comparatively harmless, as long as the workday remained twelve hours. The sections became a grievous hardship, however, under the Ten Hours' Bill.”<sup>117</sup> Coolly, the manufacturers indicated to the inspectors that they were going to stray from the letter of the law and would take it upon themselves to reintroduce the old system.<sup>118</sup> But their plan would actually serve the interests of the workers, who had been misadvised. According to the manufacturers, “it would allow them to pay higher wages.” And

116. Whether capital is in its undeveloped or advanced form, its nature remains the same. In the legal code that, thanks to the influence of slave owners, was imposed on the Territory of New Mexico shortly before the American Civil War, we read that since the capitalist has bought the worker's labor-power, the worker “is his” (the capitalist's) “money.” The same view was widely shared among Roman patricians. The money they advanced the plebeian debtor was transformed into flesh and blood when he consumed his means of subsistence. That “flesh and blood” was thus the patricians' money. Hence the Law of the Ten Tables, which now evokes Shylock. On the other hand, Linguet's theory that the patrician creditors would sometimes hold feasts on the other side of the Tiber where they would consume the roasted flesh of debtors is as unconvincing as Daumer's theory about the Lord's Supper. [Editor's note: The correct name is the Law of the Twelve Tables. This was Rome's oldest legal code. In his book *Die Geheimnisse des christlichen Altertums* (1847) (The Secrets of Christian Antiquity), Georg Friedrich Daumer polemically makes the case that “the horror of human sacrifice” has played an important role Christian ritual, including the Lord's Supper. “Nothing is more absurd,” according to him, than the conventional wisdom that suggests otherwise.]

117. “Reports etc. for 31st Oct. 1848,” p. 133.

118. Thus, among others, the philanthropist Ashworth, in a letter to Leonard Horner that is repellent in the way of the Quakers.

there was “no better plan for maintaining the manufacturing supremacy of Great Britain, now when the working hours are reduced to ten.”<sup>119</sup> “Perhaps it may be a little difficult to detect irregularities under the relay system; but what of that? Is the great manufacturing interest of this country to be treated as a secondary matter in order to save some little trouble to Inspectors and Sub-Inspectors of Factories?”<sup>120</sup>

These subterfuges didn’t work, naturally: the factory inspectors fought them in court. The manufacturers, for their part, quickly overwhelmed Sir George Grey, the Home Secretary, with so many petitions that in a circular (of August 5, 1848), he instructed the inspectors “as a general rule,” not “to lay informations against millowners for a breach of the letter of the Act as to the employment of young persons and women by relays, in cases in which there is no reason to believe that such workers have been actually employed for a longer period than that sanctioned by law.”<sup>xxxvii</sup> In response, the factory inspector John Stuart allowed the so-called shift system to be used during the fifteen-hour workday in all of Scotland, where the system flourished just as it had before. On the other hand, English factory inspectors claimed that the Secretary lacked the authority to suspend laws by fiat. They continued to wage their legal battle against the proslavery rebellion.

But why summon everyone to court when the courts—the county magistrates, in this case<sup>121</sup>—acquitted everyone? The manufacturers even served as their own judges. An example: A certain Eskrigge, a cotton-spinner with the firm Kershaw, Leese & Co, wanted to introduce a relay system at his mill. He formulated a plan and presented it to the factory inspector in his district. When his proposal was rejected, Eskrigge seemed at first to have no response. A few months later, an individual named Robinson, also a cotton-spinner, and if not Eskrigge’s Man Friday then at least his relative, went before the Borough Justices in Stockton, having been charged with instituting exactly the version of the relay system that Eskrigge had designed. There were four judges—three of them cotton-spinners—with none other than the ubiquitous Eskrigge presiding. Eskrigge acquitted Robinson and then declared that if something was lawful for Robinson, Eskrigge could do it, too. On the basis of a legal

119. *Ibid.* p. 138.

120. *Ibid.* p. 140.

121. These “county magistrates, the “Great Unpaid,” as W. Corbett calls them, are unremunerated justices of the peace chosen from among the eminences in each county. They in fact constitute the patrimonial courts of the ruling classes.

precedent established by his own verdict, he promptly introduced the relay system at his mill.<sup>122</sup> Of course, the very makeup of the tribunal openly violated the law. "These judicial farces," exclaimed Inspector Howell, "urgently call for a remedy . . . either that the law should be altered so as to be made to conform to these decisions, or that it should be administered by a less fallible tribunal, whose decisions would conform to the law. . . . When these cases are brought forward I always long for a stipendiary magistrate."<sup>123</sup>

