

PART II

The Evolution of Labor Standards

CHAPTER 1

The History and Political Economy of International Labor Standards

Stanley L. Engerman

Introduction

Laws regulating the relations between masters and servants, or employers and employees as they latter became, have a long history in the European world, influencing wage rates, hours of work, and working conditions. In the fourteenth century, for example, the British imposed laws after the Black Death setting maximum wages as well as constraints on migration and settlement.¹ Legal rules set the terms for the rights and customary responsibilities of villains, while other legislation, such as the Poor Laws, influenced the treatment and behavior of the population, even when not specifically concerned with what we might today consider labor standards.² Laws as early as the sixteenth and seventeenth centuries regarding the treatment of slaves in the New World colonies of European nations often specified minimum consumption requirements, hours of work, and acceptable punishments.³ Laws regarding transoceanic movement of people, initially of slaves from Africa, which specified conditions of shipment and treatment, later were also designed for indentured servants, and by the early nineteenth century these were more broadly applied, with somewhat different terms, to all free passengers.⁴ The mercantilistic policies of European nations, often concerned with increasing population, provided for measures of public health and emigration restrictions, which impacted on the living and working conditions of the laboring classes.⁵

These, however, are not generally considered to have been concerned with labor standards as looked at today. Some, such as passenger regulations and public health measures, do not deal with the process of working. Most, however, are seen to have a different origin than those of the nineteenth and

twentieth centuries. These early laws were generally imposed by the elites, in their own interests, and, although they may have provided some benefits to the non-elite, their primary intent was not to be benefits to the workers and others in the population. The later policies were intended to directly benefit the workers, whether these policies were advocated by the workers themselves or else by some reform groups within society. The modern story of labor standards generally starts in England in 1802, and is seen as an attempt to offset the social costs that accompanied the development of industrialization.⁶ While there were argued-for benefits to factory owners, their main purpose was to protect members of the working class, or at least some of them, and there was frequent opposition by employers to such legislation and its enforcement.

Categories of Labor Standards

The present-day discussion of labor standards, both internal to a state or nation and international, involves a number of quite different aspects of the employer–employee relationship, and therefore there may be differences in the extent to which satisfaction of all desired ends can be achieved. We can divide the present-day aspects of labor standards most broadly into three categories. The most basic has been labor market conditions – wages (now minimum, not as earlier, maximum) and hours of work (maximum amount, as well as the specific hours of work, particularly night work). There has generally been a sharp distinction made among the different age and sex components of the labor force, with different provision for children, women, and adult males (See table 1.1 for a survey of European factory legislation.) Second, laws dictate acceptable working conditions for the factory – safety, sanitation, elimination of work hazards, and factory-floor arrangements, all intended to provide a healthy work environment. Third, laws specify the general range of arrangements permitted between labor and employer, including rules regarding rights of association, the formation and maintenance of labor unions, permanent bargaining rights, the conciliation and arbitration of disputes, terms of apprenticeship, and the more general terms of labor contracts (including laws such as the English Masters and Servants acts which regulated, among other things, hiring, firing, and quitting practices). At times, however, there are trade-offs between ends, and there may also be some inconsistencies in achieving these goals. There may be differences between the legislative imposition of specific terms and the establishing of rights of collective bargaining by unions to set the terms they desire. More frequently, in the past, was a perceived conflict between the coverage of government legislation and the rights of individuals to choose their own preferred contractual package.

The most general statement of core labor standards, presented by the ILO in 1999, includes:

- freedom of association and the effective recognition of the right to collective bargaining;
- the elimination of all forms of forced or compulsory labor;
- the effective abolition of child labor; and
- the elimination of discrimination in respect of employment occupation.

Note that these core standards make no direct statements about wages or hours.

In general, there are now some very basic terms of internationally agreed upon labor standards, reflecting both moral and economic beliefs. These include no slavery, serfdom, or other form of forced labor; no sales of goods produced by convict labor (certainly none to compete with free labor); free emigration and (unless it causes economic difficulties to residents) relatively few barriers to immigration; limited child labor so as to provide more education: and, in general, no discrimination on the basis of race, religion, gender, age, disability, political opinion, nationality, social origin, etc. unless these forms of discrimination or coercion might be considered to be either necessary or desired (as in wartime) or to recognize different needs of some specific groups.⁷ More recently the concept of labor standards has expanded to explicitly include practices such as sexual harassment and related aspects of the workplace regime.

The Sources of Agitation for Improved Labor Standards

There have been several sources of agitation concerning labor standards, and the nature of the pressures for legislation have shifted over time. Even if different groups have the same professed aim, there can be grounds for skepticism as to what end is ultimately desired by any group. In general, the argument for imposing standards has been to protect certain individuals, who are, either legally or economically, too weak to be properly treated within the market economy, or else who lack the political voice to be able themselves to influence legislation. As laboring classes achieve more economic and political power, they might pursue enhanced labor standards via political and governmental actions rather than by the perceived-to-be more expensive method of piecemeal change via market and collective labor actions taken with individual firms or industries.

The modern push for improved laboring standards in England at the turn of the nineteenth century, at the same time as the expansion of the antislavery

Table 1.1a Factory laws of European countries

	<i>France</i>	<i>Belgium</i>	<i>Holland</i>
DATES OF EARLIEST FACTORY LEGISLATION.	1841. (1848, 12 hours' day regulation.)	1889.	1815. (Sunday Rest.) 1874.
DATES OF LAWS IN FORCE.	1892.	1889.	1889.
TO WHAT PLACES THE LAWS APPLY.	(Modifications from 1893 to 1898.) *Factories, works, coal, and metalliferous mines, quarries, sheds, workshops, and all industrial establishments connected with them, whether public or private, lay or religious; state or charity workshops included. The Law does not apply to agricultural work and transport industries, nor to shops or bureaux. Domestic workshops are also excluded, but come under the inspector's authority if they deal with unhealthy trades or if power is used.	(With additions, 1892-1898.) All steam-mills, factories, and works, industrial establishments private or public, educational (technical) or charitable; all mines (coal and metalliferous), quarries, yards, ports, stations, transport industries (sea or land); all brickfields and tile works not using power; all unhealthy trades, and all trades using power (steam or mechanical). Domestic workshops are excepted unless using power or dealing with unhealthy trades.	(With additions, 1891-1898.) All factories and workshops, defined as places, open or shut, where articles are prepared for sale or use; and all industries, great or small. EXCEPTIONS: (1) Agriculture, horticulture, forestry, cattle raising, and the peat industry; (2) occupations in or for the trade of an employer with whom the worker lives, which are done outside the workshop, in so far as they belong to work usually done in the household or stables; (3) kitchens and pharmacies. Also barge and fishing industries, save as touching the age of admission of children; State, military, professional, and educational establishments and prisons.

AGE OF ADMISSION OF CHILDREN.	13. (Or 12, if furnished with medical and educational certificates.)	12.
DURATION OF WORKING-DAY. <i>Children.</i>	10 hours.‡ (For those under 16. Overtime usually forbidden.)	11 hours. (For those under 14.)
<i>Young Persons.</i>	11 hours.‡ (And not more than 60 per week for those under 18. Overtime usually forbidden to both sexes under 18.)	11 hours. (For those under 16.)
<i>Women.</i>	11 hours.‡	11 hours.

* The term "Factory" is translated throughout as a simple reproduction of the word used in the law. The meaning differs from country to country, but is not always defined in the law; for example, it is not defined in the German Industrial Code.

‡ Cut by a rest or rests amounting to 1 hour at least.

§ Cut by rests of a total of 1½ hours. In many industries the midday interval must be 1 hour at least. However short the working-day, a rest of ¼ hour after every 4 hours.

|| Cut by a rest of at least 1 hour between 11 a.m. and 3 p.m.

Table 1.1b Factory laws of European countries

	Germany	Austria	Hungary
DATES OF EARLIEST FACTORY LEGISLATION.	1839 (Prussia). 1869 (North Germany), which 1870 extended to the Empire. 1891. (With additions up to 1897.)	1787 (Forbad children under 9 to work in factories). 1842 (Factory age raised to 12). 1859. Modified by Laws 1883 (March) and 1885 (March), the latter limited the male adult working day. Latest changes in 1897.	1840. 1884. Is the main law called the Industrial Law. Additions in 1891 and 1893; with minor changes up to 1895.
DATES OF LAWS IN FORCE.			In principle to all industries and professions. No definition distinguishes factories and workshops; a factory is a place where a branch of work is done, or power or machinery is used. Express <i>exclusions</i> are agricultural, fishing, transport (rail, steam, canal) industries and mines; also State monopolies, domestic workshops, educational and reformatory institutes and prisons.
TO WHAT PLACES THE LAWS APPLY.	Factories, mills, and workshops using power: underground quarries, mines, saltpits; smelting houses, timber and other building yards and dockyards; brick and tile kilns, mines and quarries, which are worked above ground and are not merely temporary. Domestic workshops are formally omitted. By an Imperial Decree of 1897 regulation is extended to ready-made clothing workshops— <i>save</i> where only members of the family are employed, or where the manufacture is only occasional. By Art. 154 the provisions may be extended by Imperial Decree with consent of the local authority to other industries.	Factories of the large and workshops of the small industries. A Factory is a place where articles are made or worked upon in a closed workshop employing more than 20 workmen; division of labour, use of machinery, an employer himself not working manually, may also bring the place under the Factory Law. Agricultural, fishing, transport (rail, steam and canal) industries are omitted, also earth-works and mines.* Domestic workshops, penitentiaries and charitable establishments are also exempt.	

AGE OF ADMISSION
OF CHILDREN.

13.
(And not then unless primary
education is complete.)

14.
(In factories.)

12.
(In other regular occupations.)

From 12-14 must attend school for
12 hours a week in daytime, and may only
be employed in easy work not injurious to
health.

12.
But may be admitted with
educational certificate at
10 years old by permission
of the industrial authority.

DURATION OF WORKING-DAY.

Children.

6 hours.
(For those under 14.)

8 hours.†
(For those under 14, in workshops of the
small industry.)

10 hours§ in small
industries; 8 in large for
those under 14.
School hours are included.

Young Persons.

10 hours.*
(For those under 16.)

11 hours.†

(For those under 16 in factories; and only
in light non-injurious work.)
Hours in workshops not limited after
14 years.

12 hours† in small
industries; 10 in large for
those under 16.
School hours are included,
and the young apprentice
must attend the schools.

Women.

11 hours.*
(For women over 16.)

On Saturdays and Eves before
Holidays 10 hours, and must leave
work at 5.30 p.m.

In certain cases of urgency or
public interest women not having
a household may work till 8.30 on
Saturdays and Eves before Holidays.

No limitation. Rests in
working day as below.†

† For children, cut by a rest of at least 1/2 hour.

‡ Cut by rests of 1 hour and 1/2 hour in all industries for all workers without distinction of age or sex.

§ Cut by three rests, 1/2 hour before noon, 1 hour at noon, 1/2 hour afternoon.

* For young persons, cut by 3 rests of 1/5 hour, 1 hour, and 1/5 hour; for women, cut by a rest of 1 hour at mid-day or 1 1/2 hours if they have a household to attend to.

Table 1.1c Factory laws of European countries

	Denmark	Sweden	Norway
DATES OF EARLIEST FACTORY LEGISLATION.	1873.	1881.	1892.
DATES OF LAWS NOW IN FORCE.	1873. (With additions to 1891.)	1881. (With changes to 1890.)	1892.
TO WHAT PLACES THE LAWS APPLY.	Factories and workshops, or places using factory processes, and which employ young persons under 18, whether the work be direct or accessory. Domestic workshops are not mentioned, but the Minister has power to decide doubtful cases.	Factories, manufactories, and other industries without further definition – save that in accordance with degrees of importance and nature of work, some industries are to be considered factories. [<i>cf.</i> Notes.] Domestic workshops are in effect excluded.	All industrial places occupying a number (great or small) of workmen at the same time and in a regular manner; all mines, foundries, metal works, and metal workshops in general. The Inspector is empowered to decide whether an establishment comes under the law.
AGE OF ADMISSION OF CHILDREN.	10. (And must have educational and medical certificates and must not be employed during school hours.)	12. (And must have educational and medical certificates. Up to 15 must attend school, certificated or not.)	12. (But must have a certificate of physical aptitude, and up to 14 must be free to attend school. The school-master may demand further time for schooling.)
DURATION OF WORKING-DAY. <i>Children.</i>	6 hours* in 24. (For those under 14.)	6 hours.† (In factories for those under 14.) [Not regulated in other industries.]	6 hours.‡,§ (For those under 14.)

Young Persons. 10 hours* in 24.
(For those under 18.)

10 hours.†
(In factories for those under 18.)
[Not regulated in other industries.]

10 hours.‡
(For those under 18.)
From 12–18 years must rest after 4 1/2
hours' work at latest.

Women.

CONCESSIONS AS TO DURATION OF WORK.

Young Persons. Overtime is permitted to those of 14–18 years in exceptional industries (as when the work depends on the season or atmospheric condition) by the Minister of the Interior.
Children may never be employed beyond or out of the legal hours.

Concessions are permitted exceptionally and only for 4 weeks a year, and the hours must not be in those constituting night-work.

In case of accident overtime is allowed without application to the authorities for 2 days only; if further leave is wanted can be had from the Inspector merely.

With proper authority overtime is permitted at certain times of the year in seasonal trades. Overtime of 1/2 an hour is allowed to young persons of 14–18 in certain easy industries by authority, but hours may not exceed 60 per week.

Women.

* Children: Cut by a rest of 1/2 hour; if employed before 11 a.m. must leave work at 1 p.m. Young persons: Cut by 2 hours rests; 1 1/2 hours before 3 p.m., and 1/2 hour before 6 p.m. [In places other than factories rests are ordered but the amount is not stated.]

† Children: Cut by a rest of 1/2 hour. Young persons: Cut by rests of 2 hours, 1 1/2 before 3 p.m.

‡ Children and young persons: Cut by a rest of 1/2 hour morning and afternoon. Young persons have additional rest of 1 hour after dinner when the duration of work exceeds 8 hours.

AGE OF ADMISSION
OF CHILDREN.

12.
(But if not possessing a certificate of education, must attend school for 18 hours a week up to 15 years of age.)

9, and in underground work,
10 years.

All under 15 must have a medical certificate, and an employer wishing to employ a child below 15 must make a declaration before the authority. [Cf. Notes.]
[A Bill is before Parliament proposing to raise the age for mines and quarries to 14 underground and 12 above ground.]

DURATION OF WORKING-DAY.

Children.
8 hours in 24 for those under 15. Must not work more than 4 hours without rest.†
In certain industries may work for 6 consecutive hours, but then the working-day must be 6 hours only.

8 hours‡ for those 9–12 years old.

5 hours for boys of 10–13 years, and for girls of 10–14 years.
Education for 3 hours a day is compulsory up to these ages in State schools.
8 hours for boys of 13–15 years, and for girls of 14–17 years.

Young Persons.

Not regulated after 15 years of age, save for boys coming under the new law for male labour. [Cf. Men.]

Women.

CONCESSIONS AS TO DURATION OR WORKING-DAY.

Young Persons.
In cases where 18 hours a day in 2 shifts of 9 hours are worked, children under 15 may work 9 hours in shifts of 4½ cut by a rest.

Women.

Finland has a Factory Law of its own; the principal enactments are given in the Notes.

† The Prefect of St. Petersburg issued an order in 1897 extending this rule to young people of 12 to 15 employed in dressmaking, military, or tailoring establishments.

‡ Cut by a rest of 1 hour when the duration of work is over 6 hours.

Table 1.1e Factory laws of European countries

	Portugal	Switzerland (Federal.)	St. Gall. (Cantonal.)
DATES OF EARLIEST FACTORY LEGISLATION.	1891.	The earliest legislation took place in different cantons at different dates.	1893.
DATES OF PRESENT LAWS.	1891.	1877.	
TO WHAT PLACES THE LAWS APPLY.	Mines and quarries, docks and shipping yards, factories and workshops of all kinds; also State workshops and those of administrative corporations, professional and charitable institutions. Exceptions are small mills and workshops not employing steam-power and where dangerous trades are not practised, which are established in the home of the worker, and are executed by himself and family or pupils, and where the number employed does not exceed 5.	(With special decrees from 1891–1898.) Any industrial establishment where a more or less considerable number of workmen are employed regularly in a closed place away from home. Domestic workshops and small industries are excepted, <i>save when dealing with unhealthy trades</i> , also mines. The Federal Council, in agreement with the Cantonal Departments, has the power to decide what small places shall be brought under the Law. The Decree of June 1891 brought under the Law: (1) Places using power and employing more than 5 persons, or any persons under 18, or which present dangers to life and health. (2) Any places employing more than 10 persons, though not having any of the features just mentioned. (3) Places employing less than 6 persons and presenting special dangers to life and health, or those occupying less than 11 but which are of the type of factories.	St. Gall extends the protection to all places where girls under 18 are employed; to places where women are employed outside their homes when in a greater number than 2 together, in hotels or cafes, in commercial offices or for wages in agriculture. The protection is extended to the small industries employing girls and women, particularly those of "the fashions."

AGE OF ADMISSION
OF CHILDREN.

12.
14.

(But where possessing educational and medical certificates may be admitted by authority to easy work only, at 10 years old.)

DURATION OF WORKING-DAY.

Children. 6 hours† in 24 for those under 10.

Primary instruction is compulsory up to 12 years for 2 hours daily at least, and work must be specially interrupted for the purpose.

Young Persons. 10 hours in 24 for boys of 12–16 years and girls of 12–21 years.

Women.

11 hours‡ for those of 14–16 years; but this must include time for instruction, and the instruction must not be sacrificed to the work. 10 hours Saturdays and Eves of Holidays.

11 hours* for those of 16–18 years. Saturdays and Eves of Holidays 10.

11 hours.*

(Saturdays and Eves of Holidays 10.)

In shops 10 hours and 9 on Saturday.

CONCESSIONS AS TO DURATION OF WORK.

Young Persons.

Concessions may be allowed in a passing manner where there is a cause, such as stop page of the motor force. But they must not cause night-work to those 14–18.

Women.

Concessions as above. But not so as to cause night-work.

Concessions allowed to unmarried women over 18 in a few accessory trades. [Cf. Notes.]

† Cut by a rest after 4 hours' work of 1 hour under 12 years; the same rest after 5 hours' work for boys under 16 and girls under 21.

‡ Cut by a rest for all workers of at least 1 hour at noon.

Source: Emma Brooke (1898) *A Tabulation of the Factory Laws of European Countries*, London: Grant Richards.

* Cut by a rest for all workers of at least 1 hour at noon. Women with households may have half an hour longer at noon if the rest is less than one hour and a half.

movement, seemed to come primarily from individuals regarded as middle-class reformers and agitators, although there were some more conservative Parliamentary voices involved (including Sir Robert Peel). (For a listing of some of the major changes in English legislation in the nineteenth century, see table 1.2.) They often related their concerns to the problems of national economic growth as well as to individual economic betterment. They advocated measures, such as education and public health, arguing that they would benefit not only the individuals directly concerned but also society as a whole. Workers and unions advocated further reforms as they became more powerful, in part as a result of their strength due to nineteenth-century legislation permitting the formation and exercise of some forms of collective power by unions. In addition to advocating improved standards for their own direct benefits, there were attempts by unions and other groups to help others, or so they claimed. These, however appropriately sounding when advocated, might seek to limit the opportunities of those other workers by setting too high a cost for employers. Alternatively, they might be intended to generate similar benefits, such as lowered hours of work similar to those of children or women, to those individuals not legislatively protected, benefits, whether because of the nature of the production process or of some egalitarian norm. Factory owners might seek legislation regulating labor standards as a means of attracting labor in times of labor scarcity or as a means of enforcing standards upon those other producers who might otherwise benefit from having lower standards. There will generally be some redistributive impact from any labor standards since it is doubtful that, given differences in labor-market conditions by location, industry, labor force composition, etc., legislated labor standards will be neutral in their effects. Thus the introduction of labor standards will generate changes in relative employments, incomes, and profits throughout the economy, whether intended or not.

Governments might be considered as a separate factor introducing its own desired policies, particularly as bureaucracies develop. The governing groups may see the implementation of labor standards as a way to avoid or mitigate political stability although governments will often be the battleground among different seekers of policy implementations, each seeking to achieve preferred ends. And since governments can regulate the nature and amount of imports, labor standards can be used as part of national trade policy. A twentieth-century source of agitation has been the rise of international agencies seeking agreement on and enforcement of internationally accepted labor standards. This has meant the imposition of standards of international morality (similar in intent to the interests of the antislavery and aborigine society movements) as well as of standards of living upon other, generally less-developed nations, who are less than eager to accept such standards in their own self-interest. The international imposition of

labor standards on nations not willing to accept such provisions has become an issue of contemporary political importance, even when it can be argued that the standards were initially imposed on these countries.

Morals and Economics: Long-standing Arguments

The most general arguments for labor standards have included both moral (at times religious, at times secular and humanitarian) and economic components. The basic moral and religious reasons have been to aid the poor and those without voice in society, policies that might have the further impact of helping to promote economic growth. In terms of economics, the arguments have been to correct some form of market failure and to have the economy become more efficient. Arguments for market failures are either that there are some externalities in the form of social benefits from a healthier and more productive society or else that there are difficulties generated by unequal bargaining power that can be adjusted by state action. The social benefits from the enforcement of labor standards include public health, population growth, education, economic growth, and political stability, each of which, it has been argued, requires some form of legislative intervention.⁸ The private benefits to those directly influenced will include better health, more opportunities for education permitted by fewer working hours, and an opportunity to become more productive workers, thus earning higher incomes.

An early, inclusive, argument for imposing standards on child labor in Lancashire cotton factories, by a Dr Percival in 1796 (reprinted in Bland et al., 1933, pp. 495–6), spells out many of the now quite familiar standard arguments:

It has already been stated that the objects of the present institution are to prevent the generation of diseases; to obviate the spreading of them by contagion; and to shorten the duration of those which exist, by affording the necessary aids and comforts to the sick. In the prosecution of this interesting undertaking, the Board have had their attention particularly directed to the large cotton factories established in the town and neighborhood of Manchester; and they feel it a duty incumbent on them to lay before the public the result of their inquiries:

1. It appears that the children and others who work in the large factories are peculiarly disposed to be affected by the contagion of fever, and that when such infection is received, it is rapidly propagated, not only amongst those who are crowded together in the same apartments, but in the families and neighborhoods to which they belong.
2. The large factories are generally injurious to the constitution of those employed in them, even where no particular diseases prevail, from the

Table 1.2 cont'd

(a) Legal minimum age

Factory and workshops acts		Mines acts		Miscellaneous		
Textile Factories	Non-Textile Factories and Workshops	Coal Mines*	Metalliferous Mines	Chimney Sweepers	Agric. Gangs (Eng. & Wales only)	Publican Entertainments
1874. Textile factories (including lace), 10 ; full time, 14, or 13 with educational certificate.	1867. All non-textile factories and workshops, 8 ; full time, 13.	<p>1872. Below ground, Boys, 12, except in thin seams in mines, where 10, full time, 12. Above ground, Boys and Girls, 10, full time, 12.</p>	<p>1872. Below ground, Boys, 12. Above ground, no regulation.</p>		1867. 8 .	
1878. All factories and workshops, 10 ; full time, 14, or 13 with educational certificate.				1873. 10 .		
1891. 11 ; full time, 14, or 13 with educational certificate.		1887. Below ground, Boys 12 (no exceptions). Above ground, Boys and Girls, 12; full time, 13.			1889. 7 .	
1901. 12 ; full time, 14, or 13 with educational certificate.		1900. Below ground, 13 .	1900. Below ground, 13 .			1903. 10 .
		1911. Below ground, 14 . Above ground, 13 (Boys and Girls).				

Table 1.2 cont'd

(a) Legal minimum age

Employment acts		England & Wales.		Education Acts (School Attendance Provisions.)	
		Minimum Age for Employment	Bye-law-making Powers re School Attendance	Scotland, Minimum Age for Employment. Exemption provisions	Ireland, Minimum Age for Employment. Exemption provisions
Street Trading†	General Employment				

1870. School Boards (where in existence) empowered, but not obliged, to make bye-laws covering children 5-13.

1872. Duty of parents and employers to provide education for all children aged 5-13. Educational certificate granted by H. M. Inspector alone exempts from this duty.

Table 1.2 cont'd

(a) Legal minimum age

Employment acts		Education Acts (School Attendance Provisions.)	
Street Trading†	General Employment	England & Wales. Bye-law-making Powers re School Attendance	Ireland. Minimum Age for Employment. Exemption provisions
	Minimum Age for Employment		Scotland. Minimum Age for Employment. Exemption provisions
1876. 10.	1876. 10.	1876. School Attendance Committees created in all areas without School Boards, and given similar bye-law-making powers, except that in rural parishes such powers only to be exercised on requisition of parish. 1880. Enactment of bye-laws made compulsory on all Local Education Authorities. Education Department given power to make bye-laws in default of the Local Authority. 1900. Higher age limit of children subject to bye-laws extended from 13 to 14.	1878. 10. Educational certificates required for employment for all children under 14, unless employed half-time under Factory or Mines Act.
1889. 10.	1889. 11.		1892. In municipa boroughs and town and townships unde Commissioners, employment of children under 11 forbidden, except in setting or planting of potatoes, hay-making or harvesting educational certificate required for employment of children age 11–14, except where allowed by Factor Act. Commissioners of Education empowered to extend provisions to suburbs. 1898. Same provisions applied to Count Council areas.
1894. 11.	1899. 12; cept that in rural areas Education Authority may allow partial exemption at 11, if total exemption not allowed till 13.		1901. 12. Up to 14 educational certificate required. School Boards given complete discretion with regard to granting or withholding such certificates.1908. School Boards empowered to compel young persons aged 14–17 to attend continuation classes during the normal hours of employment, as regulated by Act of Parliament.
1903. Local Authorities empowered to raise minimum age up to 16.	1903. Local Authorities empowered to fix minimum age up to 14.		

* Since 1872 the Coal Mines Acts, as distinct from the Metalliferous Mines Acts, have covered ironstone mines.

† From 1899–1903 Local Acts in several town empowered the municipal authorities to fix a higher minimum age than 11.

‡ In 1894, by the Quarries Act, the provisions of the Metalliferous Mines Act with regard to the Employment of Children were extended so as to cover children employed in quarries over 20 feet deep.

Table 1.2 cont'd
(b) Normal maximum working day

Date of Acts		Textile Factories.					
		Children employed as Young Persons			Children employed under part-time systems		
		Normal maximum working days	Sats	Working week	Morning and afternoon sets	Alternate day system	Working week
1802, 1819	12	12	72	—	—	—	—
1825, 1831	12	9	69	—	—	—	—
1833	12	9	69	8	48	—	—
1844	12	9	69	7	42	10	30
1847	10	8	58	7	42	10	30
1850	10 ^{1/2}	7 ^{1/2}	60	7	41 ^{1/2}	10	30
1874, 1878	10	6 ^{1/2}	56 ^{1/2}	6 ^{1/2}	34 and 32 ^{1/2} in alternate weeks.	10	30 and 26 ^{1/2} in alternate weeks.
1901	10	5 ^{1/2}	55 ^{1/2}	6 ^{1/2}	33 and 32 ^{1/2} in alternate weeks.	10	30 and 26 ^{1/2} in alternate weeks.
1845 to 1867+	10 ^{1/2}	7 ^{1/2}	60	7	Non-Textile Factories and Workshops. 41 ^{1/2}	10	30 and 27 ^{1/2} in alternate weeks.
1878, 1901	10 ^{1/2}	7 ^{1/2}	60	6 ^{1/2}	34 and 32 ^{1/2} in alternate weeks.	10	30 and 27 ^{1/2} in alternate weeks.

Source: Keeling, Frederick (1914) *Child Labour in the United Kingdom*, London: P. S. King & Son.

- close confinement which is enjoined, from the debilitating effects of hot or impure air, and from the want of the active exercises which nature points out as essential in childhood and youth, to invigorate the system, and to fit our species for the employments and for the duties of manhood.
3. The untimely labour of the night, and the protracted labour of the day, with respect to children, not only tends to diminish future expectations as the general sum of life and industry, by impairing the strength and destroying the vital stamina of the rising generation, but it too often gives encouragement to idleness, extravagance and profligacy in the parents, who, contrary to the order of nature, subsist by the oppression of their offspring.
 4. It appears that the children employed in factories are generally debarred from all opportunities of education, and from moral or religious instruction.
 5. From the excellent regulation which subsist in several cotton factories, it appears that many of these evils may, in a considerable degree, be obviated; we are therefore warranted by experience, and are assured we shall have the support of the liberal proprietors of these factories, in proposing an application for Parliamentary aid (if other methods appear not likely to effect the purpose), to establish a general system of laws for the wise, humane, and equal government of all such works.

While his wording may sometimes be awkward, Dr Percival's advocacy does indicate that the basic arguments for intervention have long been familiar. The introduction and extension of standards depends more on shifts in political power, effective rhetoric, changing attitudes regarding the role of men, new empirical data, or the attempt to apply standards to a broader group of nations, rather than upon the introduction of new justifications or new claims for what the policies will achieve.

The initial concerns when introducing labor standards were with children and women, who were not considered to be agents capable of deciding for themselves, were lacking in political rights, had limited controls over money, and were generally not union members able to bargain in a unit. This exclusion of adult males did not mean that these adult males, not directly benefiting from legislation, could not obtain benefits from the laws; whether because the costs of legislation would drive women and children from work, or because production arrangements regarding the time-pattern of work were such that similar gains regarding hours and conditions would accrue to adult males. Adult males were regarded as individuals with sufficient rights and ability to make decisions for themselves and, being able to take adequate care of themselves, they did not warrant legislative protection.

This early concern with benefiting children and reducing their labor, based on arguments of the need for better health and more education, did reflect a shift from preceding centuries, where the interest seemed more in having children work at early ages to learn discipline and production skills, and thus to become productive members of society at a relatively early age.⁹

The work, at that time, however, was primarily rural and agricultural, not the urban workhouses and industrial work that came with the Industrial Revolution.

The early arguments against labor standards, even for women and children, similarly anticipate most current claims. The basic concerns were the impact of higher costs (due, often, to fewer hours worked for the same total pay) on profits and thus on employment levels, particularly in regard to international trade, the nature of the probable alternatives available to those losing jobs, which may have meant a lowering of their living and working standards, and also the placing of those protected in a weakened political and social position. In regards to extending standards to adult males, the basic objection throughout the nineteenth century was the philosophical belief in that form of individualism that advocated the importance of choices made by male adults, free to contract. Given that belief, attempts to regulate the behavior of adult males were considered unconstitutional as well as undesirable. Changing legislation regarding male labor required a change in society's underlying belief system.

A long-standing argument, found as early as 1788, if not earlier, was the difficulty of achieving broadly acceptable standards in a trading world of different nations.¹⁰ It was considered important that those firms that accepted high standards did not suffer competitive losses in trade, either internally or internationally. This, indeed, has long-been the major barrier to the international acceptability of labor standards. There have been similar difficulties within nations, particularly where, as in the United States, Australia, Canada, and Switzerland, subfederal entities and not the centralized national government were responsible for labor legislation.¹¹ The attempts by international conferences and agencies to apply uniform standards has made the issue more acute. Basic questions even today are: can a common international standard be defined?; should there be differential standards for countries differentially situated (in terms, e.g., of climate, resources, income levels)?; are there varying trade-offs for different countries in regard to the various forms of standards that might be preferred (e.g., better working conditions vs. higher wages)?; and is there an appropriate degree of flexibility to be introduced over time, depending on changing income, factory size, or other factors?¹² Almost 200 years of discussion has left such questions still unresolved.

Control and Enforcement

The nature of controls and enforcement of labor standards has followed several stages over time, differing somewhat if the standards discussed were to be set nationally or internationally. National standards have been established by legislation or by administrative decree, with the particular political

units passing the legislation responsible for establishing the terms of the standards and the methods for enforcement. In some cases, e.g., the United States and Switzerland, being federal governments, there were some national policies, but each state was responsible for its own set of policies, resulting in a lack of national uniformity. Over time, however, separate state policies have been supplemented by the provision of financial incentives or by legal requirements imposed by the national government for at least some minimal set of standards, applied to all political units.¹³ To have any chance of being effective, international standards require bilateral or multilateral agreements or else acceptance of policies set by some form of international agency. The actual passage and enforcement of such international standards runs into the basic problem of claims of national sovereignty, limiting any attempt by an international agency to impose a standard on a country.¹⁴ The politics of any agreement may be tied in with trade policy, with the labor standards now being applied only to imported goods, rather than goods domestically produced and consumed in either trading country. Such controls on trade have been quite a recent development, at least by historical standards, using tariffs and quotas to enforce labor standards. The United States tariff of 1890 and its subsequent tariff legislation prohibited the import of goods produced by convict labor.¹⁵ This restriction, was, however, similar to that imposed in some states on the internal trade of commodities produced by convicts.¹⁶

Critical to enforcement of the labor standards has been the role of inspection of factory procedures, whether originated by the state, by the workers, or by the firms themselves.¹⁷ The effectiveness of any policy obviously depends on the frequency of inspections and the enforcement provisions required by the state, and the funds allotted to them, as well as the nature of the activities covered. The range of potential penalties for violators is quite diverse, from simple adverse publicity to forced closing of firms, and can include consumer- or worker-organized boycotts, restrictions on international or interstate trade, taxes and fines, forced expenditures upon improvements, and the use of labeling for consumer information. Some types of enforcement might involve the payment of subsidies rather than penalties. Recently, for example, in Mexico, Brazil, and elsewhere there are programs that provide payment in cash to the family of a child who has withdrawn from the labor force in order to attend school, a policy that is now being widely discussed.

Patterns of Labor Standards Evolution

Before entering into the details of labor standards in modern times, a brief survey of some basic trends and patterns will be useful. There were only a

few scattered cases of what we might call labor standards before the start of the nineteenth century, none in what would soon become the first major industrial powers. These include Russian regulations, in the early eighteenth century, regarding serf labor in factories. From the early nineteenth century, the number of countries with labor standards increased, although most standards were not introduced until the second-half of the nineteenth century and first years of the twentieth century. Their introduction begins with England, then elsewhere in Western Europe and British overseas offshoots, Eastern Europe, Latin America, and, lastly, in Africa and Asia. Patterns of economic growth, suffrage, and education followed a similar chronology to the development of labor standards, as has the power to bargain collectively. (See the information on international patterns of suffrage and education presented in tables 1.3 and 1.4.)¹⁸

Standards were first applied to children and women, with very few provisions regarding hours and wages applied to adult males until the twentieth century. Standards began, in general, with requirements of the minimum age at which children could work. Maximum hours for women and children were then introduced. Provisions prohibiting night work for women and children, and restrictions on various types of hazardous work, were among the other standards introduced in the nineteenth century. The first industry to be affected in Britain was the manufacturing of textiles, particularly cotton textiles – not surprising given that these were not only the largest industries during Britain’s early industrialization, but also because textiles had the largest numbers and shares of women and children in its industrial labor force.¹⁹ Mining was also singled out early, often leading to restrictions that meant female and child laborers were not permitted to work in mines, particularly underground. Other manufacturing industries were often included, but neither agricultural nor service sectors were generally covered until rather late.²⁰ The main controls of laboring conditions were applied to manufacturing and mining industries, thus to a relatively small proportion of the labor force in most times, and in most countries.

The movement towards expanding labor standards can be divided into three distinct, although overlapping in time, categories.²¹ First, is the development of standards internal to a nation, with legislation and enforcement established by the sovereign nation. These were the first such policies to be introduced and, as will be clear, have been the most successful. In the nineteenth century, particularly in its second half, there were attempts to impose international standards as the outcome of a series of international conferences and agreements. International here, unlike in the post-World War II era, meant only the developed countries of Western Europe, countries that were geographically contiguous, with similar climates, and with levels of economic development that were somewhat similar, at least compared to those in the rest of the world. Although European nations then had colonies

Table 1.3 Ratio of students in school to population ages 5–19 and the proportion of the population voting for selected countries, 1895–1945

	<i>c. 1895</i>	<i>c. 1920</i>	<i>c. 1945</i>
Austria			
Schooling ratios ¹	0.45	0.52	0.58
suffrage ²	7.9%	46.1%	46.9%
Belgium			
Schooling ratios	0.42	0.46	0.53
suffrage	20.1%	26.3%	28.9%
Denmark			
Schooling ratios	0.49	0.49	0.50
suffrage	9.9%	30.3%	50.8%
Finland			
Schooling ratios	0.12	0.29	0.53
suffrage	4.6%	27.3%	44.3%
France			
Schooling ratios	0.56	0.43	0.60
suffrage	19.4%	21.0%	49.3%
Germany			
Schooling ratios	0.54	0.53	0.55
suffrage	14.6%	45.6%	48.8%
Ireland			
Schooling ratios	0.32	0.54	0.53
suffrage	–	21.9%	41.1%
Italy			
Schooling ratios	0.27	0.36	0.47
suffrage	4.1%	16.2%	52.5%
Netherlands			
Schooling ratios	0.44	0.45	0.56
suffrage	5.1%	20.5%	49.5%
Norway			
Schooling ratios	0.48	0.50	0.52
suffrage	7.9%	32.1%	47.5%
Portugal			
Schooling ratios	0.14	0.17	0.26
suffrage	–	–	–
Spain			
Schooling ratios	–	0.27	0.34
suffrage	–	–	–
Sweden			
Schooling ratios	0.50	0.42	0.45
suffrage	2.8%	11.2%	46.4%
Switzerland			
Schooling ratios	0.53	0.54	0.49
suffrage	11.8%	19.2%	20.5%
United Kingdom			
Schooling ratios	0.45	0.51	0.66
suffrage	9.8%	30.4%	49.9%
Argentina			
Schooling ratios	0.21	0.41	0.44
suffrage	1.8%	10.9%	15.0%

Table 1.3 cont'd

	c. 1895	c. 1920	c. 1945
Bolivia			
Schooling ratios	0.07	–	0.18
suffrage	–	–	–
Brazil			
Schooling ratios	0.08	0.10	0.22
suffrage	2.2%	4.0%	5.7%
Chile			
Schooling ratios	0.16	0.37	0.40
suffrage	4.2%	4.4%	9.4%
Colombia			
Schooling ratios	–	0.20	0.21
suffrage	–	6.9%	11.1%
Costa Rica			
Schooling ratios	0.22	0.22	0.29
suffrage	–	10.6%	17.6%
Cuba			
Schooling ratios	–	0.31	0.37
suffrage	–	–	–
Mexico			
Schooling ratios	0.13	0.22	0.28
suffrage	5.4%	8.6%	11.8%
Peru			
Schooling ratios	–	–	0.31
suffrage	–	–	–
Uruguay			
Schooling ratios	0.13	0.36	–
suffrage	–	13.8%	–
Canada			
Schooling ratios	0.60	0.65	0.64
suffrage	17.9%	20.5%	41.1%
United States			
Schooling ratios	0.62	0.68	0.76
suffrage	18.4%	25.1%	37.8%

1. Schooling ratios were calculated by dividing the total number of students (regardless of age) by the population between the ages 5–19. When groups of population were different from this range (5–19) we assumed that there was the same number of people in each age group, and weighed the population figures so as to make them comparable. An example of this was Bolivia.

2. Suffrage is used here to represent the proportion of the population that votes in each country.

Sources: Engerman, Stanley, Elisa Mariscal, and Kenneth Sokoloff (2000, unpublished) “Schooling, Suffrage, and the Perspective of Inequality in the Americas, 1800–1945.”

For the schooling data: B. R. Mitchell, *International Historical Statistics: The Americas 1750–1988*, and *International Historical Statistics: Europe 1750–1988*.

For the data on suffrage: Peter Flora et al. (1983) vol. 1, and, Dieter Nohlen, ed. *Enciclopedia Electoral Latinamericana y del Caribe*.

Table 1.4 International comparisons of laws relating to suffrage, and the extent of voting

	<i>Year when secret ballot attained</i>	<i>Year when women gain the vote</i>	<i>Year of universal equal male suffrage</i>	<i>Proportion of population voting, c. 1900 (%)</i>
Austria	1907	1919	1907	7.9
Belgium	1877	1948	1919	22.0
Denmark	1901	1918	1918	16.5
Finland	1907	1907	1907	4.6
France	1831	1945	1848	19.4
Germany	1848	1919	1872	15.5
Italy	1861	1946	1919	6.8
Netherlands	1849	1922	1918	12.0
Norway	1885	1909	1921	19.5
Sweden	1866	1921	1921	7.1
Switzerland	1872	1971	1848	22.3
United Kingdom	1872	1918	1948	16.2
Canada	1874	1917	1898 ¹	17.9
United States	1849 ²	1920	1870 ³	18.4
Argentina	1912	1947	?	1.8 ⁴
Bolivia	?	?	1956	—
Brazil	1932	1932	1988	3.0
Chile	1833	1949	1970	4.2
Costa Rica	1925	1949	1913	—
Ecuador	1861	1929	1978	3.3
El Salvador	1950	1939	1950	—
Guatemala	1946 ⁵	1946	1965	—
Peru	1931	1955	1979	—
Uruguay	1918	1932	1918	—
Venezuela	1946	1945	1946 ⁶	—

1 By 1898, all but two Canadian provinces had instituted universal equal suffrage for males.

2 By the end of the 1840s, all states except for Illinois and Virginia had adopted the secret ballot.

3 Eighteen states, 7 southern and 11 non-southern, introduced literacy requirements between 1890 and 1926. These restrictions were directed primarily at Blacks and immigrants.

4 This figure is for the city of Buenos Aires, and likely overestimates the national figure.

5 Illiterate males do not obtain the secret ballot until 1956; females do not obtain it until 1965.

6 The 1858 Constitution declared universal direct male suffrage, but this provision was dropped in later constitutions. All restrictions on universal adult suffrage were ended in 1946, with the exception of different age restrictions for literate persons and illiterates.

Source: Engerman, Stanley, Elisa Mariscal and Kenneth Sokoloff (2000, unpublished) "Schooling, Suffrage, and the Persistence of Inequality in the Americas, 1800–1945."

throughout the world, colonial labor markets were generally excluded from separate treatment, and presumably "native labor" (including non-whites born in tropical areas) was considered to be outside the scope of the standards to be applied to the metropolis. With the establishment of the International Labor Organization, in 1919, as an offshoot of the League of Nations, and then later with the independence movements after World War II, the coverage of international standards was expanded to include all nations, developed as well as less developed, with worldwide coverage, including former colonies as well as independent nations. In addition to this worldwide agency there have been a number of regional organizations, adding to the complications of developing and implementing labor standards. This more inclusive coverage, geographically and economically, has meant an even broader set of difficulties than earlier, when the problem was narrowed to the developed nations of Western Europe, although little had been accomplished even then.

Early Examples of Legislation

Most historians of labor standards begin with the English Factory Act of 1802, introduced by Sir Robert Peel, more symbolic than substantive given that it applied only to pauper apprentices. It set their workday at twelve hours, forbade night work, and included provisions regarding education and religious instruction.²² This had been preceded by even more minor forms of regulation in several countries, the English bill of 1788, setting a minimum age (eight) and other terms, for chimneysweeps;²³ a Russian Law of 1719, applied to serf laborers in factories,²⁴ and Austrian Laws in the 1780's regarding factory apprentices.²⁵

Throughout the nineteenth century, England expanded the coverage and requirements of its Factory Acts, setting a minimum age (nine) for cotton mills in 1819, and extending this minimum to all textile factories in 1833. They then lowered the minimum age to eight in all textile factories in 1844, but raised it to ten in all textile factories in 1874 (following the setting of a minimum age of eight in all non-textile factories in 1867). The minimum of age ten was expanded to include all factories and workshops in 1878, raised to 11 in 1891, and to 12 in 1901. Women, and boys under ten, were excluded from work in coal mines in 1842. In addition, starting with 1833, educational provisions were introduced, requiring either part-time school attendance as part of the employment arrangement or else proof of educational achievement was required in order to obtain employment. The 1802 act, set maximum daily hours of work for apprentices. Starting with the act of 1819, standards to be applied to textile factories were set. Coverage was extended to non-textile factories starting in 1845 (see table 1.2).²⁶

As the discussion in the previous paragraph indicates, once legislation had commenced, there were frequent changes and revisions made. These generally meant both coverage of more workers as well as improved standards for covered workers. With a few minor exceptions no systematic or dramatic reversals reducing coverage or making terms unfavorable to workers seem to have occurred in the defining of standards. By the end of the nineteenth century most European nations and the British overseas offshoots had a broad coverage of factory labor, for women and for children, although there were some important differences in the specifics of the standards, as well as differences in the minimum size of factories to be covered by the legislation (for information on US state legislation regarding child and female labor, see tables 1.5, 1.6, 1.7, 1.9, 1.10, and 1.11; table 1.8 details the nature of factory inspections).²⁷ In most cases, as with England there were frequent changes and adjustments made in these standards, almost always to improve them, so that similar arguments were continuously made as part of the political debate. Few nations, however, had provisions for adult males, France in 1848 was the first major exception, but many felt that men did not require help, and also they indirectly received the benefit of provisions aimed at women and children.²⁸

The conventional dating of the start of the movement towards international standards is 1818, with the writings of Robert Owen (1818, pp. 16–27).²⁹ While sensitive to the need for international agreement to reduce the costs to any one country of unilaterally setting standards for itself, Owen did not propose any satisfactory mechanism to achieve this end. The Englishman Charles Hindley's 1833 proposal for international labor regulation contained arguments that were to be frequently repeated – a moral call for international application of standards to improve world welfare, and an understanding that nations with high standards can gain economically only if other nations are convinced to follow their lead.³⁰ Several French businessmen and social activists, including Daniel Legrand, Jérôme Adolphe Blanqui, and Louis Rene Villerme, advocated international agreements on standards, but it was not until the second half of the nineteenth century that conferences and bilateral agreements were achieved within Europe. Conferences were arranged by individual countries, but were generally of limited success, from the Brussels Congress of Benevolent Societies in 1856 and the similar Congress of Frankfurt in 1857, through the more extensive Conference of Berlin of 1890 (with 14 European nations in attendance), and the meetings in Berne in 1905 and 1906 (with 15 and 14 countries, respectively).³¹

The major achievements agreed upon by bilateral agreements and conferences before World War I were limitations of night work for children and women, and prohibitions on the import or sale of matches made with white phosphorous, although these policies were implemented by only some of the nations, while others had introduced these provisions before any international

Table 1.5 (a) State compulsory education and child labor laws in 1879–80, and (b) State maximum hours' laws affecting women in 1879–80

State	Education law			Child labor law		
	Year	Ages	Requirement	Year	Max. hours	Ages
California	1874	8–14	16 weeks	–	–	–
Connecticut	1872	8–14	in sess.	1857	10/58	< 15
Indiana	–	–	–	1867	10	< 16
Kansas	1874	8–14	12 weeks	–	–	–
Maine	1875	8–15	16 weeks	1848	10	< 18
Maryland	–	–	–	1876	10	< 16
Massachusetts	1852	8–14	20 weeks	1842	10/60	< 18
Michigan	1871	8–14	4 months	–	–	–
New Hampshire	1871	6–15	12 weeks	1846	10	< 14
New Jersey	1875	7–16	20 weeks	1851	10/60	< 21
New York	1874	8–14	14 weeks	–	–	–
Ohio	1877	8–16	20 weeks	1852	10	< 14
Pennsylvania	–	–	–	1848	10/60	< 21
Rhode Island	1854	7–15	3 months	1853	11	< 15
Vermont	1867	8–14	20 weeks	1868	10	< 15
Washington	1871	8–18	3 months	–	–	–
Wisconsin	1879	7–15	12 weeks	1853	10	< 14

(b)

State	Year passed	Per day	Max. hours per week	Enforcement	Contracting out allowed?
California* ^a	1853	10	–	none	Yes
Connecticut* ^a	1855	10	–	none	Yes
Dakota	1863	10	–	\$10–100	Yes
Florida* ^a	1874	10	–	none	Yes
Georgia ^b	1853	daylight	–	\$100	Yes
Illinois* ^a	1867	8	–	none	Yes
Maine* ^a	1848	10	–	\$0–100	Yes
Massachusetts	1874	10	60	\$0–50	No
Minnesota	1858	10	–	\$10–100	Yes
Missouri* ^a	1867	8	–	none	Yes
New Hampshire*	1847	10	–	none	Yes
New Jersey* ^a	1851	10	–	none	Yes
New York* ^a	1853	10	–	none	Yes
Ohio ^c	1852	10	–	\$5–50	Yes
Pennsylvania*	1848	10	60	none	Yes
Rhode Island	1853	10	–	\$20	Yes
Wisconsin	1867	8	–	\$5–50	Yes

* Made no distinction between men and women.