The Crown's lawyers argued that the manufacturers were interpreting the Act of 1844 in absurd ways, but society's saviors didn't let that faze them. Leonard Horner reported, "Having endeavoured to enforce the Act by 10 prosecutions in seven magisterial divisions, and having been supported by the magistrates in one case only, I considered it useless to prosecute more for this evasion of the law. That part of the Act of 1844, which was framed for the purpose of securing uniformity in the hours of work, is thus no longer in force in my district [Lancashire]. Neither have the Sub-Inspectors or myself any means of satisfying ourselves, when we inspect a mill working by shifts, that the young persons and women are not working more than 10 hours a day. . . . At the end of April 1849, the number of young persons and women in my district working by shifts amounted to 114, and it has been for some time rapidly increasing. In general the time of working the mill is extended to 13½ hours, from 6 A.M. to 7½ P.M.; in some instances, it amounts to 15 hours, from 5½ A.M. to 8½ P.M."<sup>124</sup> As early as December of 1848, Horner had a list of 65 manufacturers and 29 factory inspectors who all stated that under this relay system, no means of inspection could stop large amounts of overwork from occurring. Sometimes the same children and young persons were "shifted" from the weaving room to the spinning room. Sometimes they were shifted from one factory to another over the course of a fifteen-hour day. How to monitor such a system? A system that "under the guise of relays is some one of the many plans for shuffling 'the hands' about in endless variety, and shifting the hours of work and of rest for different individuals throughout the day,

122. "Reports etc. for 30th April 1849," pp. 21, 22. For similar examples, see *ibid.* pp. 4, 5.

123. Section 10 of I. and II. William IV, c. 24, known as Sir John Hobhouse's Factory Act, made it illegal for the owner of a cotton-spinning or weaving mill, or the father, son, or brother of such an owner, to function as a justice of the peace in matters having to do with the Factory Act.

124. "Reports etc. for 30th April 1849," p. 5.



so that you may never have one complete set of hands working together in the same room at the same time.”<sup>125,xxxviii</sup>

But without all the actual overwork, the so-called relay system would still be a child of capital’s imagination unsurpassed even in Fourier’s humorous sketches of the *courtes séances*.<sup>xxxix</sup> Only now “the attraction of labor” had been transformed into the attraction of capital. Consider those systems of employment that the respectable press has celebrated as models of “what a reasonable degree of care and method can accomplish.” Workers were sometimes divided into 12 to 14 categories, with the composition of the categories constantly changing. During the fifteen hours of the factory day, capital would haul a worker into the factory for thirty minutes, or for an hour, and then send him away, only to bring him in and send him away once again. It would hound the worker back and forth in these scattered scraps of time, not loosening its grip until he had performed his ten hours of labor. Workers were made to operate like actors who appear on stage in multiple scenes and acts. And just as actors belong to the theater for the full duration of a play, workers belonged to the factory during all of the workday’s fifteen hours, not counting the time it took to get to work and also back home. Hours that might have been used for rest thus became hours of enforced idleness. This system drove young male workers into bars and their female counterparts into brothels. Whenever a capitalist concocted a new way to keep his machines running for twelve or fifteen hours without employing additional workers, something that happened daily, workers had to wolf down their food at a different (leftover) time. As workers were campaigning for the ten-hour day, the manufacturers wailed that what that mob really wanted was to be paid twelve hours’ worth of wages for ten hours of work. The manufacturers had turned the tables. They were now paying ten hours’ worth of wages to have labor-power at their disposal for twelve or fifteen hours!<sup>126</sup> This was the nub of it; this was the manufacturers’ edition of the Ten Hours’ Law.<sup>xl</sup> These were the same sanctimonious free traders who radiated warmth and good will—and had spent ten whole years during the time of the agitation against the Corn Laws showing workers detailed calculations meant to demonstrate that given England’s industrial capa-

125. “Rep. etc. for 1st Dec. 1848,” p. 95.

126. See “Reports etc. for 30th April 1849,” p. 6 and the extensive reckoning with the “shifting system” undertaken by the factory inspectors Howell and Saunders in “Reports for 31st Oct. 1848.” See also the petition against the “shift system” that the clergy of Ashton and the surrounding area sent to the Queen in the spring of 1849.



bilities, the nation's capitalists could easily turn a profit under a ten-hour workday, as long as the grain tariffs were lifted.<sup>127</sup>

Capital's revolt went on for two years before it finally reached its climax. On February 8, 1850, the Court of Exchequer, one of England's four highest courts, ruled that while the manufacturers' behavior clearly went against the intent of the Act of 1844, the Act rendered itself meaningless with some of its own language. "With this decision the Ten Hours' Bill has been abolished."<sup>128</sup> Many of the manufacturers who had been too timid to use the relay system for teens and female workers eagerly introduced it.<sup>129</sup>