^a The law established the length of the "legal day."

^b Applied to white labor only.

^c Repealed 1879 effective January 1, 1880.

Source: Atack, Jeremy and Fred Bateman (1991, unpublished) "Who Did Protective Legislation Protect? Evidence from 1880."

agreement. Other important sources of pressure for international standards were the International Workingman's Association Congresses, a socialist organization, after 1864, and the more traditional trade unions, which began meeting after 1883.³² These organizations were important for their advocacy, but this lacked political power within nations, so they had only a limited legislative impact.

The next major stage came with the formation of the International Labor Organization (ILO) in 1919, under the auspices of the League of Nations.³³ Beginning with 44 members in 1919, at present its membership includes 174 nations. The range of labor issues discussed and for which policy improvements were sought resembles that of the pre-ILO era, although there were some shifts in emphasis over time towards more political and social goals regarding human rights, which were previously believed to be outside the scope of concern with labor standards. This reflects, in part, the proclaimed broadened world interest in economic growth and political freedom in other nations, particularly the less-developed nations. The increased international concern with the distribution of welfare has meant a greater interest in all aspects of labor standards. There has also been an acceptance of an expansion in the methods used by nations to encourage the adoption of labor standards by other nations, but on a unilateral basis. In particular, the tying together of labor standards with international trade and tariff policies, has led to significant political debate over the linking of issues which had not been contemplated earlier.³⁴

The Types of Legislation

The introduction of labor standards of all types throughout Europe was a product of the nineteenth century, particularly the second half, and preceded their introduction in Africa, Asia, and South America by at least one half-century. Precision in dating of legislation and effective impact is complex, given the different aspects of labor standards, the variations in the specific terms of legislation on these different aspects, and the differences in the extent to which these terms were enforced. In centralized states a uniform date for national legislation is possible, but for federal states such as the United States, Switzerland, Canada, and Australia, where subfederal units often made the decisions, there were a range of years for the introduction of legislation. Nevertheless, since once some set of standards was introduced other provisions frequently followed within some reasonable time, some understanding of the political and social timing of change is possible.

Regulation of economic activities by states and by national governments was not unknown before the legislation of labor standards. Most nations had already imposed restrictions on the transatlantic movement of passengers

Table 1.6 Labor-hour laws in all occupations for men, women, or minors in all States and Territories, November 1, 1899

State	General labor day in the absence of contract (except agricultural and domestic)	Labor day in State or public labor, municipal contractors, etc	Compulsory labor day for all women in factories (but special contracts for overtime permitted in States so ¹ noted)	Compulsory labor day for women under 21 in factories (for women over 21 see previous column)
N. H.	10 hrs.		10 hrs. a day, 60 per week.	10 hrs. a day, 60 per week.
Mass		8 or 9 hrs.	10 hrs. a day, 58 per week.	10 hrs. a day, 58 per week.
Me	10 hrs.		10 hrs. a day, 60 per week. ¹	Under 18, 10 hrs., 60 per week.
Vt				
R. I.	8 hrs.		10 hrs. a day, 60 per week.	10 hrs. a day, 60 per week.
Conn	do		do	do
N. Y.		8 hrs.	do	do
N. J.				
Pa	8 hrs.		10 hrs. a day, 55 per week.	10 hrs. a day, 55 per week.
Ohio		8 hrs.	12 hrs. a day, 60 per week.	12 hrs. a day, 60 per week.
Ind	8 hrs.	8 hrs.	10 hrs. a day, 60 per week.	Under 18, 10 hrs., 55 per week.
Ill	do			Under 18, 10 hrs., 60 per week.
Mich	10 hrs.			
Wis	8 hours (mfg).		8 hrs., a day ¹	Under 16, 10 hrs., 60 per week.
Iowa				10 hrs. a day, 60 per week.
Minn	10 hrs.			8 hrs. a day ¹
Kans		8 hrs.		10 hrs. a day, 60 per week; ¹ under 16, 10 hrs. a day. ¹

Table 1.6 cont'd

State	General labor day in the absence of contract (except agricultural and domestic)	Labor day in State or public labor, municipal contractors, etc	Compulsory labor day for all women in factories (but special contracts for overtime permitted in States so ¹ noted)	Compulsory labor day for women under 21 in factories (for women over 21 see previous column)
Nebr	10 hrs.		10 hrs. a day, 60 per week.	10 hrs. a day, 60 per week.
Cal	8 hrs.	8 hrs. ³		Under 18, 10 hrs., 60 per week.
Colo		8 hrs.		
Wash		do		
N. Dak				
S. Dak			10 hrs. a day ¹	Under 18, 10 hrs. ¹
Idaho		8 hrs. ³	do	do
Mont				
Wyo		8 hrs. ³		
Utah		do	10 hrs. a day	Under 18, 10 hrs. ¹
Okla			10 hrs. a day ⁵	Under 16, 10 hrs., 60 per week.
Mid		8 hrs. in Baltimore	10 hrs. a day, 60 per week.	10 hrs. a day, 60 per week.
Va				
W. Va				
Mo	8 hrs.			
Tenn				
Ark				
S. C.			11 hrs. a day, 60 per week.	
Ga	Sunrise to sunset.		do	Sunrise to sunset.
Ala				
Fla	10 hrs.			
La				
Tex		9 hrs.	10 hrs. a day, 60 per week.	10 hrs. a day, 60 per week.
D. C.		8 hrs.		

Cont'd

Table 1.6 cont'd

State	Compulsory labor day for male minors in factories	Age at which labor of children in factories is prohibited	Compulsory labor of women and minors in stores or mercantile establishments	Labor hours in mines	Labor prohibited in mines
N. H.	Under 18, 10 hrs. a day, 60 per week.	10			
Mass	Under 18, 10 hrs. 58 per week.	14	Minors under 18, 60 hrs. per week.		
Me	Under 16, 10 hrs. 60 per week.	12			
Vt	Under 15, 10 hrs. 60 per week.	10			
R. I.	Under 16, 10 hrs. 60 per week.	12	No children under 12.		
Conn	do	14	Same laws as in factories.		
N. Y.	Under 18, 10 hrs. 60 per week.	14	Males under 16, females under 21, 60 hrs. per week, etc.		
N. J.	Under 18, 10 hrs. 55 per week.	14 for girls, 12 for boys.			Children under 12.
Pa	Under 21, 12 hrs. 60 per week.	13	Same laws as in factories.		All women and children under 14.
Ohio	Under 18, 10 hrs. 55 per week.	13	do		Children under 15.
Ind	Under 16, 10 hrs. 60 per week.	14	do		All women in coal mines and children under 14; children under 12 in other mines.
Ill	do	14	do		Boys under 12. Children under 14.
Mich	Under 18, 10 hrs. 60 per week.	14			
Wis	Under 18, 8 hrs. a day. ¹	14 ² or 12 where more than 3 are employed.			
Iowa					
Minn	Under 21, 10 hrs. 60 per week; ¹ under 16, 10 hrs. a day. ¹	14	Same laws as in factories, but children under 14 may be employed in vacations.		
Kans					Children under 12 or 16 who can not read, etc. Under 12, not more than 4 mos.; 10 absolutely.
Nebr		12, not more than 4 mos.; 10, absolutely.	Same laws as in factories.		Children under 12 in any; all women in coal mines or children under 14 or 16, etc.
Cal	Under 18, 10 hrs. 60 per week.	10	do		
Colo		14		8 hrs. ⁴	

Table 1.6 cont'd

State	Compulsory labor day for male minors in factories	Age at which labor of children in factories is prohibited	Compulsory labor of women and minors in stores or mercantile establishments	Labor hours in mines	Labor prohibited in mines
Wash					
N. Dak	Under 18, 10 hrs. ¹	12 ²			All women in coal mines and children under 14.
S. Dak	do. ¹				Children under 14.
Idaho					Children under 14. ³
Mont					Children under 14.
Wyo					All women and children under 14. ³
Utah	Under 18, 10 hrs. ¹			8 hrs. ³	Do.
Okla	Under 16, 10 hrs., 60 per week.	12	In Baltimore, same law as in factories.	8 hrs.	
Mid					
Va	Under 14, 10 hrs., 60 per week.	12			All women in coal mines and children under 12.
W. Va		12			
Mo		14		8 hrs. in certain mines.	
Tenn		12			Children under 12.
Ark					All women and children under 14.
S. C.					
Ga	Sunrise to sunset.				
Ala					
Fla					
La	Under 18, 10 hrs., 60 per week.	14 for girls, 12 for boys.			
Tex					
D. C.					Children under 10 and all women.

[Oreg., Nev., Mont., Ky., N. C., Ala., Miss., N. M., and Ariz. have no legislation whatever on the subject.]

¹ If such labor is compulsory only.

² Except upon permit of the judge, etc.

³ Provided by the constitution of such State.

⁴ Law annulled as unconstitutional.

⁵ In certain kinds of factories.

Source: US Congress, House of Representatives (1900) *Report of the Industrial Commission on Labor Legislation*, vol. 5 of the Commission's reports, Washington, DC: Government Printing Office.

Table 1.7 Women and child labor laws in the United States, 1910

States	Educational Provisions (a)										Hours (j)			Night work prohibited
	Minimum Age Limit					Illiterate Children Can not be Employed Under (b)					Certificates of School Attendance (c) Required Under			
	Factories	Stores	Mines	Under (b)	Under (c)	Under (b)	Under (c)	Under (b)	Under (c)	Under (d)	Male "Young Persons"	Female "Young Persons"	Women	
Alabama	10 (d)	-	12	-	-	-	-	-	-	-	12, 66w. (kk)	12, 66w. (kk)	-	Under 13
Arkansas	10 (d)	-	14	14 (e) (f)	14	-	-	-	-	-	14, 10d. 60w.	14, 10d. 60w.	-	Under 14
California	12	12	-	-	-	-	-	-	-	18, 9d. 54w. (r)	18, 9d. 54w. (r)	-	-	
Colorado	14	-	14	16 (g)	14 (h)	-	-	-	-	16, 8d. (ll)	16, 8d. (ll)	-	-	
Connecticut	14	14	-	16	14 (h)	-	-	-	-	16, 10d. (r)	16, 10d. (r)	10d. (r)	-	
Delaware	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Florida (i)	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Georgia	-	-	-	-	-	-	-	-	-	21, Sunrise to sunset (mm)	21, Sunrise to sunset (mm)	-	-	
Idaho	-	-	14	-	-	-	-	-	-	-	-	-	-	-
Illinois	14	14	14	16	14	-	-	-	-	16, 8d. 48w. (nn)	16, 8d. 48w. (nn)	-	Under 16 (nn)	
Indiana	14	14	14	16 (j) (k)	-	-	-	-	-	16, 10d. 60w. (k)	18, 10d. 60w. (k)	-	Females	
Iowa	-	-	12	-	-	-	-	-	-	-	-	-	-	
Kansas	-	-	12	16 (g)	16 (g)	-	-	-	-	-	-	-	-	
Kentucky	14 (l)	-	14	-	-	-	-	-	-	-	-	-	-	
Louisiana	12 (m)	-	-	-	14 (e)	-	-	-	-	18, 10d. 60w. (oo)	18, 10d. 60w. (oo)	10d. 60w. (oo)	-	
Maine	12	-	-	-	15 (n)	-	-	-	-	16, 10d. 60w. (n)	18, 10d. 60w. (n)	10d. 60w. (n) (rr)	-	
Maryland	14 (o) (l)	-	12	16 (p) (q)	-	-	-	-	-	16, 10d. (pp)	16, 10d. (pp)	-	-	
Massachusetts	14	14	-	16 (r)	14	-	-	-	-	18, 10d. 58w. (r)	18, 10d. 58w. (r)	10d. 58w. (r)	Women and minors (qq)	
Michigan	14	14	-	16 (s)	-	-	-	-	-	14, 5d. (nn)	16, 9d. (nn)	-	Under 16 (n)	
Minnesota	14	14 (j)	14	16 (l)	14 (l)	-	-	-	-	18, 10d. 60w. (ss)	21, 10d. 60w. (ss)	-	Under 16 (nn)	
Mississippi (t)	-	-	-	-	-	-	-	-	-	16, 10d. 60w. (nn)	16, 10d. 60w. (nn)	10d. 60w. (nn) (rr)	Under 16 (nn)	
Missouri	14	-	-	14 (g)	-	-	-	-	-	-	-	-	Under 16 (tt)	
Montana	-	-	12	16	14	-	-	-	-	8d. (nn)	8d. (nn)	8d. (nn)	-	
Nebraska	10 (u)	10 (u)	10 (u)	-	14 (v)	-	-	-	-	-	-	10d. 60w.	-	
Nevada	-	-	-	-	-	-	-	-	-	-	-	-	-	
New Hampshire	12	14 (j)	-	16 (w)	14	-	-	-	-	18, 10d. 60w. (n)	18, 10d. 60w. (n)	10d. 60w. (n)	-	

Table 1.7 cont'd

States	Educational Provisions (a)					Hours (jj)			Night work prohibited
	Minimum Age Limit		Illiterate Children Can not be Employed Under (b)	Certificates of School Attendance (c) Required Under	Male "Young Persons"	Female "Young Persons"	Women	Under 18 and women (qq)	
	Factories	Stores							
New Jersey	14	-	14	-	15	18, 10d. 55w. { 16, 9d.	18, 10d. 55w. 16d. 9d.	10d. 55w. 10d. 60w.	Under 18 (e) (tt) Under 18 and women (qq) Under 16 (uu)
New York (x)	14	12 (y)	-	16	16	18, 10d. 60w. { 16, 9d. 54w. (uu) 18, 66w.	18, 10d. 60w. 16, 9d. 54w. (uu) 18, 66w.	21, 10d. 60w. (uu)	Under 16 (uu)
North Carolina	12 (z)	-	12 (aa)	-	14	14, 10d. (vv)	14, 10d. (vv)	10d. (vv)	-
North Dakota	12	-	12	-	14	18, 10d. 55w. (r)	18, 10d. 55w. (r)	-	g, 18, b, 16 (nn)
Ohio	14	14	14	16	14 (bb)	16, 10d. (nn)	16, 10d. (nn)	-	Under 16 (nn)
Oregon	14	14	14	16	14	21, 12d. 60w. (vww)	21, 12d. 60w. (vww)	12d. 60w. (vww)	Under 18 (tt)
Pennsylvania	13	13	14 (cc)	16 (k)	13 (k)	16, 10d. 58w. (n)	16, 10d. 58w. (n)	10d. 58w. (n)	-
Rhode Island	12	12	-	-	13	14, 10d. (vv)	14, 10d. (vv)	10d. (vv)	Under 12 (xx)
South Carolina	11 (dd) (l)	-	11 (dd)	-	11 (dd)	-	-	-	-
South Dakota	11	-	14	-	14 (ee)	14, 10d. (vv)	14, 10d. (vv)	10d. (vv)	-
Tennessee	14	-	14	-	14	-	-	-	-
Texas	12	-	16	-	14 (ff) (l)	-	-	-	Under 14 (yy)
Utah	-	-	14	-	14	8d. (nn)	8d. (nn)	8d. (nn)	-
Vermont	10	10	-	14	15 (e)	15, 10d. (n)	15, 10d. (n)	10d.	Under 14 (n) (g)
Virginia	12	-	12	-	15 (r) (ii)	14, 10d.	14, 10d.	10d.	Under 16 (tt)
Washington	12 (gg)	12 (gg)	12 (hh)	16 (r) (ii)	15 (r) (ii)	10d.	10d.	-	-
West Virginia	12	-	12	-	-	-	-	-	-
Wisconsin	14	12 (y)	14	-	14	18, 8d. 48w. (zz) { 16, 10d. (nn)	18, 8d. 48w. (zz) { 16, 10d. (nn)	8d. (rr)	Under 16 (nn)
Wyoming	-	-	14	-	-	-	-	-	-

(a). In all occupations unless otherwise indicated.

(b). Employment is usually permitted if child attends night school.

(c). Attendance either before or during employment, must usually be during previous year.

(d). Under 12 only in cases of extreme poverty.

(e). In manufacturing establishments.

(f). 16 in mines.

(g). In mines.

(h). 16 if illiterate.

(i). Under 15 may not be employed more than 60 days without consent of legal guardian.

(j). Except in vacation.

Table 1.7 cont'd

(k).	In any manufacturing or mercantile establishment, laundry, renovating works, bakery, printing office, mine or quarry.	(ii).	In telegraph or telephone offices.
(l).	Except in cases of extreme poverty.	(ij).	In manufacturing establishments unless otherwise indicated.
(m).	14 for girls.	(kk).	The hours of children under 16 are limited to 48 per week if they are employed at night.
(n).	In manufacturing and mechanical establishments.	(ll).	In any manufacturing establishment, store or mine, or any occupation deemed unhealthful or dangerous.
(o).	Except 20 counties and canning industries.	(mm).	In manufacturing establishments other than cotton and woolen mills.
(p).	Applies only to Baltimore and Allegheny County.	(nn).	In all occupations.
(q).	14 in mines.	(oo).	In any factory, warehouse, workshop, telephone or telegraph office, clothing, dressmaking or millinery establishment, or in any place where the manufacture of any kind of goods is carried on, or where any goods are prepared for manufacture.
(r).	In manufacturing, mechanical and mercantile establishments.	(pp).	In any manufacturing business or factory in any part of the State or in any mercantile establishment in Baltimore.
(s).	In any manufacturing establishment, hotel or store.	(qq).	Children under 14 in the street trades.
(t).	Boys under 21 and girls under 18 may not be employed without consent of legal guardian.	(rr).	Contracts for overtime allowed.
(u).	Under 14 only if certificate of at least 20 weeks' school attendance during previous year is presented.	(ss).	In manufacturing establishments and stores employing more than 10 persons.
(v).	In manufacturing, mechanical, industrial or mercantile establishments.	(tt).	In bakeries.
(w).	21 if illiterate.	(uu).	In any mercantile establishment, business office, or telegraph office, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages.
(x).	No boy under 10 or girl under 16 can sell newspapers in cities of the first class, <i>i.e.</i> , New York City and Buffalo.	(vv).	Children under 18 and women can not be <i>compelled</i> to work more than these hours.
(y).	14 except in vacation.	(ww).	In any manufacturing establishment, mercantile industry, laundry, workshop, renovating works, or printing office.
(z).	Except in oyster canning and packing manufactories.	(xx).	In any factory, mine or textile manufactory.
(aa).	Except where not more than 10 men are employed.	(yy).	If illiterate.
(bb).	15 in mines.	(zz).	In tobacco factories; and shall not be <i>compelled</i> to work in manufacturing establishments.
(cc).	14 about mines; 16 in mines.		
(dd).	After May 1, 1905, the age limit is to be 12 years. Any child who has attended school at least 4 months during the current school year and can read and write may be employed in textile establishments during June, July and August.		
(ee).	In manufacturing, mechanical, or mercantile establishments or mines.		
(ff).	In any manufacturing or other establishment using machinery.		
(gg).	14 except in cases of extreme poverty.		
(hh).	12 about mines; 14 in mines.		

Source: Adams, Thomas Sewall and Helen L. Sumner (1910) *Labor Problems: A Textbook*, New York: Macmillan.

Table 1.8 Duties of factory inspectors in the United States, various States, 1877-91

<i>Factory inspectors' duties relate to</i>	<i>Mass. (1877)</i>	<i>N. J. (1883)</i>	<i>Ohio. (1884)</i>	<i>N. Y. (1886)</i>	<i>Conn. (1887)</i>	<i>Pa. (1889)</i>	<i>Ill. (1893)</i>	<i>R. I. (1894)</i>	<i>Me. (1887)</i>	<i>Mich. (1893)</i>	<i>Mo. (1891)</i>	<i>Wis. (1883)</i>	<i>Minn. (1887)</i>	<i>Fenn. (1891)</i>
Employment of children	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Employment of women	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Payment of wages	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Lunch hour, women and children	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Seats for females	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Separate toilet facilities for the two sexes	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Guarding machinery	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Cleaning machinery in motion by children and women	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Mechanical belt and gear shifters	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Communication with engineer's room	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Guarding vats containing molten metal or hot liquids	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Railing on stairways	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Regulation of dangerous or injurious occupations	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Use of explosive or inflammable material	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Exhaust fans for dust, etc.	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Safety appliances for elevators	*	*	*	*	*	*	*	*	*	*	*	*	*	*

Cont'd

Table 1.8 cont'd

Factory inspectors' duties relate to	Mass. (1877)	N. J. (1883)	Ohio. (1884)	N. Y. (1886)	Conn. (1887)	Pa. (1889)	Ill. (1893)	R. I. (1894)	Me. (1887)	Mich. (1893)	Mo. (1891)	Wis. (1883)	Minn. (1887)	Fenn. (1891)
Guarding elevator and hoistway openings	*	*	*	*	*	*		*		*	*		*	
Fire escapes	*	*	*	*		*				*	*	*	*	
Doors to swing outward; to be unlocked	*	*		*										
Sanitary condition	*	*	*	*		*		*	*		*		*	
Ventilation	*	*	*	*	*	*		*			*			
Lighting	*	*	*	*										
Heating	*	*	*	*										
Overcrowding	*	*	*	*							*	*		
Lime washing or painting walls	*	*	*	*				*			*		*	
Reporting accidents	*	*	*	*		*		*			*			
Regulation of "aweaning system"	*	*		*		*	*							
Inspection of mercantile establishments														*
Inspection of mines	*	*									*			
Inspection of steam boilers	*	*												
Inspection of school houses, theaters, etc.	*		*											
Regulation of bakeries	*	*									*		*	
Approval of plans for factories	*	*									*		*	

Source: Willoughby, W. F. (1897) *The Inspection of Factories and Workshops in the United States*, Bulletin of the Department of Labor no. 12 (September), Washington: Government Printing Office.

Table 1.9 Maximum-hours legislation and scheduled hours, by state women, 1909–1919, in the United States

State	First Enforceable Law			Legislated Daily Hours in Manufacturing as of			Scheduled Hours in Manufacturing as of	
	Date	Hours	Coverage	1909	1914	1919	1909	1919
Alabama ^a							10.2	9.4
Arizona	1913	10/56	S,L,T				9.5	8.9
Arkansas	1915 ^b	9/54	M,S,L			9	9.9	9.5
California	1911	8/48	M,S,L,T		8	8	9.2	8.0
Colorado	1903	8/	M,S	8	8	8	9.7	8.6
Connecticut	1887	10/60	M,S	10	10	10	9.4	8.6
Delaware	1913	10/55	M,S,L,T		10	10	9.5	8.3
District of Columbia	1914	8/48	M,S,L,T		8	8	9.0	8.2
Florida							10.0	9.3
Georgia							9.4	8.9
Idaho	1913	9/	M,S,L,T		9	9	9.8	8.3
Illinois	1893 ^c	8/48	M	10	10	10	9.4	8.3
Indiana							9.6	8.8
Iowa							9.6	8.8
Kansas	1917	9/54	S,L			8	9.7	8.6
Kentucky	1912	10/60	M,S,L,T		10	10	9.5	8.9
Louisiana	1886	10/60	M	10	10	10	10.2	9.3
Maine	1887 ^d	10/	M	10	10	9	9.7	8.7
Maryland	1912	10/60	M,S,L		10	10	9.6	8.3
Massachusetts	1879 ^a	10/60	M	10	10	9	9.4	8.1
Michigan	1885 ^f	10/60	M	9	9	9	9.7	8.6
Minnesota	1895 ^g	10/	M	10	9	9	9.5	8.6
Mississippi	1914	10/60	all		10	10	10.2	9.4
Missouri	1909	/54	M,S,L	/54	9	9	9.3	8.5
Montana	1913	9/	M,S,L,T		9	8	9.2	8.6
Nebraska	1899	10/60	M,S	10	9	9	9.6	8.8
Nevada	1917	8/56	M,S,L			8	9.3	8.5
New Hampshire	1887 ^h	10/60	M	9.7	10.25	10.25	9.5	8.3
New Jersey	1892 ⁱ	/55	M		10	10	9.4	8.2
New Mexico	1921 ^l	8/56	M,L				9.7	9.1
New York	1886 ^k	/60	M	10	9	9	9.3	8.3
North Carolina	1915	11/60	M			11	10.3	9.4
North Dakota	1919 ^j	8.5/48	M,S,L,T			8.5	9.4	8.5
Ohio	1911 ^m	10/54	M		10	9	9.5	8.6
Oklahoma	1915 ⁿ	9/	M,S,L,T			9	9.6	8.9
Oregon	1903	10/	M,L	10	10	9	9.6	8.0
Pennsylvania	1897 ^o	12/60	M,S,L	12	10	10	9.7	8.6
Rhode Island	1885	10/60	M	10	10	10	9.5	8.5
South Carolina	1907 ^p	10/60	CW	10	10	10	10.0	9.5
South Dakota	1923 ^l	/54	M				9.6	8.9

Table 1.9 cont'd

State	First Enforceable Law			Legislated Daily Hours in Manufacturing as of			Scheduled Hours in Manufacturing as of	
	Date	Hours	Coverage	1909	1914	1919	1909	1919
Tennessee	1908 ^a	/62	M	/61	10.5	10.5	9.9	9.1
Texas	1913	10/54	M,S,T		10	9	9.9	8.9
Utah	1911	9/54	M,S,L,T	9	9	8	9.4	8.7
Vermont	1912	11/58	M		11	10.5	9.4	8.7
Virginia	1890	10/	M	10	10	10	9.9	8.8
Washington	1901	10/	M,S,L	10	8	8	9.7	7.8
West Virginia							9.7	8.8
Wisconsin	1911 ^f	10/55	M,S,L,T		10	10	9.7	8.9
Wyoming	1915	10/56	M,S,L,T			10	10.3	9.4
Number of states with effective hours laws in manufacturing				20	33	40		
Mean scheduled hours								
Weighted by number of employees							9.5	8.5
Unweighted							9.6	8.7

^a An 8-hour law (unenforceable) was passed in Alabama in 1887 and was repealed in 1894.

^b Cotton textile firms were exempted.

^c Declared unconstitutional in 1895; a 10-hour law was passed in 1909.

^d Maine passed a 10-hour law (unenforceable) in 1848. The 1887 law allowed weekly hours to exceed 60 if workers received overtime pay.

^e Massachusetts passed a 10-hour law in 1874 that is termed "unenforceable" in the source listed below, but Atack and Bateman (1988) note that at least one case was upheld in court under the law.

^f The Michigan law was amended in 1893 to apply only to girls under 21 years old; the law again regulated the hours of all women in 1907.

^g Minnesota passed a 10-hour law (unenforceable) in 1858.

^h New Hampshire passed a 10-hour law (unenforceable) in 1847.

ⁱ New Jersey passed a 10-hour law for all workers in 1851, but it carried no fines or penalties. A 5/55 hour law (applying only in women) was passed in 1892, repealed in 1904, and later followed by a 10/60 hour law passed in 1912.

^j The 1921 law also provided for a 9/56 maximum for sales workers, and a 8/48 maximum for telephone workers on day and 10/60 on night work.

^k The law applied only to female workers under 21 years of age, but was extended to all women in 1899.

^l A 10-hour law (unenforceable) for the Territory of Dakota was passed in 1863. South Dakota passed a law in 1913, but it allowed workers to contract for more than 10 hours a day.

^m A 10-hour law (unenforceable) was passed in 1852 and was repealed in 1880.

Table 1.9 cont'd

ⁿ The Territory of Oklahoma passed a 10-hour law (unenforceable) in 1890, which was repealed in 1909.

^o A 10/60-hour law (unenforceable) was passed in 1848 and applied to all workers in textile and paper factories in Pennsylvania.

^p The law applied to all persons; a 12/60 law, passed in 1911, applied only to women.

^q The Tennessee law was passed in 1907 but applied after January 1, 1908. The reduction to 60 hours per week took place by 1910.

^r Wisconsin passed an 8-hour law (unenforceable) in 1867 that was repealed in 1913.

Notes: Hours; daily/weekly. Coverage: M = manufacturing; S = sales;

L = laundries; T = telephone and telegraph; CW = cotton and woolen textiles.

Many early laws (e.g., New Hampshire, 1847; Maine, 1848; Pennsylvania, 1848; Ohio, 1852; Minnesota, 1858) were unenforceable because they allowed workers to contract for more than the maximum number of hours. These laws stated that firms could not “compel” workers to labor over the maximum. Enforceable here also means that the law provided fines and/or jail sentences for violators, and that it was enforceable as a legal document. Legislated daily hours in manufacturing includes only enforceable legislation; weekly maximum is given when there was no daily maximum. For southern states, manufacturing can include only textiles. At one time or another, many states (e.g., Arkansas, California, Delaware, Idaho, Maryland, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, and Washington) exempted canning in general or during certain months. Additional, but minor, restrictions applied in various states.

Scheduled hours refers to the average across all workers and is the weekly average divided by 6. See Goldin (1988a) for a discussion of the hours data.

Sources: U.S. Department of Labor, Women’s Bureau, *Chronological Development of Labor Legislation for Women in the United States*, Bulletin No. 66-II (Washington, DC: Government Printing Office, 1932); U.S. Bureau of the Census, *Thirteenth Census 1910*. Vol. 8, *Manufactures 1909: General Report and Analysis* (Washington, DC: Government Printing Office, 1913b); U.S. Bureau of the Census, *Population 1920. Fourteenth Census of the United States, Census of Manufactures, 1919* (Washington, DC: Government Printing Office, 1928).

Source: Goldin, Claudia (1990) *Understanding the Gender Gap: An Economic History of American Women*, New York, Oxford University Press.

(including slaves), special provisions had been made for seamen and the military, as well as for workers in government-operated establishments, and apprenticeship was often controlled, but these were not the form of the labor standards which were to come later, affecting larger numbers of workers at their place of employment.³⁵ As discussed above, these began primarily with the introduction of legislation effecting the working hours of women and children (both the total number of working hours per day and the specific hours of work [night work]), as well as the minimum ages of employment for children in different occupations.

Table 1.10 (a) Minimum age of admission to industrial labor (1919), and
(b) Duration of nightly recess for women

(a) Minimum age of admission to industrial labor

Class I: Minimum legal age of employment 15 years or more			
<i>Europe</i>	<i>America</i>	<i>Canada</i>	
	California (both sexes)	British Columbia (girls)	
	Michigan (both sexes)	Mantitoba (girls)	
	Nevada (16 for girls only)		
	Ohio (both sexes, 16 for girls)	<i>Australia</i>	
	Texas (both sexes)	Victoria (girls)	
Class II: Minimum legal age of employment at 14, or at 13 with special provision for completion of schooling			
<i>Europe</i>	<i>America</i>	<i>America (Cont.)</i>	<i>America (Cont.)</i>
Austria	Alabama	Maine	South Dakota
Bosnia	Arizona	Maryland	Tennessee
Belgium	Arkansas	Massachusetts	Utah
Denmark	Colorado	Minnesota	Vermont
Germany	Connecticut	Missouri	Virginia
Great Britain	Delaware	Montana	Washington
Norway	District of Columbia	Nebraska	West Virginia
Serbia		Nevada (boys)	Wisconsin
Sweden (girls)	Florida	New Hampshire	
Switzerland	Georgia	New Jersey	<i>Canada</i>
	Idaho	New York	British Columbia
<i>Australasia</i>	Illinois	North Dakota	Manitoba (boys)
New South Wales	Indiana	Oklahoma	New Brunswick
New Zealand	Iowa	Oregon	Nova Scotia
Queensland	Kansas	Pennsylvania	Ontario
Tasmania	Kentucky	Puerto Rico	Quebec
Victoria (boys)	Louisiana	Rhode Island	Saskatchewan
Western Australia			
Class III: Minimum legal age of employment 13 years			
<i>Europe</i>	<i>America</i>	<i>Africa</i>	
France	North Carolina	Algeria	
Netherlands			
Sweden (boys)			
Class IV			
Greece		South Carolina	
Italy			
Luxemburg		<i>Latin America</i>	
Portugal (by exception 10)		Buenos Aires	
Russia		Mexico	
Rumania			
Class V: Minimum legal age of employment 10 years or less			
<i>Europe</i>	<i>Latin America</i>	<i>Asia</i>	
Hungary	Argentina	East India (9 years)	
Spain	Brazil (8 in textile factories)		
		<i>Africa</i>	
		Egypt (9 years)	

Table 1.10 cont'd

(b) Duration of nightly recess for women

Class I: Recess of 11 hours or more required by law		
Nation	Previous to Berne Agreement	Since Berne Agreement
Austria	9 hours	11 hours
Belgium	no law	11 hours
France	8 hours	11 hours
Germany	9 hours	11 hours
Great Britain	12 hours	11 hours
Greece	no law	11 hours
Hungary	no law	11 hours
Italy	{ 8 (summer) 10 (winter)	11 hours 11 hours
Luxemburg	no law	11 hours
Netherlands	10 hours	11 hours
Portugal	no law	11 hours
Spain	no law	11 hours
Sweden	no law	11 hours
Switzerland	{ 9 (summer) 10 (winter)	11 hours 11 hours
Class II: Recess of less than 11 hours required by law		
Nation	Previous to Berne Agreement	Since Berne Agreement
Bosnia	no law	9 hours
Bulgaria	no law	9 (summer) 12 (winter)
Russia	8 hours (textile factories)	8 hours
Serbia	no law	9 (summer) 10 (winter)
Class III: No legislation		
Denmark, Finland and Rumania have not yet legislated on the subject.		

Source: Shotwell, James T. (ed.) (1934) *The Origins of the International Labor Organization*, vol. 2, Documents, New York: Columbia University Press.

Table 1.11 Age of legal employment and maximum legal hours of labor of children employed in factories in the United States, January 1, 1913

States	Age below which			Maximum legal hours of labor per day	Night work prohibited between
	Employment is prohibited	Hours of labor are restricted	Night work is prohibited		
Alabama	12	14	16	60 ¹	p.m. a.m. 7 and 6
Arizona	14	16 ²	16 ²	8	7 and 7
Arkansas	14	14	14	10	7 and 6
California	15	18	18	9	10 and 5
Colorado	14	16	14	8	8 and 7
Connecticut	14	16	16	10	(³)
Delaware	14	16	16	9	6 and 7

Table 1.11 cont'd

States	Age below which			Maximum legal hours of labor per day	Night work prohibited between
	Employment is prohibited	Hours of labor are restricted	Night work is prohibited		
District of Columbia	14	16	16	8	7 and 6
Florida	12	12	12	9	9 and 6
Georgia	12	12	14	10	7 and 6
Idaho	14	16	16	9	9 and 6
Illinois	14	16	16	8	7 and 7
Indiana	14	16	16	8	6 and 7
Iowa	14	16	16	10 ⁴	9 and 6
Kansas	14	16	16	8	6 and 7
Kentucky	14	16 ⁵	16	10	7 and 7
Louisiana	14	18	16 ²	10	7 and 6
Maine	14	16 ²		10 (58) ¹	
Maryland	14	16	16	10	8 and 8
Massachusetts	14	18	21	10 (54) ¹	10 ⁶ and 6
Michigan	14	18	16 ²	54 ¹	6 and 6
Minnesota	14	16	16	8	7 and 7
Mississippi	12	16 ²	16 ²	8	7 and 6
Missouri	14	16	16 ⁴	8	7 and 7
Montana	16				
Nebraska	14	16	16	8	8 and 6
New Hampshire	14	16 ²	16 ²	11 (58) ¹	7 and 6.30
New Jersey	14	16	16	10 (55) ¹	6 and 6
New York	14	16	16	8	5 and 8
North Carolina	12	18	14	60 ⁷	8 and 5
North Dakota	14	16	16	8	7 and 7
Ohio	14	16 ²	16 ²	8	6 and 7
Oklahoma	14	16	16 ²	8	6 and 7
Oregon	14	16	16	10	6 and 7
Pennsylvania	14	16 ²	16 ²	10 (58) ¹	9 and 6
Rhode Island	14	16	16	10 (56) ¹	8 and 6
South Carolina	12	(⁸)	16	10	8 and 6
South Dakota	15	14		10	
Tennessee	14	16		60 ¹	
Texas	15				
Utah	14	14 ⁹		54 ¹	
Vermont	14	16	16		(¹⁰)
Virginia	14	14	14	10	6 and 7
Washington	14		16		8 ¹¹ and 5
West Virginia	14				
Wisconsin	14	16	16	8	6 and 7

¹ Per week.² To 18 years for females.³ After 10 p. m.⁴ 9 hours if written consent of parent is obtained.⁵ To 21 years for females.⁶ 6 and 6 in textile factories.⁷ Per week; no more may be required.⁸ Law is general for cotton and woolen mills; no age limit.⁹ To 16 years for females.¹⁰ After 8 p. m.¹¹ In bakeries.

Source: US Department of Labor, Bureau of Labor Statistics (1913) *Prohibition of Night Work of Young Persons*, Bulletin of the United States Bureau of Labor Statistics no. 117 (April), Washington, Government Printing Office.

It is difficult to adequately describe the full range of legislation, covering total hours of work, safety provisions, the number of consecutive hours to be worked, provisions for meal times, rights of association and union formation, etc. The precise range of issues covered earlier would not be surprising to those looking at similar legislation today. Their imposition a century ago, however, must have shocked many employers and employees at the time, as well as imposed problems for the relatively new set of bureaucrats charged with their enforcement. A brief summary cannot convey the nature of the legal changes made at any time, while the problems of enforcement makes determination of the impact of any legislation uncertain.

The United States Department of Health, Education, and Welfare, Social Security Administration, publishes a report summarizing the terms and dates of introduction for five basic welfare and standards programs.³⁶ To simplify the examination I prepared a breakdown of the date of the introduction of coverage under Work Injury. For 30 European countries, 12 had this provision before 1900, another ten added these in the first two decades of the twentieth century, five in the interwar period, and only three (Turkey, Cyprus, and Albania) after the start of World War II. For the 71 nations of Asia and Africa, there were none before 1910, and only three (Japan, Algiers, and South Africa) before 1920 (although there was earlier legislation of some form of labor standards in British India in 1881). In 36 cases the provision came between 1921 and 1940, and in 30 after World War II.³⁷ For Latin America, the provisions all came after 1910, with three (Haiti, Honduras, and Guatemala) after 1944. The British and French overseas offshoots (Canada, Australia, New Zealand, the United States, South America, and Algiers) all introduced coverage for work injury between 1902 and 1914, after legislation in many European nations, but before most of the other countries of the world. Thus for Europe and the British offshoots overseas, over three-quarters of the countries had work injury provisions before 1920, one-third by 1900. For the nations of Asia, Africa, and Latin America there were none with coverage before 1900, and only about 13 percent had legislation in place before 1920, all but one of these independent nations being in Latin America. Clearly the pattern of reforms of labor and welfare standards was originated and led by the nations of Europe, particularly England.

The first major discussion and implementation of factory legislation, as noted above, was that of the British in 1802, covering pauper apprentices, extended in 1819 to cover the minimum age required for employment in cotton mills (nine) and also the hours to be worked by those young workers under 16 in cotton mills. It was several decades, however, before other continental countries introduced their own significant factory acts, usually in reference to child labor: Germany 1839, Hungary 1840, France 1841, and Austria, 1842. There was then a further lag before more countries undertook such measures: Denmark 1873, Spain 1873, Holland 1874, Switzerland 1877,

Sweden 1881, Russia 1882, Italy 1886, Belgium 1889, Portugal 1891, and Norway 1892 see table 1.1. (For more on the Scandinavian history regarding labor standards, see Appendix 1.)³⁸ The two most populous provinces of Canada introduced child labor legislation in 1884 and 1885,³⁹ Australia and New Zealand did so in the 1870s, and 1880s,⁴⁰ the states of the US after 1836 (mainly those in New England at first, while national legislation was not successful until 1938),⁴¹ India in 1881, Japan in 1911 (several decades after its laws requiring education), China in the 1920s, and Egypt in 1933.⁴² The timing within Europe, and its offshoots, provides some guide to the timing of the expansion of industrialization, as well as an indication of the contemporaneous movement of ideas about morality and economic welfare across the continent.

Because of the number of states and their differences in political and economic structure, the dating for the US is more complex.⁴³ In general, legislation began in the years after 1836, with Massachusetts often leading the way. The eastern states generally introduced legislation regarding children and women in the second half of the nineteenth century, and then, in the first two decades of the twentieth century, most of the remaining states adopted these policies. Legislation at the federal level was attempted in these years, but these were often declared to be unconstitutional by the Supreme Court at the initial stage. By 1920 the basic program of labor and related standards was adopted, but with differences persisting among the states in regards to specific provisions. The debate at the state level within the US raised the important issue of interstate competition. The imposition of national standards with the Fair Labor Standards Act of 1938 was the source of an interregional debate on the issue of uniform national versus regional differentiated levels for minimum wages.⁴⁴ Although similar questions had long existed in Europe regarding international competition, the possibilities for national legislation could make an easier resolution of these federal issues in the United States than was possible for those cases dependent on international agreements.

In most of the cases of the introduction of labor legislation in different countries, similar sets of political issues often arose. First, almost all legislation regarding hours of work dealt only with women and children (a key early exception being France in 1848), since adult males were considered to be individuals with the power and capacity to freely choose and influence their working conditions. A noteworthy early-nineteenth-century case was that of the United States president, Martin Van Buren, in 1840, setting a ten-hour workday for those employed in federal government public works. This was broadened to an eight-hour workday for all federal workers in 1868.⁴⁵ Neither, however, had much effect on legislated male hours of work in the private sector. The concern with child labor was twofold. First, to reduce labor by young children that might weaken them physically, since it

was argued, that without rules on child labor, Lancashire would (as quoted by Lord Ashley in 1844) “speedily become a province of pigmies,” mentally, physically, and morally.⁴⁶ This would lower the productive capacity of society. Second, limits were needed because of the benefits of providing more time for schooling and education of the young. In many cases, laws regarding child labor included provisions for education of child workers, and, similarly, laws regarding education were framed with consideration of the issue of child labor.⁴⁷ Children were regarded as wards, of their parents or of others including the state, unable to make informed decisions on their own.

Women were also seen, for both different and related reasons, to be lacking in the power to make decisions. Their legal status limited their financial resources, and they seldom were members of unions that could bargain for terms. Also of importance in the political arena was the argument that as potential mothers and providers of childcare women were deserving of special treatment. Not all agreed with this position then (or now). The economist Nassau Senior claimed special treatment of adult women would mean that they were not being treated as being as capable as men, a position held by other classical economists, including John Stuart Mill, who believed that legislation linking women and children was “indefensible in principle and mischievous in practice.”⁴⁸ In the one case where women were excluded from an occupation, by the Mining Act of 1842, Senior raised the issue of whether those women who were displaced from mining should be compensated.⁴⁹ This, interestingly, was one of the very few times where the issue of compensation to offset the impact of the introduction of labor standards was raised. In general the benefits resulting from standards were considered to be their own just reward. Senior provided several basic arguments against labor standards including philosophical argument against the government’s imposing restraints on adult males, as well as the more practical economic one that high standards imposed by only one country would place it at a disadvantage in international trade.⁵⁰

Few of these acts, anywhere, had special provisions for disabled or impaired workers. If these were to be provided with special benefits it would usually be given via coverage under some more general terms of legislation. Similarly, few had distinctions based upon race, ethnicity, or citizenship status, in the defining of labor standards, although such distinctions were often made for other political and social purposes. Interestingly exceptions include the legislation of the state of Georgia in 1853, with labor standards being applied only to white workers, and the Australian law of 1888 which specified that any industrial firm with a Chinese worker would be considered a covered factory, otherwise the requirement for coverage being at least four workers.⁵¹ Except for the belated introduction of the prohibition on the import of goods produced by prison labor, by the United States and by the United Kingdom and its overseas offshoots between 1890 and 1913,

there was in this period no direct ideological linking of foreign trade with any form of labor standards.⁵²

Debates also persisted, then as now, on the motive for the advocating of standards imposed on (or for) certain groups in the labor force. Was it altruism, or were there some more selfish aims, that led men to advocate policies for women and children, such as restraints on hours of work. Was it a means of eliminating competition in the labor market or was it a way for men to “fight the battle from behind the women’s petticoats,” in order to obtain the same benefits for themselves. Nevertheless, as noted above, it took a long time in most nations before adult men were legislatively given the same standards as adult women.

In some countries, most particularly England, and several of the New England states in the United States, the introduction of standards was applied, at first, to cotton and other textile industries, not to the overall industrial sector. The explanation seems straightforward, since cotton textiles was a labor-intensive industry, was a large industrial sector, and had a higher proportion of women and children in its labor force than had other industries. Over time, however, there was an expansion to cover all manufacturing industries, although often with the requirement of a minimum size of factory employment before coverage was applicable. In England, for example, the major factory act of 1819 applied to cotton mills, changing over time to apply to all textiles firms using steam and water power (1833), all textile firms (1844), and all industries (1867). Those nations and states following in the introduction of labor standards did not usually distinguish textiles from other manufacturing industries, although there were separate restrictions applied to what were considered to be hazardous or dangerous industries.

The other sector that was sometimes singled out for the imposition of standards was mining, both because of the nature of the work, particularly underground, and because of the safety and health problems of explosions and ventilation. In 1842, England introduced prohibitions against female work underground, as well as restrictions against boys under ten from doing such work, whereas in textile industries the age limit was then nine. Similar distinctions regarding mining were later introduced in several European nations, as well as several states in the US, while others effectively introduced restrictions by classifying mining as a dangerous or unhealthy trade. In addition to these rules regarding labor in the coal-mining sector, some countries had early specific safety regulations in mining. Britain enacted safety rules after 1850 while, in the US, Pennsylvania introduced laws regulating coal mines in one county in 1869. These provisions were subsequently expanded, and by 1900 20 states had similar legislation, ten having introduced them in the 1880s.⁵³ Rules regarding mining safety preceded those for factory safety in most cases, but the lags were not long.

The federal government of the US had earlier introduced safety legislation, following some European legislation, including inspection for steamboats in 1838. This was made more effective in 1852, and several states in the South and Midwest had earlier imposed their own restrictions. The professed aim of the federal legislation was the protection of passengers, since it was argued that the employees could control their conditions, and did not require separate treatment. Only in 1871 was the protection of crew as well as passengers cited as a specific reason for safety standards on steamboats. State inspection of stationary steam boilers did not begin until 1867.⁵⁴

Throughout the nineteenth century the main thrust of labor legislation was upon factories in manufacturing, mining, and later, sweatshops. At the end of the century, when increased immigration led to the development of sweatshops, these too, were the focus of legislation.⁵⁵ Limited coverage of agriculture and services (except for the occasional introduction of shop laws) was provided through the start of the twentieth century, even though these were quite obviously the largest sectors of employment in the national economy. Whether the absence of legislation regarding agricultural labor reflected the policies of landowners' control, a belief in the family farm (and an unwillingness to impose legislation interfering with families), the absence of the negative publicity that factories and mines, located in higher population density areas, had achieved, or the perceived difficulties in enforcing any such legislation across a broad geographic expanse, is debated, but few nations had labor standards applied to agricultural labor until the twentieth century.

The development of labor standards in Europe and in Britain's overseas offshoots came at a time of secularly high and rising incomes, the shift of labor from agriculture to manufacturing sectors and from rural to urban areas, some relative expansion of the suffrage in most countries, a widespread increase in educational levels and literacy, and the expansion of a widespread, legally acceptable, labor movement.⁵⁶ They were one part, widely diffused, of the changing economic and social patterns that came with modern industrialization, so that the labor standards as they then emerged were limited to a relatively small, geographically and in terms of world populations, part of the world. And while they were first applied to only a limited part of the labor force, women and children, it seemed politically inevitable that they would ultimately be extended in terms of labor-force coverage, industrial scope, and national concerns. Whatever may have been the specific economic condition of each nation, the spread of the basic ideology accompanying industrialization and economic growth meant that the adoption of labor standards, whether internally accepted or imposed from outside, was to become part of the new international system.