Just when capital appeared to have won a decisive victory, it suffered a reversal of fortune. The resistance offered by the workers had been largely passive, if also resolute and unflagging. Now they began to protest in loud, fiery meetings in Lancashire and Yorkshire. The so-called Ten Hours' Bill was nothing but a ruse, a parliamentary swindle. There had never been a real ten hours' bill. Factory inspectors urgently warned the government that class antagonism was spiking at an incredible rate. Even some manufacturers grumbled: "The contradictory decisions of the magistrates have brought about a very abnormal and anarchic situation. One law is valid in Yorkshire, while another holds in Lancashire; one law is valid in one parish of Lancashire, while a different law holds in its immediate neighbourhood. The manufacturer in large towns could circumvent the law, while the manufacturer in country districts could not find the personnel needed for the relay system, and still less for the shifting of hands from one factory to another, etc."<sup>xli</sup> But the right to exploit labor-power equally is capital's most basic human right.

Squaring off under these circumstances, the manufacturers and workers were able to reach a compromise that Parliament sealed with the new supplementary Factory Act of August 5, 1850. The workday of "young persons and women" was extended to ten and a half hours during the first five days of the week and limited to seven and a half hours on Saturday. All

127. See, for example, "The Factory Question and the Ten Hours Bill. By R. H. Greg, 1837."

128. F. Engels, "Die englische Zehnstundenbill" (in the "Neuen Rh. Zeitung. Politischen-ökonomischen Revue." Edited by me, April 1850, p. 13). [Editor's note: English translation, Friedrich Engels, "The English Ten Hours' Bill," *MECW*, vol. 10, trans. Hugh Rodwell, pp. 288-300, p. 288.] During the American Civil War, the same "high" court discovered another verbal twist that directly inverted the meaning of a law making it illegal to arm pirate ships.

129. "Rep. etc. for 30th April 1850."

their labor had to be performed between 6 A.M. and 6 P.M.,<sup>130</sup> with ninety minutes for meal breaks that all workers would have at the same time and that would be in accord with the regulations established in 1844. This put an end to the relay system once and for all.<sup>131</sup> The child labor regulations in the Act of 1844 remained in effect.

One group of manufacturers again secured special seigneurial rights to proletarian children. These were the silk manufacturers. In 1833, they had howled menacingly, "If the liberty of working children of any age for 10 hours a day were taken away, it would stop our works." That is, they wouldn't be able to buy a sufficient number of children over 11. The silk manufacturers extorted the privilege they wanted. The pretext they used was investigated later and found to be a bold-faced lie,<sup>132</sup> which didn't stop them, however, from spinning silk ten hours a day from the blood of children so small that they had to be lifted onto stools to perform their labor, a practice that went on for a decade.<sup>133</sup> Of course, the Act of 1844 "took away" the silk manufacturers' "liberty" to make children under 11 toil for more than six and a half hours daily, but, on the other hand, it gave them the "privilege" to make children 11 to 13 do that for ten hours a day, thereby exempting those children from the education requirement that applied to other child workers. This time the manufacturers' rationale was as follows: "The delicate texture of the fabric in which they [the children] were employed requiring a lightness of touch, only to be acquired by their early introduction to these factories."<sup>134</sup> So these children were slaughtered because they had delicate fingers, much as horned cattle are slaughtered in southern Russia for their hides and fat. In 1850, the privilege that had been conceded in 1844 was finally restricted to silk-twisting and silk-winding, although in this case, capital received compensation for the "liberty" it lost in that the labor-time of children 11 to 13 years old was increased from ten hours to ten and a half. Here the pretext was that "labour in silk mills was lighter than in mills

130. In the winter, the period from 7 in the morning till 7 in the evening can take its place.

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

132. "Reports etc. for 30th Sept. 1844," p. 13.

133. *Ibid.*

134. "Reports etc. for 31st Oct. 1846," p. 20.

for other fabrics, and less likely, in other respects also, to be prejudicial to health.”<sup>135</sup> Official medical inquiries would eventually prove the opposite: “The average death rate is exceedingly high in the silk districts, and amongst the female part of the population is higher even than it is in the cotton districts of Lancashire.”<sup>136</sup> Although factory inspectors have been

135. “Reports for 31st Oct. 1861,” p. 26.

136. Ibid. p. 27. In general, the physical condition of the working population subject to the Factory Act has improved greatly. All the doctors who have studied the matter agree, and observing different periods has convinced me, too, that this is so. Nevertheless, and leaving aside the atrocious mortality rate for children in their first years of life, Dr. Greenhow’s official reports show the terrible state of health in the factory districts as compared with “agricultural districts of normal health.” See, for example, the following table from his report of 1861.