The Impact of Labor Standards

The impact of labor standards has been long debated by contemporaries, as well as by later historians and economists. Legislative debates in England and in the states of the US, as well as other countries, posed several questions, such as the impact of hours of work on the measured output per hour of each worker, the effect of introducing standards in one state or nation on its ability to compete with other areas, and the changes in labor-force employment of the groups presumably aided by labor standards.⁵⁷ That hours of work declined with economic growth is clear, but the relative importance of economic changes compared to imposed social norms or compulsory education remains debated. These debates were often inconclusive, or, as with recent studies, conflicting due to issues of economic and econometric specification.⁵⁸

While the relationship between the legislation and changes in wages, hours, and labor-force participation may be uncertain, it seems clear that in the period after the introduction of labor standards there have been reductions in hours worked in affected sectors, increases in wages, reductions in child labor along with substantial increases in education and child literacy, and increases in female labor-force participation. Factories have become cleaner and safer, and the rate of industrial accidents has declined. Nevertheless, it has been argued these changes were not due primarily to legislation but were the consequences of higher national income, with accompanying changing preferences regarding work time and work arrangements as income rose. In some cases, it has been argued that legislation imposed only such standards as those that had already been achieved, or that the actual standards meant only a very small change from what was already occurring, unlike the changes discussed today.⁵⁹ In some cases, the benefits were broadly diffused, helping individuals other than those who were covered by the legislation, and not giving those covered any differential benefits. Intra-industry diffusion was quite possible, given production relations, but the extent to which benefits aimed at only a limited part of the labor force provided gains to workers in other sectors is not obvious, nor, indeed, some would argue, it is not clear that even those for whom the benefits were intended were net gainers.

Early International Agreements

The discussions among European nations about international agreements for the introduction of labor standards began at almost the same time as the debates about domestic standards in England and other countries. The

conventional story starts either with Owen in 1818 or Hindley in 1833, with various French, Swiss, and German advocates following soon thereafter. There were, as now, two basically interrelated arguments for the desirability of international conferences and agreement to provide for uniformity of provisions among European nations. There was the moral claim that the same benefits should be provided to individuals in all nations, as a basic human right. Then there was the understanding that uniformity across nations would be necessary to make it possible for any one nation to impose domestically based acceptable standards, given the fear that introducing standards in one country would result in a loss in its competitive position. Thus it is not surprising that the richer nations and states were among the first advocates of international agreement on labor standards. And, given widespread beliefs in free trade, the use of trade and tariff policy was not mentioned as a means to achieve desired ends.

There was one, however, important debate in the 1830s and 1840s that did examine the use of tariff policy to achieve appropriate labor standards internationally.⁶⁰ This concerned, not the industrializing nations, but less developed colonies in the Americas and elsewhere. In the debates on the British sugar duties, differential tariffs were proposed (and achieved for a limited time) on sugar produced by slave labor (in Cuba and Brazil) contrasted with sugar produced by free labor in the British colonies after slave emancipation, sugar produced in India by nominally free (albeit extremely poor) labor, and sugar produced elsewhere. These were, however, less of a direct attempt to change labor systems in slave societies (although that was clearly part of British policy), but were, rather, intended as a support for the British colonies to offset the cost of their shift from slave to free labor, with the lowered plantation labor force and higher sugar prices (relative to still-slave Cuba and Brazil) that resulted from slave emancipation. This was an unusual and short-lived case, and while the imposition of tariffs was widespread among European (and other) nations, their intention was presumably to serve not as a basis for the imposition of labor standards, as conventionally defined, upon other countries, but rather to reduce the production of foreign nations for sale in British markets. In the second half of the nineteenth century international conferences and bilateral agreements were only for the countries of Europe, countries with relatively small differences in climate, income, and culture, in comparison with those that existed in the twentieth century between Europe and the less-developed world. This meant that several of the later problems in establishing uniform international labor standards among countries with quite different incomes did not arise.

Although there was talk of international conferences on labor issues starting in the early decades of the nineteenth century, the first of the major proposed organized meetings to provide for setting international legislation on factories, was at the initiative of the government of Switzerland in 1881.

The negative reactions from both employers and laborers in the six countries approached to attend meant that this attempt was unsuccessful. Switzerland tried again, with a conference planned but not held in Berne in 1889, with four countries accepting invitations. In 1890, however, the Germans organized a conference in Berlin, with 14 states in attendance including "the twelve chief industrial states of Europe." The meeting lasted only ten days, and reached no policy conclusions. Clearly these nations were not yet ready for any actions across national borders. Among subsequent meetings were sessions in Brussels (12 European nations plus the United States) in 1897, with later conferences held under the auspices of the International Association for Labor Legislation. These included conferences in Paris in 1900, (7 countries, including the United States and Mexico) Basel in 1901 (7 nations) Cologne (12 nations) in 1902, and Berne in 1905 (15 nations), 1906 (14 nations), and 1913 (15 nations). The only successful agreements reached concerned "the prohibition of the manufacture, sale, and importation of matches containing white phosphorous," and limits on night work for women.⁶¹ These restrictions were applied to the adopting nations and to their colonies. The outcomes of European conferences before the start of World War I, were, therefore, quite limited.

Between 1904 and 1915 there were more than 20 bilateral agreements on labor issues signed between European nations (in one case the United States was involved) with Italy, France, and Germany being the most frequent signatories (see table 1.12).⁶² Prior to this, in the second half of the nineteenth century there had been several international labor agreements, usually concerning emigration of contract labor and Chinese migration, free and contract. The early-twentieth-century bilateral agreements covered many different types of labor issues, but in only one case (the French-Italian treaty of 1904) did it include a statement of intent to change laws controlling hours of work and the age of entry into the labor force in the country with lower standards, Italy, to reach the levels in force in France. The most frequent coverage related to equal treatment in regard to insurance compensation for accidents of the citizens of one country when working in another. Thus by World War I, despite a long interest and a growing labor union movement in most countries, the multilateral achievement of uniform standards among the developed nations of Europe was quite limited, as were the number of internal standards intended to improve the position of adult males. Enforcement procedures for internal, but even more for international, provisions, were generally weak and somewhat inconsequential.

Table 1.12 List of bilateral and plurilateral international agreements regarding labour questions

<i>Date of signature</i>	<i>Parties</i>	<i>Agreement</i>
26 June 1858	China–Great Britain	Treaty of peace, friendship and commerce (Art. 13 employment of Chinese)
25 July 1860	France–Great Britain	Convention relative to the emigration of labourers from India to the Colony of Réunion
24 Oct. 1860	China–Great Britain	Convention of friendship (Art. 5: coolie emigration)
1 July 1861	France–Great Britain	Convention relative to the emigration of labourers from India to the French Colonies
6 Oct. 1863	China–Netherlands	Treaty of friendship and commerce (Art. 5: employment of Chinese)
31 July/30 Nov. 1865	France–Great Britain	Protocol of Conference respecting the duration of the Convention of 1 July 1861 relative to the emigration of labourers from India
28 July 1868	China–United States	Additional articles to the treaty between the United States and China of 18 June 1868
8 Sept. 1870	Great Britain–Netherlands	Convention relative to the emigration of labourers from India to the Dutch Colony of Surinam
2 Nov. 1871	Great Britain–Netherlands	Protocol, Recruitment of free labourers (Guinea)
5 Nov. 1872	France–Great Britain	Declaration as to the annual time of emigration from India to the French Colonies west of the Cape of Good Hope
26 June 1874	China–Peru	Treaty of friendship, commerce and navigation (Art. VI: emigration)
17 Nov. 1877	China–Spain	Convention for regulating the emigration of Chinese subjects to Cuba
17 Nov. 1880	China–United States	Treaty concerning immigration of Chinese labourers into the United States and their residence therein
5 May 1882	Hawaii–Portugal	Provisional Convention concerning commerce, navigation and emigration (Art. 3: emigration)
31 May 1882	Belgium–France	Arrangements concerning savings funds
17 Mar. 1894	China–United States	Convention concerning Chinese immigration to the United States
29 May 1896	Great Britain–Liberia	Agreement respecting the engagement of labourers in Liberia and the Colony of Sierra Leone
4 Mar. 1897	Belgium–France	Convention relating to savings funds
14 Nov. 1899	Germany–Great Britain	Convention and Declaration for the settlement of the Samoan and other questions (West Africa, Zanzibar, etc.) (Art. 4: right of Germany to engage labourers in the Solomon Islands falling to Great Britain)
14 Dec. 1899	China–Mexico	Treaty of amity and commerce (Art. V: free emigration; Art. VI: contract labourers)

Cont'd

Table 1.12 *cont'd*

<i>Date of signature</i>	<i>Parties</i>	<i>Agreement</i>
18 Dec. 1901	Great Britain–Portugal	Agreement for a <i>modus vivendi</i> between the Transvaal and the Province of Mozambique: engagement of Native labourers
15 Apr. 1904	France–Italy	Labour treaty
13 May 1904	China–Great Britain	Convention concerning the employment of Chinese labour in British Colonies and Protectorates
13 July 1904	Italy–Switzerland	Treaty of commerce (Art. 17: equality of treatment in respect of workmen's insurance)
3 Dec. 1904	Germany–Italy	Treaty of commerce (Art. 4: equality of treatment in respect of workmen's insurance)
25 Jan. 1905	Austria–Germany	Commercial treaty with clauses providing for agreements relating to workmen's compensation and labour legislation in general (Art. 6: equality of treatment)
15 Apr. 1905	Belgium–Luxembourg	Convention relating to compensation for industrial accidents
2 Sept. 1905	Germany–Luxembourg	Treaty relating to compensation for industrial accidents
20 Jan. 1906	France–Italy	Arrangements relating to the transfers from ordinary savings funds of the two countries
21 Feb. 1906	Belgium–France	Treaty relating to compensation for injuries resulting from industrial accidents
27 Feb. 1906	France–Great Britain	Protocol respecting the New Hebrides (Arts. XXXI–LVI: recruitment of Native labourers)
8 May 1906	Germany–Sweden	Treaty of commerce
22 May 1906	Belgium–Luxembourg	Supplementary convention
9 June 1906	France–Italy	Agreement relating to compensation for injuries resulting from industrial accidents
27 June 1906	France–Luxembourg	Convention relating to compensation for injuries resulting from industrial accidents
20 Oct. 1906	France–Great Britain	Convention concerning the New Hebrides (Arts. XXXI–LVI: recruitment of Native labourers)
27 Aug. 1907	Germany–Netherlands	Treaty relating to accident insurance
1 Apr. 1909	Mozambique–Transvaal	Convention between the Governor of the Transvaal and the Portuguese Province of Mozambique (Part I: matters concerning Natives)
3 July 1909	France–Great Britain	Convention in regard to workmen's compensation for accidents
15 Apr. 1908/ 9 Aug. 1909	Great Britain–Sweden	Treaty relating to accident insurance
19 Sept. 1909	Hungary–Italy	Agreement respecting accident insurance
12 Mar. 1910	Belgium–France	Note in pursuance of the Convention of 21 Feb. 1906 respecting compensation for injuries resulting from industrial accidents
10 June 1910	France–Italy	Agreement relating to the protection of young persons of French nationality employed in Italy and of young persons of Italian nationality employed in France

9 Aug. 1910	France–Italy	Arrangement respecting the application of the provisions contained in Art. I, b, of the Convention of 15 Apr. 1904, having in particular the object of enabling the citizens of the two countries working abroad to benefit from the social insurance laws
Nov. 1910	France–Great Britain	Arrangements respecting the application of Art. 5 of the Anglo–French Convention of 3 July 1909 in regard to compensation to workmen for accidents arising out of their employment
21 Feb. 1911	Japan–United States	Treaty and protocol respecting commerce and navigation (clause relating to limitation and control of emigration of labourers from Japan to the United States)
3 Apr. 1911	Great Britain–Japan	Treaty of commerce and navigation
2 May 1911	Germany–Sweden	Treaty of commerce and navigation (equality of treatment in respect of workmen’s compensation)
9 Aug. 1911	Denmark–France	Treaty of arbitration (Art. II, No. 4: international protection of workers)
26 Jan. 1912		Draft for Spitzbergen Convention (Chapter X: Rules respecting workmen)
6 July 1912	Belgium–Germany	Convention in regard to insurance against industrial accidents
31 July 1912	Germany–Italy	Convention with respect to workmen’s insurance
30 Nov. 1912/ 12 Feb. 1913	Germany–Spain	Agreement concerning the reciprocal communication of notices of accidents to Spanish sailors on German ships and of German sailors on Spanish ships
25 Feb. 1913	Italy–United States	Treaty amending the Treaty of Commerce and Navigation concluded 26 Feb. 1871 between the same high contracting parties (equality of rights for the purpose of compensation for injuries or for death caused by negligence or fault)
9 Aug. 1913	Belgium–Germany	Administrative regulations in connection with Art. 11 of the Convention with respect to accident insurance signed 6 July 1912
13 Oct. 1913	France–Switzerland	Agreement relating to pensions to be granted to members of the staff of the Swiss Federal Railways employed on French territory
22 May/ 12 June 1914	Liberia–Spain	Convention respecting the recruiting of labourers in the Republic of Liberia to work in the Colony of Fernando Po
30 May 1914	Germany–Netherlands	Treaty supplementary to the treaty signed on 27 Aug. 1907 respecting accident insurance
6 Aug. 1914	France–Great Britain	Protocol respecting the New Hebrides (Arts. 31–56: recruiting, engagement and employment of Native labourers)
21 May 1915	Germany–Italy	Arrangement respecting the reciprocal treatment of the subjects of the two States and of their property during the state of war (includes clause relating to social insurance)

Source: International Labor Office (1952) *The International Labor Code, 1951: vol. II: Appendices*, Geneva: ILO.

The International Labor Organization

The big breakthrough in the development of international standards came with the formation of the International Labor Organization in 1919. With some impetus from the American Federation of Labor in the United States and other national labor movements, the ILO was created as a part of the League of Nations. Later, after 1946, it was to become an agency of the United Nations. The initial membership included 44 nations, increasing to 54 in 1924, reaching 121 in 1969, and 174 today. Since membership was automatic with (or required by) membership in the League of Nations, or by invitation "to accede to the covenant," several major powers, including the United States and the Soviet Union did not become members until the 1930s. While most European nations were members, accounting for 36 percent (16) of the original membership (21) (or 48 percent, if the British overseas offshoots are included), there was also membership from Latin America (17 nations), Asia (5 nations), and Africa (1 nation). Nevertheless, the early power in the organization was with the European nations.

Clearly the sheer size of the membership would make agreements difficult, but a further problem arose because of the expansion of the organization beyond Europe, to include Asia, Africa, and Latin America. These nations had rather different income levels and economic structures than did the nations of Europe, so that an important issue of difference in labor standards emerged. Claims were made that because of geographic and climatic differences, differences in legal systems, and differences in social traditions, no uniform standards would be acceptable to all members. As Article 405 of the charter of the ILO specified, "the Conference shall have due regard to those countries in which climatic conditions, the imperfect developments of industrial organization, or other special circumstances make the industrial conditions substantially different, and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries."⁶³ With this agreement in principal, however, the specifics of the appropriate adjustments remained unstated, and it was argued that in some cases introducing labor standards would require some modification from the basic standards, delays in their introduction, or the leaving of basic decisions to the individual countries themselves. In acknowledging the circumstances of "tropical countries," and of countries with low levels of development, the ILO included Japan, China, Persia, India, South Africa, Siam, and "tropical America," as nations to be provided special treatment.⁶⁴ Recognizing differences, the more developed nations nevertheless feared that they would be at a competitive disadvantage if they alone were held to high standards, and they were not anxious to provide waivers to the less-developed world.

Since its founding, and with the redefinition of aims at the Philadelphia Conference in 1944, the ILO has been concerned with a very broad range of labor policies, including not only economic but also political and social ends. One major goal has been the ending of slavery and all forms of forced labor (except military service, convict labor, forced labor in wartime, and forced labor as the response to natural disasters). Other goals include the right to freedom of association, the ability to organize and to bargain collectively, policies to avoid discrimination in employment "on grounds of race, color, sex, religion, political opinion, national extraction, or social origin," as well as the enforcement of policies to eliminate child labor and to provide "more and better jobs for women."⁶⁵ With such a broad agenda and with limited ability to offset national sovereignty, the ILO has had a somewhat mixed record of success on the imposition of basic labor standards, narrowly conceived. It is no doubt more successful in its function of providing information on labor issues, but information alone cannot solve these difficult problems. There were, of course, dramatic social and political changes in several nations, including Germany, Italy, Japan, the Soviet Union and South Africa. Germany, Italy, and Japan each left the ILO between 1935 and 1940, and Russia was expelled from 1940 to 1954, limiting the ILO's effectiveness in dealing with these particular problems of forced labor.

In its initial decade the ILO did achieve some success in having policies discussed, passed, and ratified by many nations, but in the absence of a strong enforcement mechanism many problems remained, including that of the failure to attract some of the major nations of the world as members. The ILO was less successful in the depression decade of the 1930's, since most nations were less interested in raising their own labor standards and, on moral grounds, those of other nations, than they were with implementing policies to reduce domestic unemployment. Moreover, the particular coerced labor policies of Germany, the Soviet, and Japan were not a central concern of the ILO, even before they ended their membership. The ILO did discuss such policies to reduce unemployment insurance, but these had little direct influence on policy in most nations. Similarly the period of World War II saw limited attention to issues of labor standards. Even the basic survival of the ILO was uncertain until its transition to become an agency of the United Nations in 1946.

After World War II the nature of the ILO's involvement in international labor standards shifted. With the postwar concern with underdeveloped nations, often the former colonies of European powers, and with attention to the problems of sustained economic growth and increased international welfare, the ILO has now cast more of its policies towards improvement in the less-developed nations. Concern with the improvement of working conditions for the impoverished in third-world countries replaced the past focus

on organized labor in developed nations. The ILO also expanded the provision of technical aid throughout the world. A further change in economic events and beliefs made for a critical shift in policies for the enforcement of labor standards.⁶⁶ World trade expanded, but, unlike in the past, it was now considered appropriate to link trade with the acceptance of labor standards in trading partners, whether these had come about by agreements at conferences of trading nations (e.g., the World Trade Organization (WTO)) or by unilateral actions undertaken by one of the trading nations. There has been more pressure by consumers, labor unions, and governments to introduce measures that will force other, usually the less-developed nations, to improve labor conditions, whether for the good of the workers in the less-developed nations or those in the more-developed, remains the basis of the international struggle. This also means there are now at least two major international sources for attaining improved labor conditions, the ILO and also international trade organizations, such as the WTO.

Final Remarks

This chapter has intended to describe many of the similarities in past and present debates on labor standards. Debates on who should be covered – women, children, men – and in which industries, persist, as do issues of whether there should be different standards for different nations, or for different states within a federal nation. The mix of regulations regarding wages, hours, safety, working conditions, and the rights to form unions remains important. Would enhanced standards reduce the prospects for the advancement of less-developed nations, implying a trade-off, with benefits for the present generations of workers at the cost of economic improvement for future populations? How is individual and national welfare influenced by income, by leisure, and by favorable working conditions, and what should be the policymakers objectives when aiding the labor force? Should advocacy and enforcement be based upon domestic organizations, be done by trading partners, or by regional or international organizations created for this purpose? How can national sovereignty and international aims be reconciled? Are unilateral measures regulating international trade an acceptable means of dealing with the problems of low income in the less-developed nations? How much should rich countries be willing to pay, in grants and other forms of aid, to improve labor and living conditions in poorer countries? Progress has been made by labor, but whether this has been due to imposed standards, collective bargaining, or market forces, remains debated. It is clear, however, that, given the present day circumstances, debates on labor standards, both domestically and regarding other nations, will remain a basic institutional concern for a long time.

Appendix 1: Labor Standards in the Scandinavian Nations

The Scandinavian nations were not among the European Leaders in the introduction of labor standards, but they all had some legislation in place by the end of the nineteenth century. Their patterns followed that of most of the other European nations, with legislation applied first to children, covering industrial firms, and with no provisions regarding the much larger agricultural sector. Some earlier legislation did influence laborer conditions, such as the public health measures, for example that, regarding factory ventilation, passed by Norway in 1860, and the ending of restrictions on emigration from Sweden and Norway that were achieved in the 1850s. There were also laws regarding required education, which impacted on the labor of children and on certain aspects of women's work.

The first nation to regulate the age at which children could work in factories (over 10) as well as the number of hours children of different ages could work was Denmark in 1873. Ability to gain permission to do factory work was tied to the level of education achieved. Denmark did have one unusual law, requiring that young persons and children be kept, if possible, apart from adult male workers during both working hours and rest intervals. Only minor changes in laws were made before the start of the twentieth century, with further legislation tightening the rules in 1901 and 1913 reducing the maximum hours of work and raising the minimum age necessary for factory work. After some relatively minor and ineffective legislation including public health and safety regulations applied to factories, and an 1852 law prohibiting night work for those under 12, Sweden in 1881, passed legislation regarding the age of work in factories (must be over 12) and the length of the workday for children (the same as for Denmark), with a requirement that primary education be completed. No night work was allowed by children under 18 and by women. The final country to introduce legislation regarding labor standards was Norway, which, after several years of investigation, passed a law regulating child labor in 1892. Children under 12 could not work in industrial establishments, children under 18 had limits imposed on work hours, and night work by children was prohibited. Women were not to work for four weeks after confinement. Nevertheless, while there was legislation involving night work for women and prohibition on female work in mines, none of the Scandinavian nations had introduced laws regulating hours of adult female labor before the start of World War I.

Sweden, Norway, and Denmark attended all of the important European conferences on labor standards between 1890 and 1913, although they did not sign all the conventions passed at these meetings. Sweden was involved in only three pre-World War I bilateral agreements, and Denmark only one,

none concerned with the specifics of labor standards. All three Scandinavian nations were, as members of the League of Nations, charter members of the ILO in 1919.

ACKNOWLEDGMENTS

An earlier version of this chapter was presented at the EGDI seminar on International Labor Standards in Stockholm, August 2001, and I greatly benefited from the discussions by Jane Humphries, Kalle Moene, and the other seminar participants. I also wish to thank, for comments on various drafts of this paper, Kaushik Basu, Seymour Drescher, David Eltis, Bob Hepple, and Robert Steinfeld.

NOTES

1. See, e.g., Minchinton (1972), and the earlier discussions of guilds and of statutes in Cunningham (1922, vol. I, pp. 336–53, 441–7, 506–25, and vol. II, pp. 35–52). On the role of the guilds and their regulations of working conditions, see Epstein (1991, pp. 562–79).
2. For a brief useful survey of Poor Law history, see Slack (1990).
3. See, for example, the laws of various European settling nations regarding slavery in Engerman et al. (2001), part 3.
4. For a summary of these, see Klein et al. (2001), and Engerman (2002).
5. See, e.g., the discussions in Heckscher (1935) and in Furniss (1965). In the first part of the nineteenth century several European nations had quite explicit restrictions on emigration with limited controls regarding immigration. Emigration restrictions in parts of Asia persisted through the end of the century. The frequent and extensive controls regarding immigration are primarily a product of the twentieth century. See Engerman, (2002).
6. For the English origins, see, in particular Hutchins and Harrison (1966), Thomas (1948), and Keeling (1914).
7. These are based upon various publications of, or, about, the International Labor Organization. The attempt to abolish slavery and coerced labor was a goal from the start of the ILO. For some of the key agreements on this, see Brownlie (1992). The ending of slavery in the colonies of the European nations and of serfdom in Europe in the nineteenth century may be regarded as the first major, worldwide change in labor standards, although nations of Asia and Africa lagged in making such changes, as they were also to do with other forms of labor standards. The distinctions drawn between different areas of the world would be a recurring issue. The particular nature of the successful movement to end the slave trade and slavery in the Americas (and the related ending of serfdom in nineteenth-century Europe) provides a cautionary lesson for movements to improve labor standards and end world poverty. From the effective

political start of the attack on American slavery in England it took about 100 years to end slavery in the colonies of the European powers, and another three-quarters of a century to end it elsewhere in the world. In almost all cases the abolition of slavery and serfdom was accomplished by compensating the owners, not the workers (Engerman, 1996). Another feature was the sense of disappointment that generally followed freedom, and the demand for further measures to accomplish the previously expected goals (Engerman, 2000).

8. At some times, however, population growth might not be considered an unmixed blessing for society.
9. See, e.g., the discussion of "Child Labour in America Before 1870," in Abbott (1910, pp. 327–51). See also Farnam (1938, pp. 253–4), and Furniss (1965, pp. 114–16). Alexander Hamilton's advocacy of a protective tariff in his *Report on Manufactures* (1791) included the point that "women and children are rendered more useful, and the latter more early useful," in protected manufacturing establishments. An issue debated later was to be the relative contribution to human capital formation obtained from work, on-the-job training, or from schooling of those outside the labor force. This type of legislation was presumably applied to all children, whether orphaned, living with parents, or living away from parents. It should be noted that English laws regarding apprentices go back to at least the sixteenth century.
10. The Swiss banker, J. Necker, in regard to the Sunday rest-day, claimed that this could only be protected if all countries had the same law. Otherwise the competitive position of the nations with that provision would worsen. Alcock (1971, p. 6). The same point was frequently made in debates over national legislation or, in federal nations, by state governments. For mentions of such discussions in the United States, where labor standards legislation was a state matter, see Farnam (1938, p. 264) (on the Massachusetts 10-hour day agitation in the 1840s) and Goodrich (1967, pp. 471–83), and Hartz (1948, pp. 200–4) (on child labor controversies in Pennsylvania in the 1830s). See also Mummery and Hobson (1956, pp. 213–15), on the relations and substitutions among restriction of hours legislation, tariffs, and controls over migration. For a recent excellent discussion of these issues, see Charnovitz (1987).
11. Even when there were attempts at nationwide legislation, competition among the states of the United States persisted. See Seltzer (1995) on the interstate conflicts concerning the appropriate minimum wage to be introduced in the Fair Labor Standards Act of 1938, where the ultimate imposition of the higher northern rate helped to retard southern development. Earlier, in 1900, the minority report of the US Industrial Commission argued that uniform national labor laws would be unfair, since there were differences in the length and the heat of the day, as well as other climatic differences. For some discussion on nineteenth-century Switzerland, see BLS Bulletin 26 (US Department of Labor, 1900a, pp. 136–77).
12. See, e.g., the discussion at the formation of the ILO in ILO (1923, pp. 52–3, 189–91, 299–301), as well as in Shotwell (1934, vol. II, pp. 180–1, 391–2, 404–5). For an extended discussion, see Ayusawa (1920, pp. 135–72). For a claim of differential standards for Belgium, required because of wartime destruction, see ILO (1923, p. 89).

13. In the first part of the twentieth century, several attempts in the United States at federal regulation of child labor were attempted, one by prohibition of shipping goods made by children, the other by a differential tax on goods produced by child labor. The United States Supreme Court declared both unconstitutional. See Brandeis in Commons (1935, pp. 437–50).
14. See the discussions of this point when the ILO was being formed (ILO (1923, pp. 47–8, 51–2, 93–4, 188–9, 296, 577); and Shotwell (1934, vol. II, pp. 406–9)). This, of course, remains an important problem.
15. Introduced in the McKinley Tariff on 1890, this prohibition then continued in the United States, and was soon adopted by New Zealand, Australia, Canada, and Newfoundland. For the discussion of prison labor at the formation of the ILO, see ILO (1923, pp. 218–19, 227–9). The restrictions on prison labor were a long time interest of Samuel Gompers and the American labor movement. Quite recently the US Congress has debated the Child Labor Deterrence Act (or Harkings Bill and the Sander's Amendment) aimed at restricting imports made by child labor, to prevent imports of goods produced by unfree or bonded child labor.
16. For state regulations in 1892, see US Commissioner of Labor (1892). Some of this legislation, much of doubtful constitutionality, included special markings or labels placed on these goods when sold, while in several states these goods could be sold only by persons with special licenses.
17. The nature of inspection, and its effectiveness, has always been a source of contention. While some early labor standards legislation did not require inspections, they ultimately did become a specific requirement. For a history of inspection in the United States up to 1897, see US Department of Labor (1897), which includes a detailed breakdown of the duties of factory inspectors. The English case is described in Keeling (1914), Thomas (1948), and Hutchins and Harrison (1966). For a discussion of health and safety standards in the United States, Germany, and Great Britain, see Teleky (1948), and for more details on the United States, see Brandeis in Commons (1935).
18. See the data and discussion presented in Engerman et al. (2000).
19. See Keeling (1914) on England and Goldin and Sokoloff (1982) on the United States.
20. Agriculture was spread out in rural areas, not concentrated in urban areas as was manufacturing, and much of the labor in agriculture was either by family members or transient workers. There had been earlier controls regarding servants in agriculture and poor relief, at times tied to wage rates, covering rural, agricultural areas. These, however, differed from the form of standards applied to industry. Several nations imposed codes on shop labor and on workshops in the late nineteenth century, but the size of most firms in these sectors made inspection and enforcement difficult.
21. This summary is based on several essays in Shotwell (1934, vol. I), and the documents in Shotwell (1934, vol. II).
22. See Keeling (1914) and Hutchins and Harrison (1966), who argue that the 1802 Act was more of an extension of the Elizabethan Poor Laws relating to apprentices than a new form of policy. There was clearly some carry-forward from the terms of regulating apprentices to those introduced with the factory acts.
23. See Keeling (1914).

24. See Brooke (1898); US Department of Labor (1900d); see also Zelnick (1968) and Tugan-Baronovsky (1970). The early legislation concerned state operated serf-factories and not privately owned establishments of the type that were covered by later forms of legislation. There seems some uncertainty in the literature on the exact dates, but there were several Russian initiatives regarding serf-factories in the eighteenth century.
25. See Brooke (1898); Bloss (1938), and US Department of Labor (1900c).
26. See Keeling (1914).
27. For details, see Brooke (1898) and Bulletins 25–28, and 30 of the US Department of Labor, authored by W. F. Willoughby (1899–1900).
28. See US Department of Labor (1899), and the discussions in Stone (1985, pp. 123–59), Weissbach (1989), and Lynch (1988) regarding child labor and other aspects of labor standards in France.
29. See also the essays by Mahaim and Delevingne, in Shotwell, (1934, vol. I); Follows (1951); Lowe (1935); and Ayusawa (1920). It might be noted that Owen's textile factories in Scotland had initially employed many children in its labor force, but had reduced their numbers over time. See Hutchins and Harrison (1966, pp. 21–6).
30. See the advocacy of Hindley in Follows (1951, pp. 10–21, 190–6). This was the same year, 1833, that Britain successfully passed legislation to bring about the ending of slavery in its colonies.
31. See Follows (1951); Lowe (1935); Périgord (1926); and Shotwell, (1934, vol. I, pp. 453–97).
32. See, in particular, Lowe (1935).
33. See, for example, Alcock (1971); Dillon (1942); Johnston (1970); Lowe (1935); National Industrial Conference Board (1928); Périgord (1926); Shotwell, (1934, vols I and II); Solano (1920); and Thomas (1948) for detailed histories by participants and subsequent authors.
34. See the essays in Bhagwati and Hudec (1996) and Sengenberger and Campbell (1994).
35. The US federal government introduced a ten-hour day for workers on government public works projects in 1840. See Richardson (1896, p. 602). In 1868 this requirement was reduced to an eight-hour day for all federal government workers (Kelly, 1950). In some cases states and nations did introduce labor standards covering government workers before they introduced legislation regarding private firms. For the legislation regarding seamen in the US, see Farnam (1938). Similar legislation regarding seamen also existed in Great Britain, including the deduction of the seamen's sixpence.
36. See US Department of Health, Education, and Welfare (1974). There have been subsequent publications on this information, but this will not effect the points made here. Analysis of other provisions such as social insurance provides a similar pattern.
37. In the 1973 volume, two of the Asian nations were listed as not having had work injury provisions. Subsequent publications list the dates of introduction for Fiji and Nepal at 1965 and 1959, respectively.
38. These are based on Ambrosius and Hubbard (1989); Bradlaugh, (1972, pp. 61–83); Brooke (1898); de Connick-Smith, et al. (1997); Cunningham and Viazzo (1996); Gordon (1988); Hayes (1963); Huberman and Lewchuk (1999); Martin

- (1990), Rimlinger (1960a, b, 1989); Tugan-Baronovsky (1970); Turin (1935); US Department of Labor, *Bulletins* 25–28, 30 (1899–1900); van Leeuwen (2000), and Zelnik (1971). For more details on England, see Baernreither (1889, pp. 95–151); Bradlaugh, (1972, pp. 29–59, 85–123); Gray (1996); Nardinelli (1990), and Schmiechen (1984).
39. See Stewart (1926).
40. See Sinclair (1959) and Parsons (1904) on New Zealand and Clark, (1955, pp. 604–732), and Fitzpatrick (1941) on Australia. Australia had earlier nineteenth-century legislation concerning the terms and treatment of convict labor.
41. See the basic material by Adams and Sumner (1910); Baker (1925); Brandeis in Commons (1935); Commons and Andrews (1916, pp. 200–60, 295–353); Felt (1965); Nelson (1975, pp. 122–39); Ogburn (1912); Persons et al. (1911, pp. 1–129); Steinberg (1982); US Commissioner of Labor (1892), US Department of Labor (1967); and US Department of Labor, Women’s Bureau (1929); For a broad examination of government policy at this time, see Fine (1956). In 1836, Massachusetts passed a statute linking employment for children under 14 to prior attendance in school. For a useful examination of the activities of a leading reformer see Sklar (1995, esp. pp. 85–102), and for the expected gains from legislation, see Kelley (1905). On the timing of the introduction of workmen’s compensation see Fishback and Kantor (2000).
42. For India: Morris in Kumar (1983); Tripathy (1989); and Weiner (1991). For Japan: ILO (1933); Solano (1920, pp. 85–102). For China: Chesneaux (1968); and Henry (1927). For Egypt: Issawi (1947, pp. 97–8). For the developments in Latin America, see Fitzgibbon (1948), on twentieth-century constitutional provisions setting labor standards; and Poblete-Troncoso (1928a, b). For a discussion of labor legislation in the Dutch East Indies, see Angelino, (1931, pp. 492–591); and for a statement of French policy in colonial Africa, see Conklin, (1997, pp. 212–45). The ILO distinguished between colonies of European nations (with “native labor”) to whom standards presumably did apply (except where local countries prohibited their application or necessitate modification) and self-governing areas, see ILO (1931, pp. 220–7); and ILO (1923, pp. 68–71.) The ILO has extended its interests in these matters while it had earlier used its concerns with forced and coerced labor to attempt to influence colonized areas.
43. See sources listed in fn. 41, above. For some contemporary discussions of “The Child Labor Problem,” see *Annals of the American Academy of Political and Social Science*, xx (July, 1902, pp. 151–232), and on “Child Labor” see *Annals*, xxix (January, 1907, pp. 1–183).
44. See Seltzer (1995).
45. See n. 35.
46. See the comment of Lord Ashley in 1844 (*Hansard*, 1844, 1100). Ashley notes, further, that the “wives and daughters” bear a burden for which “at least during pregnancy, . . . they would be exempted even in slave-holding states.”
47. See, for example, the points made in Keeling (1914). This linking can be found in all debates on child labor legislation. There are also arguments made to justify state intervention in the case of child labor, claiming its purpose was

- to offset any exploitative behavior of parents regarding their children, thus forcing parents back into the labor force. See Bland et al. (1933, pp. 495–6) for an early comment.
48. See Bowley, (1937, pp. 269–70). A similar debate, within the feminist movement, regarding policy as well as historiography, has emerged concerning special standards for women in the United States. See Kessler-Harris (1990). For the argument that the opposition by Senior to the Factory Acts was more due to expediency, based on its effects on international competitiveness than to a consistently laissez-faire position, see Bowley, (1937, pp. 255–8). For discussions of the nature of opinions on Factory Acts by contemporary economists, see Blaug (1958); Marvel (1977); and Robbins (1953). On the beliefs of the economists in parliament, see Fetter (1980, pp. 57–77). For another interesting contemporary view, see McCulloch, (1849, pp. 184–5, 303–9, 426–30). Marvel argues that advocates of labor standards were aiming at the elimination of smaller manufacturing units using older technologies, a point that has been raised about many of the reforms of Progressive Era America.
 49. Bowley (1937, p. 271) and Levy (1928, pp. 249–51, 305–11).
 50. Bowley (1937, pp. 255–6).
 51. The Georgia example is cited in Atack and Bateman (1991a). See Evans et al. (1993, p. 315) on Australia. They claim that this legislation had the purpose of raising the costs of having Chinese workmen in the industrial labor force and thus would limit their participation.
 52. See n.15. But see also the discussion below on the British Sugar Duties of the 1840s.
 53. Aldrich (1997, pp. 41–75). See also, on the extension of safety regulations into the manufacturing sector (pp. 76–121). For a discussion of municipal regulations regarding safety in the nineteenth-century United States, see Novak (1996, pp. 51–82).
 54. See Hunter (1949, pp. 520–46, 618–19); Hunter (1985, pp. 353–85); and Maust (2000). See also Novak (1996).
 55. See, e.g., Adams and Sumner (1910, pp. 113–41).
 56. A forthcoming study by Ha-Joon Chang includes discussion of the comparative levels of per capita income at which various political and economic changes have been introduced in developed and developing nations. He concludes that, in general, in today's developing nations such reforms have been made at lower levels of income per capita than by those that developed in the past.
 57. There were frequent early claims that not only would the long-run impact of reducing hours for children and women be positive because of better education and physical prowess, as well as, better maternal conditions and childcare, but also that lowering the hours worked would lead to a sufficient increase in output per hour that the total output would increase. Needless to say, all these remain continuous issues to the present day. For a still interesting discussion of the relation of hours to output, see Florence (1924).
 58. See Marshall in Dankert et al. (1965); Owen (1969); and Whaples (1990). For the debate on the effects of female labor standards legislation, see Goldin (1988, 1990); Jones (1975); and Landes (1980). For a discussion of the impact of child labor legislation, see Cunningham and Viazzo (1996); Moehling (1999); and

- Sanderson (1974). See also Attack and Bateman (1991a) on the United States in 1880. Most broadly on the issue of child labor, see Basu (1999).
59. This had been argued for the case of compulsory schooling in both the United States and England. See Landes and Solmon (1972); and West (1994, pp. 180–7).
 60. See Green (1976, pp. 229–60); and Temperley (1972, pp. 153–67).
 61. See Lowe (1935).
 62. For a listing of bilateral agreements, see ILO (1952, pp. 1105–10); and Lowe (1935, pp. xiv, 137–68, 171–229).
 63. See Lowe (1935, p. 406).
 64. ILO (1923, pp. 189, 299–301) on Japan and India; Ayusawa (1920, pp. 207–34). Not as successful was Belgium, which requested special treatment because of war damage.
 65. See ILO brochure *Promoting Social Justice* (ca. 1999).
 66. For some background on the United States, see Destler in Collins (1998), and for a discussion of alternative measures to achieve labor standards, based on the Latin American case, see Frundt (1998, pp. 36–55, 64–5, 275).

REFERENCES

- Abbott, Edith (1910) *Women in Industry: A Study in American Economic History*, New York: D. Appleton.
- Adams, Thomas Sewall and Helen L. Sumner (1910) *Labour Problems: A Text Book*, New York: Macmillan.
- Alcock, Antony (1971) *History of The International Labour Organization*, London: Macmillan.
- Aldrich, Mark (1997) *Safety First: Technology, Labour, and Business in the Building of American Work Safety, 1870–1939*, Baltimore: Johns Hopkins University Press.
- Ambrosius, Gerold and William H. Hubbard (1989) *A Social and Economic History of Twentieth Century Europe*, Cambridge, MA: Harvard University Press.
- Angelino, A. D. A. de Kat (1931) *Colonial Policy, Volume II. The Dutch East Indies* (trans G. J. Renier), Chicago: University of Chicago Press.
- Annals of the American Academy of Political and Social Sciences*, vol. xx (1902), vol. xxix (1907).
- Attack, Jeremy and Fred Bateman (1991a) “Whom Did Protective Legislation Protect? Evidence from 1880,” (unpublished).
- Attack, Jeremy and Fred Bateman (1991b) “Louis Brandeis, Work and Fatigue at the Start of the Twentieth Century: Prelude to Oregon’s Hours Limitation Law,” (unpublished).
- Ayusawa, Iwao Frederick (1920) *International Labour Legislation*, New York: Longmans, Green.
- Baernreither, J. M. (1889) *English Associations of Working Men*, London: Swan Sonnenschein.
- Baker, Elizabeth Faulkner (1925) *Protective Labour Legislation: With Special Reference to Women in the State of New York*, New York: Longmans, Green.

- Basu, Kaushik (1999) "Child Labor: Cause, Consequence, and Cure, with Remarks on International Labour Standards," *Journal of Economic Literature*, 37 (September), pp. 1083–119.
- Bhagwati, Jagdish and Robert E. Hudec (eds) (1996) *Fair Trade and Harmonization: Prerequisites for Free Trade?: Volume I: Economic Analysis*, Cambridge, MA: MIT Press.
- Bland, A. E., P. A. Brown, and R. H. Tawney (comps and eds) (1933 [1914]) *English Economic History: Selected Documents*, London: G. Bell and Sons.
- Blaug, Mark (1958) "The Classical Economists and the Factory Acts: A Re-examination," *Quarterly Journal of Economics*, 72 (May), pp. 211–26.
- Bloss, Esther (1938) *Labour Legislation in Czechoslovakia: With Special Reference to the Standards of the International Labour Organization*, New York: Columbia University Press.
- Bowley, Marian (1937) *Nassau Senior and Classical Economics*, London: George Allen & Unwin.
- Bradlaugh, Charles (1972 [1891]) *Labour and Law*, Clifton: Augustus M. Kelley.
- Brooke, Emma (1898) *A Tabulation of the Factory Laws of European Countries*, London: Grant Richards.
- Brownlie, Ian (ed.) (1992) *Basic Documents on Human Rights* (3rd edn), Oxford: Oxford University Press.
- Chang, Ha-Joon (forthcoming) *Kicking Away the Ladder?*
- Charnovitz, Steve (1987) "The Influence of International Labour Standards on the World Trading Regime: A Historical Overview," *International Labour Review*, 126 (September), pp. 565–84.
- Chesneaux, Jean (1968) *The Chinese Labour Movement, 1919–1927*, Stanford: Stanford University Press, (first published in French, 1962).
- Clark, C. M. H. (ed.) (1955) *Select Documents in Australian History, 1851–1900*, Sydney: Angus and Robertson.
- Collins, Susan M. (ed.), (1998) *Imports, Exports, and the American Worker*, Washington, DC: Brookings Institution Press.
- Commons, John R. (intro) (1935) *History of Labour in the United States, 1896–1932: Volume III: Working Conditions* (by Don D. Lescohier), *Labour Legislation* (by Elizabeth Brandeis), New York: Macmillan.
- Commons, John R. and John B. Andrews (1916) *Principles of Labour Legislation*, New York: Harper and Brothers.
- Coninck-Smith, Ning de, Bengt Sandin, and Ellen Schrupf (eds) (1997) *Industrious Children: Work and Childhood in the Nordic Countries 1850–1990*, Odense: Odense University Press.
- Conklin, Alice L. (1997) *A Mission to Civilize: The Republican Idea of Empire in France and West Africa, 1895–1930*, Stanford: Stanford University Press.
- Cunningham, Hugh and Pier Paulo Viazzo (eds) (1996) *Child Labour in Historical Perspective, 1800–1985: Case Studies From Europe, Japan, and Colombia*, Florence: UNICEF.
- Cunningham, W. (1922 [1882]) *The Growth of English Industry and Commerce During the Early and Middle Ages* (5th edn), Cambridge: Cambridge University Press.
- Dankert, Clyde E., Floyd C. Mann, and Herbert R. Nothrup (eds) (1965) *Hours of Work*, New York: Harper and Row.

- Dillon, Conley Hall (1942) *International Labor Conventions: Their Interpretation and Revision*, Chapel Hill: University of North Carolina Press.
- Engerman, Stanley L. (1996) "Emancipations in Comparative Perspective: A Long and Wide View," in Gert Oostindie (ed.), *Fifty Years Later: Antislavery, Capitalism and Modernity in the Dutch Orbit*, Pittsburgh: University of Pittsburgh Press, pp. 223–41.
- Engerman, Stanley L. (2000) "Comparative Approaches to the Ending of Slavery," in Howard Temperley (ed.), *After Slavery: Emancipation and its Discontents*, London: Frank Cass, pp. 281–300.
- Engerman, Stanley L. (2002) "Changing Laws and Regulations and Their Impact on Migration," in David Eltis (ed.), *Coerced and Free Migration: Global Perspectives*, Stanford: Stanford University Press, pp. 75–93.
- Engerman, Stanley L., Seymour Drescher, Robert Paquette (eds) (2001) *Slavery: A Reader*, Oxford: Oxford University Press.
- Engerman, Stanley L., Elisar Mariscal, and Kenneth L. Sokoloff, (2000, unpublished) "Schooling, Suffrage, and the Persistence of Inequality in the Americas, 1800–1945."
- Epstein, Steven A. (1991) *Wage Labour and Guilds in Medieval Europe*, Chapel Hill: University of North Carolina Press.
- Evans, Raymond, Kay Saunders, and Kathryn Cronin (1993) *Race Relations in Colonial Queensland: A History of Exclusion, Exploitation and Extermination* (3rd edn), St. Lucia: University of Queensland Press.
- Farnam, Henry W. (1938) *Chapters in the History of Social Legislation in the United States to 1860*, Washington, DC: Carnegie Institution of Washington.
- Felt, Jeremy P. (1965) *Hostages of Fortune: Child Labor Reform in New York State*, Syracuse: Syracuse University Press.
- Fetter, Frank Whitson (1980) *The Economist in Parliament, 1780–1860*, Durham: Duke University Press.
- Fine, Sidney (1956) *Laissez Faire and the General Welfare State: A Study of Conflict in American Thought, 1865–1901*, Ann Arbor: University of Michigan Press.
- Fishback, Price V. and Shawn Everett Kantor (2000) *A Prelude to the Welfare State: The Origins of Workers' Compensation*, Chicago: University of Chicago Press.
- Fitzgibbon, Russell H. (ed.) (1948) *The Constitutions of the Americas* [as of January 1, 1948], Chicago: University of Chicago Press.
- Fitzpatrick, Brian (1941) *The British Empire in Australia: An Economic History, 1834–1939*, Melbourne: Melbourne University Press.
- Florence, P. Sargent (1924) *Economics of Fatigue and Unrest and the Efficiency of Labour in English and American Industry*, New York: Henry Holt.
- Follows, John W. (1951) *Antecedents of the International Labour Organization*, Oxford: Clarendon Press.
- Frundt, Henry J. (1998) *Trade Conditions and Labour Rights: U.S. Initiatives, Dominican and Central American Responses*, Gainesville: University Press of Florida.
- Furniss, Edgar S. (1965 [1920]) *The Position of the Laborer in a System of Nationalism: A Study in the Labor Theories of the Later English Mercantilists*, New York: Augustus M. Kelley.
- Goldin, Claudia (1988) "Maximum Hours Legislation and Female Employment: A Reassessment," *Journal of Political Economy*, 96 (February), pp. 189–205.

- Goldin, Claudia D. (1990) *Understanding the Gender Gap: An Economic History of American Women*. New York: Oxford University Press.
- Goldin, Claudia and Kenneth Sokoloff (1982) "Women, Children, and Industrialization in the Early Republic: Evidence from the Manufacturing Censuses," *Journal of Economic History*, 42 (December), pp. 741–74.
- Goodrich, Carter (ed.) (1967) *The Government and the Economy: 1783–1861*, Indianapolis: Bobbs Merrill.
- Gordon, Margaret S. (1988) *Social Security Policies in Industrial Countries: A Comparative Analysis*, Cambridge: Cambridge University Press.
- Gray, Robert (1996) *The Factory Question and Industrial England, 1830–1860*, Cambridge: Cambridge University Press.
- Green, William (1976) *British Slave Emancipation: The Sugar Colonies and the Great Experiment*, Oxford: Clarendon Press.
- Hansard's Parliamentary Debates: Third Series* (1844) vol. LXXIII, The Twenty-Second Day of February, to the Second Day of April, 1844 (London: Thomas Curson Hansard).
- Hartz, Louis (1948) *Economic Policy and Democratic Thought: Pennsylvania, 1776–1860*, Cambridge, MA: Harvard University Press.
- Hayes, Carleton J. (1963 [1941]) *A Generation of Nationalism, 1871–1900*, New York: Harper and Row.
- Heckscher, Eli F. (1935) *Mercantilism* (2 vols), London: G. Allen and Unwin (first published in Swedish, 1931).
- Henry, P. (1927) "Some Aspects of the Labour Problem in China," *International Labour Review*, 15 (January), pp. 24–50.
- Huberman, Michael and Wayne Lewchuk (1999) "Globalization and Worker Welfare in Late Nineteenth Century Europe," (unpublished).
- Hunter, Louis (1949) *Steamboats on the Western Rivers: An Economic and Technological History*, Cambridge, MA: Harvard University Press.
- Hunter, Louis (1985) *A History of Power in the United States, 1780–1930, Volume II: Steam Power*, Charlottesville: University Press of Virginia.
- Hutchins, B. L. and A. Harrison (1966 [1903]) *A History of Factory Legislation* (3rd edn), New York: Augustus M. Kelley.
- International Labour Office (1923) *Official Bulletin, Volume I, April 1919–August 1920*, Geneva.
- International Labour Office (1931) *The International Labour Organization: The First Decade*, London: George Allen and Unwin.
- International Labour Office (1933) *Industrial Labour in Japan*, London: P. S. King.
- International Labour Office (1952) *The International Labour Code, 1951, Volume II, Appendices*, Geneva.
- International Labour Office (ca. 1999) *Promoting Social Justice*.
- Issawi, Charles (1947) *Egypt: An Economic and Social Analysis*, Oxford: Oxford University Press.
- Johnston, G. A. (1970) *The International Labour Organization: Its Work for Social and Economic Progress*, London: Europa.
- Jones, Ethel B. (1975) "State Legislation and Hours of Work in Manufacturing," *Southern Economic Journal*, 41 (April), pp. 602–12.