*Percentage of males engaged in manufactures*

14.9 (Wigan)
42.6 (Blackburn)
37.3 (Halifax)
41.9 (Bradford)
31.0 (Macclesfield)
14.9 (Leek)
36.6 (Stoke-upon-Trent)
30.4 (Woolstanton)

*Death rate from pulmonary affections per 100,000 males*

598 (Wigan)
708 (Blackburn)
547 (Halifax)
611 (Bradford)
691 (Macclesfield)
588 (Leek)
721 (Stoke-upon-Trent)
726 (Woolstanton)
305 (Eight healthy agricultural districts)

*Death rate from pulmonary affections per 100,000 females*

644 (Wigan)
734 (Blackburn)
564 (Halifax)
603 (Bradford)
804 (Macclesfield)
705 (Leek)
665 (Stoke-upon-Trent)
727 (Woolstanton)
340 (Eight healthy agricultural districts)

objecting to this dirty business twice a year, it is still very much with us today.<sup>137</sup>

The Act of 1850 turned the fifteen-hour period from 5:30 A.M. to 8:30 P.M. into the twelve-hour period from 6 A.M. to 6 P.M., but only for “young persons and women.” In other words, not for children, who could still be used from half an hour before this period began until two and a half hours after it ended, provided that a child’s total daily labor didn’t exceed six and a half hours. As the law was being debated, factory inspectors presented Parliament with a statistical account of the outrageous abuses that were legal because of this lacuna. But it didn’t help. Lurking in the background here was the goal of using children to push the workday of adult workers back up to fifteen hours in times of prosperity. What happened during the next three years showed that attempts to achieve that end couldn’t overcome the resistance they elicited from adult male workers.<sup>138</sup> Thus in 1853, the Act of 1850 was finally completed. It became illegal to employ “children in the morning before and in the evening after young persons and women were employed,” and starting in 1853, the Factory Act of 1850 regulated the workday of all the workers in the branches of industry subject to it, with only a few

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*Percentage of females engaged in manufactures*

18.0 (Wigan)  
 34.9 (Blackburn)  
 20.4 (Halifax)  
 30.0 (Bradford)  
 26.0 (Macclesfield)  
 17.2 (Leek)  
 19.3 (Stoke-upon-Trent)  
 13.9 (Woolstanton)

*Type of female occupation*

cotton (Wigan)  
 ditto (Blackburn)  
 worsted (Halifax)  
 ditto (Bradford)  
 silk (Macclesfield)  
 ditto (Leek)  
 earthenware (Stoke-upon-Trent)  
 ditto (Woolstanton)

137. We know that the English “free traders” didn’t want to give up protective tariffs on silk manufacture. The defenselessness of English factory children now serves in place of protection against French imports.

138. “Reports for the 30th April 1853,” p. 30.

exceptions.<sup>139</sup> By then, it had been half a century since the first Factory Act was passed.<sup>140</sup>

Factory legislation didn't expand beyond its original sphere until the "Printworks Act" was passed in 1845. Capital's displeasure in accepting this "extravagance" speaks through every line of the Act, which limits the workday for children 8 to 13 years old, and also for women, to sixteen hours of labor between 6 A.M. and 10 P.M., with no prescribed breaks for meals. The Act permits male workers over 13 to be worked for any length of time, day or night.<sup>141</sup> It is a Parliamentary abortion.<sup>142</sup>

Yet the principle of regulation had already triumphed because it had won the day in those great branches of industry that are the most characteristic creatures of the modern mode of production. Their astonishing development between 1853 and 1860, which even the least attentive observers were struck by, went hand in hand with the moral and physical renewal of factory workers. Manufacturers who had fought at every turn against attempts to legally regulate the workday during a fifty-year civil war now made a show of pointing up the contrast between the regulated areas of exploitation and the ones that remained "free."<sup>143</sup> The Pharisees of "political economy" celebrated their insight about the need for laws that regulate the workday, hailing it as an emblematic recent accomplishment

139. During the peak years of the English cotton industry, 1859 and 1860, some manufacturers dangled the prospect of higher wages for overtime in an attempt to get adult male spinners to support a longer workday. The hand-mule spinners and self-actor minders put an end to this experiment by handing their employers a petition that contained, among other things, the passage: "Plainly speaking, our lives are to us a burthen; and, while we are confined to the mills nearly two days a week [20 hours] more than the other operatives of the country, we feel as helots in the land, and that we are perpetuating a system injurious to ourselves and future generations. . . . This, therefore, is to give you the most respectful notice that from New Year's Day on, we shall work 60 hours per week, and no more, or from six to six, with one hour and a half out" ("Reports etc. for 30th April 1860," p. 30).

140. On the way in which the wording of the Act provides the means for violating it, see the Parliamentary Return: "Factories Regulation Acts" (9th August 1859) and the contribution by Leonard Horner that it contains: "Suggestions for Amending the Factory Acts to enable the Inspectors to prevent illegal working, now become very prevalent."

141. "Children of the age of 8 years and upwards, have, indeed, been employed from 6 A.M. to 9 P.M. during the last year [1857] in my district" ("Reports etc. for 31st Oct. 1857," p. 39). [Editor's note: Marx gives a strong translation for the term "employed," rendering it as "abgerackert," which means "worked to the bone."]

142. "The Printworks Act is admitted to be a failure, both with reference to its educational and protective provisions" ("Reports etc. for 31st Oct. 1862," p. 52).

143. Thus Potter, for example, in a letter of 24th March 1863 to the Times. The Times reminded him of the manufacturers' revolt against the Ten Hours' Bill.

of their “systematic scholarship.”<sup>144,xlii</sup> It should come as no surprise that after the magnates of manufacturing had bowed to the inevitable, capital gradually lost its power to resist, whereas the workers’ capacity to attack grew as they gained more allies among members of the social classes that weren’t directly affected. Hence since 1860, progress has come relatively rapidly.

In 1860, dye-works and bleach-works<sup>145</sup> were brought under the Factory Act of 1850; in 1861, stocking and lace factories were as well. The first report of the Committee on the Employment of Children (1863) had the effect that the same fate was shared by all manufacturers of earthenware products (not just potteries), matches, percussion caps, cartridges, carpets, and fustian cuttings, and also by manufacturers in many industries that are grouped together under the name “finishing.” In 1863, “bleaching in the open air”<sup>146</sup> and “baking” got their own acts, with the first of them

144. Thus, among others, Mr. W. Newmarch, a contributor to and the editor of Tooke’s “History of Prices.” When someone cravenly bows to public opinion, should we say that he has achieved scholarly progress?

145. For dye-works and bleach-works, the act passed in 1860 established that on 1st August 1861, the working day would be provisionally fixed at 12 hours, and it would be permanently fixed at 10 hours on 1st August 1862, that is, at 10½ hours on regular workdays and 7½ hours on Saturdays. But when 1862, the year of reckoning, arrived, the old farce played out again. The manufacturers petitioned Parliament to grant them yet one more year of twelve-hour days for workers in their teens and women. . . . “In the existing condition of the trade [it was the time of the great cotton famine], it was greatly to the advantage of the operatives to work twelve hours per day, and make wages when they could.” A bill with this aim had been successfully brought into the House of Commons, “and it was mainly due to the action of the operative bleachers in Scotland that it was abandoned” (“Reports etc. for 31st Oct. 1862,” pp. 14, 15). Defeated in this way by the very workers in whose name it purported to speak, capital, now wearing its juridical glasses, discovered that like all Parliamentary legislation enacted “for the protection of labour,” the Act of 1860, with its convoluted phrasing, gave it, capital, a pretext for excluding the “calenders” and “finishers” from what protection the Act did offer. Always capital’s faithful servant, English jurisprudence sanctioned this casuistry in the Court of Common Pleas. “The operatives have been greatly disappointed, and it is greatly to be regretted that the clear intention of the legislature should have failed by reason of a faulty definition” (ibid. p. 18).

146. The “open-air bleachers” had gotten around the Act of 1860 by falsely claiming that no female bleachers worked at night. As the factory inspectors were exposing this lie, workers’ petitions stripped Parliament of its pleasant illusions about the work done here—the fresh breeze of the meadow! In this aerial bleaching, drying rooms with temperatures from 90 to 100 degrees Fahrenheit are used, and it is mostly young women who work in them. “Cooling” is the technical term for the practice of occasionally escaping from the drying room for some fresh air. “Fifteen girls in stoves. Heat from 80 to 90 for linens, and 100 and upwards for cambrics. Twelve girls ironing and doing up in a small room about 10 feet square, in the centre of which is a close stove. The girls stand round the stove, which throws out a terrific heat, and dries the cambrics rapidly for the ironers. The hours

making it illegal to put children, teenagers, and women to work at night, or from 8 in the evening until 6 A.M., while the baking act prohibited the use of journeyman bakers under 18 from 9 at night until 5 A.M. As for how the above-mentioned Committee later threatened, through further proposals, to take away the “liberty” of every important branch of industry in England except agriculture, mining, and transportation, we will come back to that.<sup>147</sup>

## 7. The Struggle for a Normal Working Day. The Impact of English Factory Legislation on Other Countries

Readers will recall the specific aim and content of capitalist production: aside from any transformation of the mode of production that might arise from subordinating labor to capital, its aim is to produce surplus-value—i.e., extract surplus-labor. Readers will also recall that, from the standpoint we have been explicating, capitalists buy only the labor-power of free adult workers who are their equals before the law. Of course, the labor of those who are physically and legally minors has played an important role