- Keeling, Frederic (1914) *Child Labour in the United Kingdom: A Study of the Development and Administration of the Law Relating to the Employment of Children*, London: R. S. King and Son.
- Kelley, Florence (1905) *Some Ethical Gains Through Legislation*, New York: Macmillan.
- Kelly, Matthew A. (1950) "Early Federal Regulation of Hours of Labour in the United States," *Industrial and Labour Relations Review*, 3 (April), pp. 362–74.
- Kessler-Harris, Alice (1990) *A Woman's Wage: Historical Meanings and Social Consequences*, Lexington: University Press of Kentucky.
- Klein, Herbert S., Stanley L. Engerman, Robin Haines, and Ralph Shlomowitz (2001) "Transoceanic Mortality: The Slave Trade in Comparative Perspective," *William and Mary Quarterly*, 58 (January), pp. 73–117.
- Kumar, Dharma (ed.) (1983) *The Cambridge Economic History of India, Volume II, c. 1750–c. 1970*, Cambridge: Cambridge University Press.
- Landes, Elisabeth M. (1980) "The Effect of State Maximum Hours Laws on the Employment of Women in 1920," *Journal of Political Economy*, 88 (June), pp. 476–94.
- Landes, William M. and Lewis C. Solmon (1972) "Compulsory Schooling Legislation: An Economic Analysis of Law and Social Change in the Nineteenth-Century," *Journal of Economic History*, 32 (March), pp. 54–91.
- van Leeuwen, Marco H. D. (2000) *The Edge of Charity: Amsterdam, 1800–1850*, New York: St. Martin's Press.
- Levy, S. Leon (ed.) (1928) *Industrial Efficiency and Social Economy by Nassau W. Senior, Volume II*, New York: Henry Holt.
- Lowe, Boutelle Ellsworth (1935) *The International Protection of Labour: International Labour Organization, History and Law*, New York: Macmillan.
- Lynch, Katherine A. (1988) *Family, Class, and Ideology in Early Industrial France: Social Policy and the Working Class Family, 1825–1848*, Madison: University of Wisconsin Press.
- Martin, Benjamin (1990) *The Agony of Modernization: Labor and Industrialization in Spain*, Ithaca: ILR Press.
- Marvel, Howard P. (1977) "Factory Regulation: A Reinterpretation of Early English Experience," *Journal of Law and Economics*, 20 (October), pp. 379–402.
- Maust, Peter (2000) "'Congress Could Do Nothing Better': Promoting Steamboat Safety in Antebellum America," *Prologue*, 32 (Summer), pp. 101–13.
- McCulloch, J. R. (1849 [1825]) *Principles of Political Economy* (4th edn), Edinburgh: Adam and Charles Black.
- Minchinton, W. E. (ed. and intro) (1972) *Wage Regulation in Pre-Industrial England*, New York: Barnes and Noble.
- Moehling, Carolyn M. (1999) "State Child Labour Laws and the Decline of Child Labour," *Explorations in Economic History*, 36 (January), pp. 72–106.
- Mummary, A. F. and J. A. Hobson (1956 [1889]) *The Physiology of Industry: Being an Exposure of Certain Fallacies in Existing Theories of Economics*, New York: Kelley and Millman.
- Nardinelli, Clark (1990) *Child Labor and the Industrial Revolution*, Bloomington: Indiana University Press.
- National Industrial Conference Board (1928) *The Work of the International Labour Organization*, New York: National Industrial Conference Board.

- Nelson, Daniel (1975) *Managers and Workers: Origins of the New Factory System in the United States, 1880–1920*, Madison: University of Wisconsin Press.
- Novak, William J. (1996) *The People's Welfare: Law & Regulation in Nineteenth-Century America*, Chapel Hill: University of North Carolina Press.
- Ogburn, William F. (1912) *Progress and Uniformity in Child Labour Legislation: A Study in Statistical Measurement*, New York: Longmans, Green.
- Owen, John D. (1969) *The Price of Leisure: An Economic Analysis of the Demand for Leisure Time*, Montreal: McGill-Queen's University Press.
- Owen, Robert (1818) *Two Memorials on Behalf of the Working Classes*, London: Longman, Hurst, Rees, Orme, and Brown.
- Parsons, Frank (1904) *The Story of New Zealand*, Philadelphia: Equity Series.
- Périgord, Paul (1926) *The International Labour Organization: A Study of Labour and Capital in Cooperation*, New York: D. Appleton.
- Persons, Charles E., Mabel Parton, and Mabelle Moses (1911) *Labour Laws and Their Enforcement: With Special Reference to Massachusetts*, New York: Longmans, Green.
- Poblete-Troncoso, Moises (1928a) "Labour Legislation in Latin America: I:" *International Labour Review*, 17 (January), pp. 51–67.
- Poblete-Troncoso, Moises (1928b) "Labour Legislation in Latin America: II," *International Labour Review*, 17 (February), pp. 204–30.
- Richardson, James D. (ed.) (1896) *A Compilation of the Messages and Papers of the Presidents, 1789–1897, Volume III*, Washington, DC: Government Printing Office.
- Rimlinger, Gaston V. (1960a) "Autocracy and the Factory Order in Early Russian Industrialization," *Journal of Economic History*, 20 (March), pp. 67–92.
- Rimlinger, Gaston V. (1960b) "The Management of Labour Protest in Tsarist Russia, 1870–1905," *International Review of Social History*, 5 (August), pp. 226–48.
- Rimlinger, Gaston V. (1989) "Labour and the State on the Continent, 1800–1939," in Peter Mathias and Sidney Pollard (eds), *The Cambridge Economic History of Europe, Volume VIII; The Industrial Economies: The Development of Economic and Social Policies*, Cambridge: Cambridge University Press, pp. 549–606.
- Robbins, Lionel (1953) *The Theory of Economic Policy in English Classical Political Economy*, London: Macmillan.
- Sanderson, Allen R. (1974) "Child Labour Legislation and the Labour Force Participation of Children," *Journal of Economic History*, 34 (March), pp. 297–9.
- Schmiechen, James A. (1984) *Sweated Industries and Sweated Labour: The London Clothing Trades, 1860–1914*, Urbana: University of Illinois Press.
- Seltzer, Andrew J. (1995) "The Political Economy of the Fair Labour Standards Act of 1938," *Journal of Political Economy*, 103 (December), pp. 1302–42.
- Sengenberger, Werner and Duncan Campbell (eds) (1994) *International Labour Standards and Economic Interdependence*, Geneva: International Institute for Labour Standards.
- Shotwell, James T. (ed.) (1934) *The Origins of the International Labour Organization* (2 vols), New York: Columbia University Press.
- Sinclair, Keith (1959) *A History of New Zealand*, Harmondsworth: Penguin.
- Sklar, Kathryn Kish (1995) *Florence Kelley and the Nation's Work: The Rise of Women's Political Culture, 1830–1900*, New Haven: Yale University Press.
- Slack, Paul (1990) *The English Poor Law, 1531–1782*, Basingstoke: Macmillan.

- Solano, E. John (ed.) (1920) *Labour as an International Problem: A Series of Essays Comprising a Short History of the International Labour Organization and a Review of General Industrial Problems*, London: Macmillan.
- Steinberg, Ronnie (1982) *Wages and Hours: Labour and Reform in Twentieth Century America*, New Brunswick: Rutgers University Press.
- Stewart, Bryce M. (1926) *Canadian Labour Law and The Treaty*, New York: Columbia University Press.
- Stone, Judith F. (1985) *The Search for Social Peace: Reform Legislation in France, 1890–1914*, Albany: State University of New York Press.
- Teleky, Ludwig (1948) *History of Factory and Mine Hygiene*, New York: Columbia University Press.
- Temperley, Howard (1972) *British Antislavery, 1833–1870*, Columbia: University of South Carolina Press.
- Thomas, Maurice Walton (1948) *The Early Factory Legislation: A Study in Legislative and Administrative Evaluation*, Leigh-on-Sea: Thames Bank Publishing Company.
- Tripathy, S. K. (1989) *Child Labour in India*, New Delhi: Discovery Publishing House.
- Turin, S. P. (1935) *From Peter the Great to Lenin: A History of the Russian Labour Movement with Special Reference to Trade Unionism*, London: P. S. King and Son.
- Tugan-Baronowski, Mikhail I. (1970) *The Russian Factory in the 19th Century*, Homewood: Richard D. Irwin, [translated from 3rd Russian edn, first published 1907].
- US Bureau of Labor Statistics (1913a) Bulletin no. 117 *The Prohibition of the Night Work of Young Persons*, Department of Labor, Washington, DC: Government Printing Office.
- US Bureau of Labor Statistics (1913b) Bulletin no. 118 *Ten-Hour Maximum Working Day for Women and Young Persons*, Department of Labor, Washington, DC: Government Printing Office.
- US Bureau of Labor Statistics (1920) Bulletin no. 268 *Historical Survey of International Action Affecting Labor*, Washington, DC: Government Printing Office.
- US Commissioner of Labor (1892) Second Special Report, *Labour Laws of the Various States, Territories and the District of Columbia*, Washington, DC: Government Printing Office.
- US Congress (1900) House of Representatives, 56th Congress, 1st Session (Document No. 476), *Report of the Industrial Commission on Labour Legislation, Volume V*, Washington, DC: Government Printing Office.
- US Department of Health Education and Welfare, Social Security Administration (1974) *Social Security Programs Throughout the World, 1973* (Office of Research and Statistics, Research Report No. 44), Washington, DC: Government Printing Office.
- US Department of Labor (1897) Bulletin no. 12, W. F. Willoughby, *The Inspection of Factories and Workshops in the United States*, Department of Labor, Washington, DC: Government Printing Office.
- US Department of Labor (1899) Bulletin no. 25, *Foreign Labor Laws in (Great Britain, France)*, Department of Labor, Washington, DC: Government Printing Office.
- US Department of Labor (1900a) Bulletin no. 26, *Foreign Labor Laws in (Belgium, Switzerland)*, Department of Labor, Washington, DC: Government Printing Office.
- US Department of Labor (1900b) Bulletin no. 27, *Foreign Labor Laws in (Germany)*, Department of Labor, Washington, DC: Government Printing Office.

- US Department of Labor (1900c) Bulletin no. 28, *Foreign Labor Laws* in (Austria), Department of Labor, Washington, DC: Government Printing Office.
- US Department of Labor (1900d) Bulletin no. 30, *Foreign Labor Laws* in (Russia, the Netherlands, Italy, Norway, Sweden, Denmark), Department of Labor, Washington, DC: Government Printing Office.
- US Department of Labor (1967) *Growth of Labour Law in the United States*, Washington, DC: Government Printing Office.
- US Department of Labor, Women's Bureau (1929) Bulletin no. 66, *History of Labour Legislation for Women in Three States; Chronological Development of Labor Legislation for Women in the United States*, Washington, DC: Government Printing Office.
- West, E. G. (1994 [1965]) *Education and the State: A Study in Political Economy* (3rd edn), Indianapolis: Liberty Fund.
- Weiner, Myron (1991) *The Child and the States in India: Child Labor and Education Policy in Comparative Perspective*, Princeton: Princeton University Press.
- Weissbach, Lee Shai (1989) *Child Labor Reform in Nineteenth Century France: Assuring the Future Harvest*, Baton Rouge: Louisiana State University Press.
- Whaples, Robert (1990) "Winning the Eight-Hour Day, 1909–1919," *Journal of Economic History*, 50 (June), pp. 393–406.
- Zelnik, Reginald E. (1968) "The Peasant and the Factory," in Wayne S. Vucinich (ed.), *The Peasant in Nineteenth Century Russia*, Stanford: Stanford University Press.
- Zelnik, Reginald E. (1971) *Labor and Society in Tsarist Russia: The Factory Workers of St. Petersburg, 1855–1870*, Stanford: Stanford University Press.

COMMENTARY 1.1

The Parallels Between the Past and the Present

Jane Humphries

Stanley Engerman is the kind of economic historian who looks at the past through the frame of the present and asks what we can learn from historical experience. His account of the origins and evolution of labor standards, including child labor legislation, is resonant with contemporary discussions. Let us follow him through his argument, pausing only to introduce additional historical evidence, which may have implications for how we think about labor standards today.

The Parallels Between the Past and the Present

Engerman shows that although the language may be quaint and different the arguments for and against labor standards in the eighteenth and nineteenth centuries were very similar to the arguments advanced today. Like today's, early arguments for labor standards fell into two main categories: ethical and economic. Early ethical arguments differed from their modern counterparts in two ways. They were more likely to be founded on religious belief than on the humanitarian moral stance, which underpins modern ethical arguments, and, as Engerman reminds us, they drew from contemporaneous soul-searching on the morality of slavery. The eighteenth- and nineteenth-century economic arguments sound unfamiliar. No late-eighteenth-century political economist demanded "Show me the market failure." Engerman thinks Dr Percival's late-eighteenth-century advocacy of child labor standards awkwardly expressed. But strip away the linguistic differences and the arguments are the same. The early advocates did not have the jargon of the modern economist, but their presentation of labor standards' contribution to the creation of a healthier, better-educated and more productive working class and citizenry is still recognizable as an argument about potential positive

externalities. The external benefits proposed were both very general and very particular. Advocates drew attention to the dangers for all implicit in epidemics of infectious diseases, and they sketched now familiar links from working conditions to productivity.

Champions of labor standards also noted that chronically unequal bargaining power could lead to inefficient labor market outcomes. Their arguments appeared most pertinent to certain classes of labor, particularly to workers whose ability to make informed decisions and bargain for themselves was suspect. Victorian standards threw women and children together in this category. Both women and children were also “naturally” located within the externalities framework: women because their reproductive capabilities and related responsibility for children’s early socialization gave them a determining influence over the quality of future generations; and children because they were the living link into the future. Following any of the early legislative interventions through the British political process also shows the practical importance of a range of arguments in recruiting champions from different interest groups and building a coalition of support.

The arguments against labor standards are also timeworn. As today, so historically the basic concern was the impact of higher costs on profits and competitiveness. Opponents were anxious to underscore the knock-on effects of higher labor costs on employment levels, well-meaning intervention thus rebounding on those who were to be protected. More abstract arguments also came into play. Extending labor standards from (infantilized) women and children, to adult males challenged the prevalent belief in “free” contract and confronted the dominant political philosophy. Commentators of a more bureaucratic mind-set pointed to the difficulties and costs of such meddling regulation and the likelihood of evasion in the absence of effective policing. Thus in the past as in the present, opponents of labor standards often argued in one and the same breath that intervention would be both inefficient and ineffective. Early opponents of intervention also played the international trade card, noting that domestic standards not followed elsewhere could harm exports, a potent argument in the British case given the focus of legislative intervention on the export-intensive cotton industry.

The creation of coalitions of interests both for and against, as Engerman notes, suggests skepticism about motivation. Were groups’ professed intentions in line with their real aims? The historical material offers plenty of scope for exploring cases of possible hijacking. These direct our attention away from alliances between “protectionists” and humanitarians in advanced industrial countries, the main basis of anxiety about hijacking today, to consider a broader set of potentially shared interests.

It has been widely argued that early trade unions supported limitations on the length of the working day for women and children in the hope that this would make long hours inefficient and promote shorter hours for all.

Adult males thus campaigned for a shorter working day “from behind the women’s petticoats;” strategically using Victorian middle-class sex-role standards to achieve their own ends (Hutchins and Harrison, 1903; for a summary of the arguments see, Rose, 1992). Some feminist historians have gone so far as to argue that male-dominated trade unions’ support for protective labor legislation was a thinly disguised strategy to exclude women from the better paid jobs (Honeyman and Goodman, 1991). Thus gendered labor standards and the accompanying campaign for a family wage promoted the male breadwinner family system in which women were trapped into domestic labor and made dependent on men and male wages (Creighton, 1996; Seccombe, 1986). Alternatively, the early trade unions’ attempt to combine the campaign for labor standards for women and children with the demand for a family wage for adult men can be seen as a politicized version of Kaushik Basu’s (1999) model of a labor market with multiple equilibrium. Protective labor legislation, which banned women and children’s work outright in some jobs and prevented them from working in excess of certain hours in others, in effect moved the labor market from one equilibrium (with child and female labor and relatively low adult wages) to another equilibrium (with less child and female labor and higher adult wages). The intervention here is “benign.” Because the equilibrium with intervention was an equilibrium of the original economy, once the economy has adjusted, the law banning women and children’s labor is no longer needed. Both equilibria are Pareto optimal, so neither dominates. But worker households are better off at the equilibrium with intervention. So if equality is a positive argument in the social welfare function this equilibrium may be preferred. (Basu’s argument depends on a number of assumptions, in particular the “luxury” axiom, but I would argue that these assumptions are reasonable and supported by empirical evidence in the historical context.)

One other coalition of interests that has been explored in this context is that which linked male employers with their male employees in defense of patriarchal subordination of women (Lown, 1990; Rose, 1992). Whatever the intentions of the many actors involved, patriarchal rhetoric was certainly a crucial factor in many of the campaigns for gendered standards and the increasing dominance of the male breadwinner family undoubtedly a consequence.

Modern arguments for labor standards reflect very different views on gender. Indeed internationally agreed standards rule out gender discrimination. However there are still tensions between culturally determined views about appropriate behavior for women and labor-force participation. Thus the earlier debate has a modern counterpart in the tricky reconciliation of local cultural imperatives with international anti-discrimination standards.

Other historical cases of hijacking have contemporary interest. There is strong evidence for example of specific producers seeking to gain a competitive

march by embracing a labor standard that would disadvantage rivals who were using a more vulnerable technology. Thus early British legislation on the length of the working day was allegedly supported by those cotton magnates who had made the transition to steam because it was held likely to disadvantage their competitors who remained dependent on water power with its naturally discontinuous flow (Marvel, 1977). Similarly the 1842 Mines Regulation Act, which banned women and children under the age of nine from underground work was supported by coal owners whose seams were thick and who had mechanized underground transport (Humphries, 1981). Many such owners had dispensed with underground child transport workers. In contrast the Act put the owners of thin seam pits who needed to use small child workers to move the coal underground at a competitive disadvantage. Not even Sir Robert Peel has been above charges of self-interest. In evaluating his role in the genesis of the early protective labor legislation in Britain it is important to note that Peel's own interests were not entirely located in spinning. Peel also had major investments in warehouses and weaving as well as calico printing. When spinning and weaving interests clashed at the turn of the century over whether exports of cotton twist should be freely allowed (as the spinners wanted) or discouraged in order to keep down the price of weavers' raw material, Peel was on the weaving side of the debate. This puts his support for the Health and Morals of Apprentices Act (1802) in a less rosy light. Many contemporaries interpreted this act as representing a victory of weaving over spinning interests; an important objective was to restrict the output of cotton yarn (Innes, 1998). Perhaps Sir Robert's weaving interests predisposed him in favor of the Bill, certainly he would have been less threatened.

But if the historical literature throws up evidence of possible hijacking it also suggests that the inclusion of self-interested groups in coalitions for change was often needed to raise standards. In this case the record can be read as supporting Pahre's (1998) argument that hijacking may help achieve humanitarian goals or be "benign" as in the multiple equilibrium example argued above.

The search for optimal intervention requires some clear understanding of what causes, for example, children to be put to work. Only if we know why children work can we remove those causes and trace the implications both in terms of the costs and the benefits. Again this has long been recognized. Seminar papers provide us with the usual suspects in the contemporary context: poverty; adult unemployment; employers' demand; a technology that requires the small stature and nimble fingers of the child worker; family preferences; and a lack of alternatives for children other than idleness. There is agreement on this list though perhaps less consensus on ranking these causes in order of importance. The historical debate on child labor for instance anticipated the modern discussion of its likely causes, including but not

limited to poverty. Like today's development economists, eighteenth-century commentators recognized that there were worse things than child labor (child starvation for example) and feared that labor standards by exacerbating family poverty could leave children worse off. They saw too that if standards were sector specific, the likely effect would be an exodus of children into unregulated employment where their experiences may be even worse.

Thus Engerman concludes: "The introduction and extension of standards depends more on shifts in political power, effective rhetoric, changing attitudes regarding the role of men, [and] new empirical data . . . than upon the introduction of new justifications or new claims for what the policies will achieve" (p. 00). But perhaps they may be some lessons for looking in more detail not just at the parallels between the past and the present but some of the disjunctures. I follow this path next.

The Macroeconomics of Child Labor

The first protective labor legislation and therefore the original labor standard occurred in Britain at the very beginning of the nineteenth century. The question whether universal standards are possible or appropriate in very diverse conditions, a question that haunts writers on child labor, occurs in a chronic form in contemplating historic cases. It is useful to put the British legislation in its social and economic context.

There is little doubt that the early industrial British economy utilized child labor intensively though modern historians have been less inclined than contemporaries or the authors of classic accounts to focus on child workers (Cunningham and Viazzo, 1996; Humphries, 2003, forthcoming). Translating this intensive usage into participation rates for comparative purposes is more difficult as census counts of working children and base populations were not made until 1851 and even then may under-record (particularly young) working children. Census figures for 1851 give the participation rates of boys and girls aged 5–9 as 2.0 percent and 1.4 percent, rising to 36.6 percent and 19.9 percent for boys and girls aged 10–14. The 1871, census counted 32.1 percent of boys and 20.5 percent of girls aged 10–14 as working. My own (1995) estimates (with Sara Horrell) for the pre-census period suggest that something like a quarter of all children in families worked from the late eighteenth century until the mid nineteenth century. For children aged 10–14, the participation rate was much higher, probably well over 50 percent (Horrell and Humphries, 1995). Other recent work from a second data source, working-class autobiographies, confirms this level of participation (Humphries, 2003, forthcoming). Using this data we can compare the British experience with contemporary levels of child labor using Alan

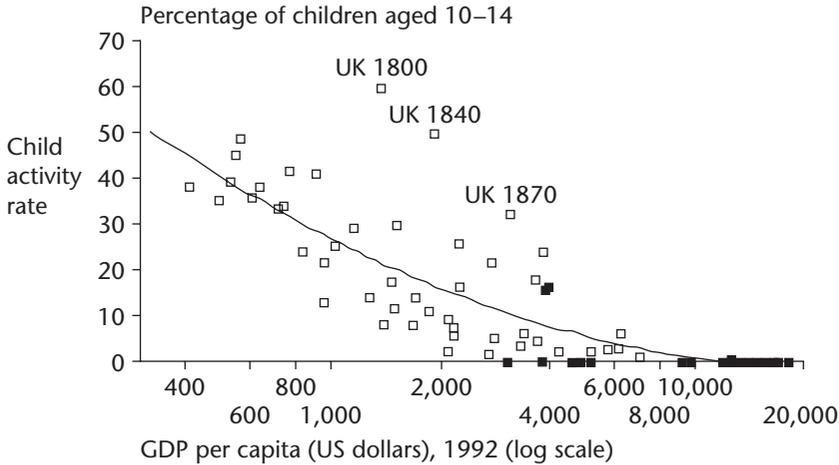


Figure 1.1 Child labor and GDP per capita

Note: 1870 – boys only.