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of work for these hands are unlimited. If busy, they work till 9 or 12 at night for successive nights” (“Reports etc. for 31st October 1862,” p. 56). A physician explains: “No special hours are allowed for cooling, but if the temperature gets too high, or the workers’ hands get soiled from perspiration, they are allowed to go out for a few minutes. . . . My experience (which is considerable) in treating the diseases of stove workers, compels me to express the opinion that their sanitary condition is by no means so high as that of the operatives in a spinning factory [before Parliament, capital portrayed these workers as rosy-cheeked and healthy—like figures in a painting by Rubens!]. The diseases most observable amongst them are phthisis, bronchitis, irregularity of uterine functions, hysteria in its most aggravated forms, and rheumatism. All of these, I believe, are either directly or indirectly induced by the impure, overheated air of the apartments in which the hands are employed, and the want of sufficient comfortable clothing to protect them from the cold damp atmosphere in winter when going to their homes” (ibid. pp. 56–57). Factory inspectors remark about the Law of 1863, which the jolly “open-air bleachers” were eventually made to accept: “The Act has not only failed to afford that protection to the workers which it appears to offer, but contains a clause . . . apparently so worded, that unless persons are detected working after 8 o’clock at night they appear to come under no protective provisions at all, and even if they do so work, the mode of proof is so doubtful that a conviction can scarcely follow” (ibid. p. 52). “To all intents and purposes, therefore, as an Act for any benevolent or educational purpose, it is a failure; since it can scarcely be called benevolent to permit, which is tantamount to compelling, women and children to work 14 hours a day with or without meals, as the case may be, and perhaps for longer hours than these, without limit as to age, without reference to sex, and without regard to the social habits of the families of the neighbourhood in which such works [bleaching and dyeing] are situated” (“Reports etc. for 30th April 1863,” p. 40).

147. Note added to the second edition: Since 1866, when I wrote these passages, a reaction has again set in.

in our historical sketch, as has modern industry. But those minors have merely functioned as a particularly striking example of labor's exploitation, while modern industry has merely functioned as a particular sphere where that exploitation takes place. Without jumping ahead in our analysis, we can determine the following simply by connecting historical facts.

To begin with, capital's drive to extend the workday ruthlessly or heedlessly was first satisfied in the industries that were revolutionized by water, steam, and machinery prior to all the others—i.e., in the earliest creations of the modern mode of production: the spinning and weaving of cotton, wool, flax, and silk. This new material mode of industrial production, along with the new social relations among producers that correspond to it,<sup>148</sup> led at first to heedless excess, then called forth countervailing mechanisms of social control, and the working day was limited, regulated and standardized by law, with breaks mandated as well. During the first half of the nineteenth century, such social control thus took the form of extraordinary legislative measures.<sup>149</sup> However, by the time factory legislation had conquered the original areas of the new mode of production, not only had many other branches of industry been brought under the modern factory system, so had various types of manufacturing with antiquated methods. Some of those types had long operated under the capitalist system of exploitation every bit as much as factories: pottery and glass works, and also old-fashioned modes of craft work, such as baking, and, finally, even assorted kinds of so-called domestic labor, like nail-making.<sup>150</sup> Over time, factory legislation was thus forced to give up its exceptional character. Or, where this legislation was developed with Roman casuistry, as it was in England, it was forced to call any house where someone was working “a factory.”<sup>151</sup>

Second, the history of how the workday came to be regulated in certain areas of production, together with the ongoing struggle to regulate

148. “The conduct of each of these classes [capitalists and workmen] has been the result of the relative situation in which they have been placed” (“Reports etc. for 31st Oct. 1848,” p. 113).

149. “The employments placed under restriction were connected with the manufacture of textile fabrics by the aid of steam or water power. There were two conditions to which an employment must be subject to cause it to be inspected, viz., the use of steam or water power, and the manufacture of certain specified fibres” (“Reports etc. for 31st October, 1864,” p. 8).

150. The most recent reports of the “Children’s Employment Commission” contain extremely rich material on the state of the so-called domestic industries.

151. “The Acts of the last Session [1864] . . . embrace a diversity of occupations the customs in which differ greatly, and the use of mechanical power to give motion to machinery is no longer one of the elements necessary, as formerly, to constitute in legal phrase a Factory” (“Reports etc. for 31st Oct. 1864,” p. 8).



it in other areas, shows concretely that the worker on his own—that is, the worker as the “free” seller of his labor-power—succumbs without resistance once capitalist production has reached a certain stage in its development. A normal working day thus came about as the product of a protracted, more or less hidden civil war between members of the capitalist class and members of the working class. Since this struggle began in the arena of modern industry, it was first waged on modern industry’s native land: England.<sup>152</sup> English factory workers were therefore the defenders of not just the English working class but of the working class in general, just as their theorists were the first to throw down the gauntlet before the theory of capital.<sup>153</sup> This led the manufacturers’ philosopher Ure to declare that members of the working class brought eternal shame upon themselves when they wrote “the slavery of the Factory Acts” on their banners and waved them at capital, which, meanwhile, was fighting manfully for “the perfect freedom of labour.”<sup>154</sup>

France has been limping along slowly, trailing behind England. It took the February Revolution for the French Twelve Hours’ Law to be enacted,<sup>155</sup> and that law has more weak points than the English original.

152. There isn’t a trace of this movement in Belgium, the paradise of continental liberalism. Even in its coal and metal mines, workers of both sexes and of all ages are consumed with complete “freedom,” for any length of time during any period. Out of every 1,000 people employed in the mines, 733 are men, 83 are women, 135 are boys, and 49 are girls under 16. In the blast furnaces, etc., out of every 1,000 workers, 668 are men, 149 are women, 98 are boys, and 85 are girls under 16. Add to this the low wages that are paid in return for the outsize exploitation of both adult and child bearers of labor-power. A man earns on average 2s. 8d. per day; a woman earns on average 1s. 8d. daily, a boy 1s. 2½d. Thanks to this system, between 1850 and 1863, Belgium was able to nearly double the amount and value of its exports of coal, iron, etc.

153. Not long after 1810, Robert Owen not only stressed the necessity of limiting the workday on the level of theory; he also introduced the ten-hour workday at his factory in New Lanark. Observers mocked this policy as the stuff of a communist utopia. Similarly, they laughed at his “combination of children’s education with productive labour,” and also the workers’ cooperative societies that he was the first to establish. Today, the first of those utopian policies has become the law, the second serves as an official phrase in all the “Factory Acts,” and the third is already being used to cloak reactionary swindles.

154. Ure (French translation). “Philosophie des manufactures. Paris. 1836,” Vol. 2, pp. 39–40, 67, 77, etc. [Editor’s note: Marx cites the French translation he had handy. In the English original, these passages can be found in Andrew Ure, *The Philosophy of Manufacture or, an Exposition of the Scientific, Moral, and Commercial Economy of the Factory System of Great Britain* (London: Charles Knight, 1835), pp. 302, 321, 329 respectively.]

155. In the *Compte Rendu* of “The Paris International Statistical Congress 1855,” we read the following, among other things: “The law of France, which restricts the duration

But the special advantages of the French revolutionary mode have still made themselves felt. With one blow, the French established a uniform working day for all workshops and factories (no exceptions), whereas English legislation keeps bowing reluctantly to outside pressures on all manner of issues and is thus heading straight toward a royal mess of contradictions.<sup>156</sup> Moreover, the French law takes as a foundational principle what in England could at first only be won in the name of children, teenagers, and women, and has only recently been claimed as a universal right.<sup>157</sup>

In the United States of North America, every independent movement of workers remained paralyzed as long as slavery disfigured part of the Republic. Labor cannot emancipate itself in white skin where its black skin is branded. New life sprang up right away from the death of slavery. The first fruit of the Civil War was the agitation for an eight-hour day, which strode forward in the seven-league boots of the railroad, going from the Atlantic Ocean to the Pacific, from New England to California. The General Workers' Congress in Baltimore (Aug. 1866) declared, "The first and grand desideratum of the hour, in order to deliver the labor of the country from this thralldom, is the adoption of a law whereby eight hours shall constitute a legal day's work in every State of the American Union, and we are determined never to relax our efforts until this glori-

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of daily labour in factories and workshops to 12 hours, does not limit that labour between certain fixed hours, as is required for the hours of work of children, i.e., between 5 A.M. and 9 P.M. Hence, some manufacturers using the right which this grievous silence gives, admit of no interruption of the work of their establishments, except, perhaps, upon the Sunday, by employing two sets of workmen, neither of which spends more than twelve hours in the workshop, but the work of the establishment is prolonged during the day and night. The law is satisfied, but is humanity equally so?" In addition to pointing up "the unhappy effect upon the human frame of the deprivation of natural sleep," it also emphasizes "the fatal influence upon morals of the nightly association of the two sexes in the same dimly lighted workshops."

156. "For instance, there is within my district, one occupier who within the same curtilage, is at the same time a bleacher and dyer under the Bleaching and Dyeing Works Act, a printer under the Print Works Act, and a finisher under the Factory Act" (Report of Mr. Baker in "Reports etc. for 31st Oct. 1861," p. 20). After listing the various provisions of these acts and the complications proceeding from them, Mr. Baker observes, "It will hence appear that it must be very difficult to secure the execution of these three Acts of Parliament where the occupier chooses to evade the law." Yet one thing is in fact secured by this means: lawsuits for lawyers.

157. And so the factory inspectors finally dared to say, "These objections [capital's objections to imposing legal limits on the workday] must succumb before the broad principle of the rights of labour . . . there is a time when the master's right in his workman's labour ceases, and his time becomes his own, even if there was no exhaustion in the question" ("Reports etc. for 31st Oct. 1862," p. 54).

ous result is conserved.”<sup>158</sup> Responding to a proposal by the General Council in London, the Congress of the International Working Men’s Association in Geneva resolved at just the same time (the beginning of Sept. 1866), “We regard the limitation of the working day as a precondition without which all further attempts at improvement and emancipation will necessarily fail. . . . We propose eight hours as the legal limit of the working day.”

So on both sides of the Atlantic, the workers’ movement, having developed instinctively out of the conditions of production, endorsed the words of the English factory inspector Robert J. Saunders: “Further steps toward a reformation of society can never be carried out, with any hope of success, unless the hours of labour be limited, and the prescribed limit strictly enforced.”<sup>159</sup>

It must be said that when our worker emerges from the production process, he isn’t the same as he was before entering it. He arrived in the market as the owner of a commodity, “labor-power,” and encountered other commodity owners—one commodity owner facing another. The contract through which our worker sold his labor-power to a capitalist offers proof in black and white, so to speak, that as a free person, he can do whatever he wants with himself. But after the exchange is made, what comes to light is that he wasn’t actually a “free agent,” that the hours of his labor-power he is free to sell are the hours he is forced to sell,<sup>160</sup> and that his exploiter won’t let go of him as long as “there is a muscle, a sinew or a

158. “We, the workers of Dunkirk, declare that the amount of work required under the present system is too great, and that far from leaving the worker time for rest and education, it thrusts him into a condition of servitude but little better than slavery. That is why we have decided that eight hours are enough for a working day, and should be legally recognized as enough. It is why we are attempting to enlist the help of that powerful mechanism, the press . . . and why we shall consider all those that refuse us this help as enemies of the reform of labor and of the rights of the worker” (Resolutions of the Workers of Dunkirk, State of New York, 1866). [Editor’s note: The source for the quotation in the footnote couldn’t be located, and so Marx’s German translation, translated into English here, couldn’t be checked against the original text.]

159. “Reports, etc. for 31st Oct. 1848,” p. 112.

160. “These proceedings [the maneuvers of capital, for instance, from 1848 to 1850] have afforded, moreover, incontrovertible proof of the fallacy of the assertion so often advanced, that operatives need no protection, but may be considered as free agents in the disposal of the only property they possess, the Labour of their hands and the sweat of their brows” (“Reports etc. 30th April 1850,” p. 45). “Free labour, if so it may be termed, even in a free country requires the strong arm of the law to protect it” (Reports etc. for 31st Oct. 1864,” p. 34). “To permit, which is tantamount to compelling . . . to work 14 hours a day without meals etc” (“Reports etc. 30th April 1863,” p. 40).

drop of blood left to extract profit from.”<sup>161</sup> In order to “protect” themselves against the serpent that torments them,<sup>xliii</sup> workers have to put their heads together and, acting as a class, have to force a national law into being, an insurmountable social barrier that prevents workers from voluntarily selling themselves and their families into slavery and death.<sup>162</sup> The flashy catalogue of “inalienable human rights” is replaced by the modest Magna Carta of a workday with legal limits, which finally establishes “when the time which the worker sells is ended, and when his own begins.”<sup>163,xliv</sup> *Quantum mutatus ab illo!*<sup>xlv</sup>

161. F. Engels op. cit. p. 5. [Editor’s note: English translation, “The English Ten Hours’ Bill,” in *MECW*, vol. 10, pp. 288–300, p. 288.]

162. In the branches of industry subject to the Ten Hours’ Act, the Act has “put an end to the premature decrepitude of the former long-hour workers” (“Reports etc. for 31st October 1859,” p. 47–52). “Capital [in factories] can never be employed in keeping the machinery in motion beyond a limited time, without certain injury to the health and morals of the labourers employed; and they are not in a position to protect themselves” (ibid. p. 8).

163. “A still greater boon is, the distinction at last made clear between the worker’s own time and his master’s. The worker knows now when that which he sells is ended, and when his own begins, and by possessing a sure foreknowledge of this, is enabled to pre-arrange his own minutes for his own purposes” (ibid. p. 52). “By making them masters of their own time, they [the Factory Acts] have given them a moral energy which is directing them to the eventual possession of political power” (ibid. p. 47). With restrained irony, and in very cautious language, the factory inspectors intimate that the current Ten Hours’ Act has unburdened the capitalist of some of the natural brutality he possesses as the mere embodiment of capital, and has given him time for a bit of “self-cultivation.” Earlier, “the master had no time for anything but money: the servant had no time for anything but labour” (ibid. p. 48).