Source: Krueger (1997); historical observations based on Crafts (1985); Horrell and Humphries (1995); Humphries (2003, forthcoming).

Krueger's (1997) figure (see figure 1.1). What can we make of the relatively high participation rates of children in the first industrial revolution?

At a basic level these data suggest the importance of child labor in a poor country, especially one experiencing rapid population growth and high dependency ratios. Child labor enabled the first industrial revolution. Its importance is underlined in new interpretations of British industrialization. These emphasize not technology nor high productivity, but the rapid growth of labor-intensive industries, a comparative advantage based on low labor costs, and an organizational leap into factory production, this latter being particularly important in the cotton industry. Child labor was pivotal in all three aspects.

The cotton industry and especially its early factories employed astonishingly high proportions of children. The water frame automated spinning so that the only tasks were mending broken threads and removing bobbins, tasks that required little physical strength and that could be done by children. In one Arkwright-type mill in 1779 "children" were said to constitute 90 percent of the workforce; in Robert Owen's New Lanark in 1799, 70 percent of the workforce were under 18, the majority under 13 (Innes, 1998; Tuttle, 1999). In mule-spinning supervision remained an adult employment, but children were still required as piecers and doffers. In 1816 in a number of mills around Preston, some 70 percent of the workforce were still under 18, though the corresponding figure for Manchester was 50 percent,

and for Scotland 45 percent. The mechanization of preparatory processes reduced the proportions of child workers. By 1816 at Arkwright's Mill at Crompton only 7 percent of the employees were children under 13 and 37 percent children under 18 (Bolin-Hort, 1989). However, overall growth in the industry helped to ensure that demand for child labor remained buoyant, probably increasing in absolute terms until the 1830s at least. Peel said that his 1818 Act would help 20,000 children which provides us with an estimate of the children employed in the cotton (and perhaps woolen) mills at that date. By 1835 the cotton industry alone employed 56,000 children under 13 (Innes, 1998; Nardinelli, 1990).

But the factory production of cotton and even of textiles more generally was not the only source of child employment. Children were widely employed in another growth-pole of the industrializing economy: the coal industry. Many mines had as high a proportion of child employees as did mills (Tuttle, 1999). Children were also extensively employed in other more traditionally organized manufacturing. Indeed, Pinchbeck and Hewitt (1973) believed that it was domestic manufacture and not the factories that saw the high-water mark of child labor in British industrialization. Finally children were also widely employed in more traditional spheres, as plow boys, crow scarers, and shepherds in agriculture, as farm and domestic servants, and as apprentices in the multitude of trades that crisscrossed the traditional and modernizing sectors of the economy.

But can we really read this historical experience as confirming the inevitability of child labor at low-income levels and with high dependency ratios? Britain in 1800, 1840 and 1870 was poor but not that poor (Deane, 1979). Projecting the historical experience of Britain into the world of today's poor countries highlights the importance of factors other than a low standard of living in promoting children's work.

In Britain, industrialization was grafted onto an early-modern economy in which child labor was ubiquitous. Children's work was widely accepted and parents who sent their children to work encountered no social stigma. Economic growth and the development of manufacturing in particular increased the demand for child labor in a context when sending children to work was perfectly normal. Of course the nature of children's work changed dramatically as work shifted out of the home and into the factory, as farms became more commercialized, and domestic manufacture became sweated in competition with mass batch production. The social acceptability of child labor in the pre-industrial economy smoothed its metamorphosis into new forms of work in the early industrial setting and boosted child participation rates. Later on in the nineteenth century, sending children to school became part of the respectability so sought after by artisans while the ideal of the male breadwinner was extended to cover the needs of children who could therefore be kept out of the labor force until their mid teens. Whether social

norms changed in advance of declines in child labor and so played a causal role in children's movement out of the labor force, or whether they changed in line with the decline in child employment is less certain. But the British case, along with other historical experience (see Saito, 1996) suggests an important role for ideas about childhood, about society, and about propriety.

The British case also illustrates another aspect of child labor that seems relatively neglected in the seminar papers: the importance of demand. Modern analyses of the growth process have underscored the extraordinary role of the cotton industry in the first industrial revolution and the more general importance of labor-intensive industries and processes. Without access to child labor the initial establishment of water-powered textile mills in isolated rural valleys would have been much more difficult and costly. Much of the early textile machinery was explicitly designed to be operated by children either for technical reasons (wooden machinery had to be low to the ground) or for reasons of relative cost. Christine Macleod notes in her (1988) survey of eighteenth-century patents, that many early innovations to textile machinery were explicitly motivated by the desire to substitute child for adult labor. Employers' pursuit of higher profits and their desire to introduce new methods of working that circumvented the structures of restraint and opposition, which workers had evolved, contributed to the demand for child labor.

Like many countries today, the British used child labor in a labor-intensive industry, a high proportion of whose products were exported. Modern interpretations of British comparative advantage in the late-eighteenth and early-nineteenth centuries are likely to emphasize low wage costs, to which child labor was a contributing factor. Interestingly, the other country that industrialized in the nineteenth century and emphasized the same spectrum of industries, including textiles and coal, Belgium, was probably the only European industrializer to approach Britain in its use of child labor (De Herdt, 1996). In contrast, France produced higher-quality manufactures, and, outside agriculture, at least appears to have had much lower child participation rates (Heywood, 2001).

But finally if the British case seems to suggest that child labor was an inevitable phase it also warns against too complacent an attitude. As is well known, British economic dominance did not last through the second half of the nineteenth century. Ironically those same factors that promoted industrialization have featured as causes of this relative decline. Thus the reliance on low-skilled and labor-intensive industries made it more difficult for the British economy to develop the industries at the core of the second industrial revolution. Similarly some of the later difficulties of the British economy in the nineteenth century have been linked to poor human capital formation. Stagnating, even declining, literacy and biological standard of living may well relate to the intensity and persistence of child labor. If the British case

suggests that early use of child labor might be inevitable, indeed desirable, it also suggests that prolonging such reliance can adversely affect subsequent growth performance.

The Microeconomics of Child Labor

Many seminar papers focus less on the macro picture with which I have begun than the microeconomics of child labor. Economists have been heavily influenced by the individualism at the heart of their methodology and the elegance of models of household decision-making descended from Gary Becker. Models of family decision-making dominate the literature on child labor and the altruism or not of parents has been widely discussed. This inspiration has led to a strange oversight. It is one that Engerman's survey of labor standards could have exposed. But he too misses an important aspect of early industrial child labor clearly built into the first legislative concern, and an aspect that has important implications in the contemporary context. Many of the child workers of the industrial revolution did not live in families with parents altruistic or otherwise.

Life expectancies in pre-industrial England varied between the late twenties and early forties. Between one-half and two-thirds of young women would have lost their fathers by the time they married. Of 10-year-old children, 17 percent would be fatherless, as would 27 percent of children aged 15 (Laslett, 1977). Lists of apprentice registrations in Bristol on which the deaths of fathers were recorded show that up to one third of those apprenticed had lost their fathers before apprenticeship began (Ben-Amos, 1994). Nor did this situation improve in early industrialization. Large numbers of homes continued to be broken by the death of the father or the mother. And new sources of de facto orphanage increased. Urbanization and the opening of empire provided escape routes for men who might in earlier times have knuckled down to fatherhood (Humphries, 1998). Bastardy increased. Lower infant death rates meant more children survived to face a life alone. The bellicose climate of the late eighteenth and early nineteenth centuries, with large proportions of prime age males serving in the army and navy, deprived many households of their male heads. Thus the industrial revolution saw a bulge in the proportion of children left without a father or abandoned completely to the care of other family members or the state.

Why is this important? Increasing proportions of children without family support put intolerable pressure on normal levels of charitable provision and state-provided care. Vulnerable children fell through the various safety nets into earlier working and harsher working. Their public and visible employment inured the general population and shifted social norms towards greater

tolerance of child labor, with knock-on effects for children in poor but intact families. I believe something like this happened in the British industrial revolution. My own work has shown that children who were fatherless, or worse still orphaned, were likely to be put to work at a younger age and to work in less tolerable surrounding (Humphries, 1998). The timing and nature of their work crowded out education and training and left fatherless children less productive as adults (Horrell et al., 2001). In particular, it was children in state care who became the first factory labor force. It appears that poor law officials overwhelmed by the dramatically rising costs of relief at the end of the eighteenth century, collaborated with manufacturers to institutionalize a supply of labor in the form of pauper apprentices to the early factories (Rose, 1989). The traditional solution to orphanage and abandonment, the parish apprenticeship, however harsh, had provided a lifeline back to economic independence and social inclusion. But in the face of a seeming rising tide of needy children and a new kind of demand for their labor, the parish apprenticeship mutated. It became a form of bonded labor, shedding all pretence at providing training and guidance (Dunlop and Denham, 1912). Significantly it was these children, who were the original focus of legislative intervention. The Health and Morals of Apprentices Bill (1802) applied only to parish apprentices in cotton and woolen factories.

Does this aspect of child labor in the past have any implications for child labor today? I suggest that it does, for orphanage and abandonment are increasing dramatically in many parts of the world today driven by civil war, ethnic conflict, large scale refugee migration, environmental disaster and epidemic disease, such as AIDS. In China alone 100,000 children a year are abandoned. The flood of vulnerable children left behind by these man-made and natural disasters could overwhelm initiatives to impose standards unless policy makers are prepared.

Labor Standards and Social Policy

There is one final lesson from historical experiences, one, which is anticipated in the contemporary debate. There is agreement, that both the causes and consequences of low labor standards are wide ranging. Thus there are many reasons for low standards but poverty alone, however important, is not to blame. The effects of intervention are held to impact widely even affecting future generations. What this suggests is that for optimal impact labor standards need to be packaged with other social and economic reform. For example, if a prime objective is to improve the health and education of children, it may not be adequate to ban child labor without ensuring the availability of health care and schooling. In fact it may be possible to combine health care and schooling with some acceptable labor for children, labor

which is not physically oppressive and which has a training component. Similarly although it is not possible to eliminate poverty, the root cause of child labor, the identification of other aspects of vulnerability (fatherlessness, many siblings, gender) many facilitate the effective targeting of income support.

In the past, the issue of labor standards was recognized as multidimensional. The first British legislation concerning labor standards, for example, is often seen as part of poor law history rather than as part of the history of protective labor legislation. It can also be read as a contribution to the body of law regulating the institution of apprenticeship. It was not the only piece of apprenticeship legislation passed in that session (Innes, 1998). Moreover this legislation was the first to require the formal education of any English children. Maybe there are lessons that can yet be learned from the past about how labor standards were approached from different directions and embedded in different types of legislative intervention.

Finally, maybe the historical record can also help with another tricky issue: whether it is possible to draw lines around labor standards or whether compromise is appropriate. One important issue here is whether all child work is bad and should be outlawed or whether some work is worse than other work. It may be hard for us to accept, but our forebears, clearly distinguished between different kinds of work, and it may be necessary for policy makers in the Third World to do so as well. The ways in which parents, guardians, employers, and the state identified different kinds of child work as bad or not so bad – even positively good – may afford the basis for designing strategic interventions. Physically damaging work is abhorred. Work that can be combined with schooling either seasonally or daily is obviously preferred to work which crowds out education completely. Work with a training component was much more popular in the past than other kinds of work so much so that parents and children would make financial sacrifices in choosing this option. (Note too that schooling which involved a training component was often preferred by working parents to schooling of a more abstract kind.) The apprenticeship, a now under-valued institution, played a key role in the ability to combine education and work for generations of nineteenth century European children (Humphries, 2002). Perhaps it is time to look again at this and other institutional manifestations of the need to combine work and education.

Conclusion

In conclusion, I return to Engerman's claim: "The introduction and extension of standards depends more on shifts in political power, effective rhetoric, changing attitudes regarding the role of men, [and] new empirical data . . . than upon the introduction of new justifications or new claims for what the

policies will achieve” (Chapter 1 of this volume, p. 29). It is possible to see conferences providing better rhetoric – though some of Shaftesbury’s speeches are difficult to top – and new empirical data. But perhaps one new justification is possible in 2002. It derives from the shift in the idea of development away from increasing opulence and towards human development, as pioneered in the work of Amartya Sen and reflected in HDI indicators. Following Sen, Martha Nussbaum (1995) has proposed a list of human capabilities, firmly founded in humanist philosophy (see, Appendix). This list provides a rationale for the pursuit of labor standards. We advocate labor standards not as a humanitarian good to be purchased with the fruits of development nor for their externalities which contribute to development, but because they are constitutive of development itself. Consider in conclusion the “rhetoric” of a long dead child worker, Charles Shaw who makes the claim better than any development economist for child non-work as a human right. In a chapter of his autobiography entitled *First Knowledge of Disadvantage*, Shaw explained that as a child he had played like any other, but had accepted that at the age of about seven he would have to abandon his games and go to work. About a year later while enjoying a brief moment of leisure he came across another boy reading a book. “Now, I had acquired a strong passion for reading, and the sight of this youth reading at his own free will, forced upon my mind a sense of painful contrast between his position and mine. I felt a sudden sense of wretchedness. There was a blighting consciousness that my lot was harder than his and that of others. What birds and sunshine, in contrast with my work had failed to impress upon me, the sight of this reading youth accomplished with swift bitterness. I went to my mould-running and hot stove with my first anguish in my heart. I can remember, though never describe, the acuteness of this first sorrow” (Shaw, 1903).

Appendix: Nussbaum’s List

1. Being able to live to the end of a human life of normal length thought of in universal comparative terms.
2. Being able to have good health; to be adequately nourished; to have adequate shelter; having opportunities for sexual satisfaction, and for choice in matters of reproduction; being able to move from place to place.
3. Being able to avoid unnecessary and non-beneficial pain, so far as possible and to have pleasurable experiences.
4. Being able to use the senses; being able to imagine, to think, and to reason – and do these things in a way informed and cultivated by an adequate education, but by no means limited to, literacy and basic mathematical and scientific training.

5. Being able to have attachments to things and persons outside ourselves; to love, to grieve, to experience longing and gratitude.
6. Being able to form a conception of the good and to engage in critical reflection about the planning of one's own life. This includes being able to seek employment outside the home and to participate in political life.
7. Being able to engage in social interaction; to have the capability for both justice and friendship.
8. Being able to live with concern for and in relation to animals, plants, and the world of nature.
9. Being able to laugh, to play, and to enjoy recreational activities.
10. Being able to live one's own life and nobody else's. This means having certain guarantees of non-interference with choices that are personal.

REFERENCES

- Basu, Kaushik (1999) "Child Labor: Cause, Consequence, and Cure, with Remarks on Labor Standards," *Journal of Economic Literature*, 37, September, 1083–119.
- Ben-Amos, Ilana Krausman (1994) *Adolescence and Youth in Early Modern England*, New Haven: Yale University Press.
- Bolin-Hort, Per (1989) *Work, Family and the State: Child Labour and the Organization of Production in the British Cotton Industry, 1780–1920*, Lund: Lund University Press.
- Crafts, N. F. R. (1985) *British Economic Growth during the Industrial Revolution*, Oxford: Clarendon Press.
- Creighton, Colin (1996) "The Rise of the Male Breadwinner Family: A Reappraisal," *Comparative Studies in Society and History*, 38, pp. 310–37.
- Cunningham, Hugh (1996) "Combating Child Labour: The British Experience," in H. Cunningham and P. P. Viazzo (eds), *Child Labour in Historical Perspective 1800–1985*, Florence: UNICEF.
- Cunningham, Hugh and Pier Paulo Viazzo (eds) (1996) *Child Labour in Historical Perspective 1800–1985*, Florence: UNICEF.
- Deane, Phyllis (1979) *The First Industrial Revolution*, Cambridge: Cambridge University Press.
- De Herdt, Rene (1996) "Child Labour in Belgium", in H. Cunningham and P. P. Viazzo (eds), *Child Labour in Historical Perspective 1800–1985*, Florence: UNICEF.
- Dunlop, O. J. with a supplementary section on the modern problem of juvenile labour by O. J. Dunlop and Richard D. Denman (1912) *English Apprenticeship and Child Labour. A History*, London: T. Fisher Unwin.
- Heywood, Colin (2001) *A History of Childhood*, Cambridge: Polity Press.
- Honeyman, Katrina and Jordan Goodman (1991) "Women's Work, Gender Conflict, and Labour Markets in Europe 1500–1900," *Economic History Review*, XLIV, pp. 608–28.
- Horrell, Sara and Jane Humphries (1995) "The Exploitation of Little Children: Child Labor and the Family Economy in the Industrial Revolution," *Explorations in Economic History* 32, 4, October, pp. 485–516.

- Horrell, Sara, Jane Humphries and Hans-Joachim Voth (2001) "Destined for Deprivation: Human Capital Formation and Intergenerational Poverty in Nineteenth-Century England," *Explorations in Economic History*, 38, 3, July, pp. 339–65.
- Humphries, Jane (1981) "Protective Legislation, the Capitalist State and Working-Class Men: The Case of the 1842 Mines Regulation Act," *Feminist Review*, 7, Spring, pp. 1–35.
- Humphries, Jane (1998) "Female-headed Households in Early Industrial Britain: The Vanguard of the Proletariat," *Labour History Review*, 63, 1, Spring, pp. 31–65.
- Humphries, Jane (2002, forthcoming) "English Apprenticeship: A Neglected Factor in the First Industrial Revolution," in Paul A. David and Mark Thomas (eds), *The Economic Future in Historical Perspective*, Oxford: Oxford University Press/British Academy.
- Humphries, Jane (2003, Spring, forthcoming) "At What Cost was Pre-eminence Purchased? Child Labour and the First Industrial Revolution," in Peter Scholliers and Leonard Schwarz (eds), *Experiencing Wages: Social and Cultural Aspects of Wage Forms in Europe since 1500*, Oxford-New York: Berghahn Books.
- Hutchins, B. L. and A. Harrison (1966 [1903]) *A History of Factory Legislation*, New York: Augustus Kelley.
- Innes, Joanna (1998) *The Origins of the Factory Acts: The Health and Morals of Apprentices Act, 1802*, mimeo, Oxford.
- Krueger, Alan (1997) "International Labor Standards and Trade," in *Proceedings of the Annual World Bank Conference on Development Economics, 1996*, Washington: World Bank.
- Laslett, Peter (1977) *Family Life and Illicit Love in Earlier Generations*, Cambridge: Cambridge University Press.
- Lown, Judy (1990) *Women and Industrialization: Gender at Work in Nineteenth-century England*, Cambridge: Polity.
- Macleod, Christine (1988) *Inventing the Industrial Revolution: The English Patent System*, Cambridge: Cambridge University Press.
- Marvel, Howard P. (1977) "Factory Regulation: A Reinterpretation of Early English Experience," *Journal of Law and Economics*, 20, October, pp. 379–402.
- Nardinelli, Clark (1990) *Child Labor and the Industrial Revolution*, Bloomington: Indiana University Press.
- Nussbaum, Martha (1995) "Introduction," in Martha C. Nussbaum and Jonathan Glover (eds), *Women, Culture and Development: A Study of Human Capabilities*, Oxford: Clarendon Press.
- Pahre, Robert (1998) "Comments on Conference Version of Paper: Labor Standards, Trade Sanctions and the Hijacking Hypothesis," comments on chapter 12 in Alan Deardorff and Robert Stern (eds), *Constituent Interests and US Trade Policies*, Ann Arbor: University of Michigan Press.
- Pinchbeck, Ivy and Hewitt, Margaret (1973) *Children in English Society*, vol. 2, London: Routledge and Kegan Paul.
- Rose, Mary (1989) "Social Policy and Business: Parish Apprentices and the Early Factory System 1750–1834," *Business History*, XXI, pp. 5–32.
- Rose, Sonya O. (1992) *Limited Livelihoods: Gender and Class in Nineteenth-Century England*, London: Routledge.
- Saito, Osamu (1996) "Children's Work, Industrialization, and the Family Economy in Japan, 1872–1926," in H. Cunningham and P. P. Viazzo (eds), *Child Labour in Historical Perspective 1800–1985*, Florence: UNICEF.

- Secombe, Wally (1986) "Patriarchy Stabilized: The Construction of the Male Breadwinner Wage Norm in Nineteenth Century Britain," *Social History*, 11, pp. 53–76.
- Shaw, Charles (1903) *An Old Potter*, London: Methuen.
- Tuttle, Carolyn (1998) "A Revival of the Pessimist View: Child Labor and the Industrial Revolution," *Research in Economic History*, 18, pp. 53–82.
- Tuttle, Carolyn (1999) *Hard at Work in Factories and Mines: The Economics of Child Labor during the British Industrial Revolution*, Boulder, CO: Westview.

COMMENTARY 1.2

Legislation Versus Bargaining Power: The Evolution of Scandinavian Labor Standards

Karl-Ove Moene and Michael Wallerstein

In his overview of the evolution of labor standards Stanley Engerman traces the basic historical trends of labor standards from the English Factory Act of 1802 to the adoption of international labor standards as an inherent part of present-day trade agreements. He recognizes the special role of the ILO and identifies the problems of control and the lack of adequate enforcement mechanisms. Engerman also explores the sources of agitation for higher labor standards, their moral and economic causes as well as their social and private benefits. He discusses the arguments used in the initial agitation of labor standards, such as better health and more education for children, and more controversially the need to protect women in the labor market. He identifies the possible self-serving bias in the arguments of unions, factory owners, and governments.

Engerman covers a wide range of events, industries, and countries. It is, therefore, understandable that he limits his attention to how required labor standards are specified in laws and rules that regulate the labor market. Yet, a standard is something that is commonly adhered to, irrespective of whether it is regulated by law or not. Thus it is not obvious that legislation is more important for labor standards than a continuous exercise of bargaining power, whether this bargaining power is protected by law or not.

There may also be important complementarities between legislation and bargaining power and between economic policies and bargaining power for the achievements of labor standards. The history of labor standards is in fact difficult to separate from the history of other social reforms and policy developments. Thus in order to understand more of the political economy of

labor standards, maybe Engerman's picture should be supplemented by a more explicit treatment of labor unions. We shall try to do so by focusing on some aspects of the Scandinavian experience. Policy makers, who are concerned with the low labor standards in poor countries today, may learn from the struggles to reduce poverty and increase workers' security in Northern Europe in the past.

In Scandinavia the present level of labor standards emerged from a long process of piecemeal reforms with continual adjustments and modifications that were politically expedient. The essence of the political strategy of social democrats in Scandinavia centered on the cumulative nature of political mobilization and legislative reforms that started long before social democrats obtained governmental power. The more workers were organized in unions and mobilized as voters, the social democrats thought, the less employers and governments would be able to resist workers' demands. At the same time, each victory in parliament or at the bargaining table would increase workers' political and economic strength. No reform was revolutionary in itself, but the cumulative impact of incremental increases in workers' power would transform society in the long run (Moene and Wallerstein, 1993).

The battle over universal suffrage was prototypical. Political democracy allows the most numerous class to prevail. Yet insecurity, poverty, and ignorance stood as obstacles to the political mobilization of workers as a class. Thus reforms to ameliorate the living conditions of workers were not only desirable in order to create a more humane society. Such reforms were also important towards building a working-class movement capable of winning elections. In theory, each reform created the conditions that would enable the next reform to be gained. From political rights to social rights, and from social rights to economic rights, so the formula went.

Today Scandinavia must be ranked high on realized labor standards by any measure. Most other countries have elementary standards such as minimum wages set by law, however, the Scandinavian countries of Denmark, Sweden, and Norway do not. One way to view this is that minimum wages regulated by law are simply redundant in societies with strong and encompassing unions. Union officials may even try to prevent the adoption of such laws in order to raise the private value of union membership. To some extent, strong unions can therefore be a substitute for explicit laws on minimum standards. Among advanced industrial countries the effective level of minimum wages, the lowest pay in common use, is most likely to be highest in countries without minimum wage laws.

Labor standards in Scandinavia were also raised by policies designed for other purposes. The active labor market policy, for example, keeps open unemployment down by sending the unemployed back to school for vocational training. The other part of the social democratic employment strategy

was the use of macroeconomic policies to maintain full employment. The emphasis on full employment reflected, perhaps, the trade union base of the social democratic movement. The way to maximize workers' power inside the factory, the thinking went, was to maintain conditions where workers could always quit and obtain another job across the street if they were dissatisfied with working conditions or safety procedures.

In a comparative context, the Swedish and Norwegian commitment to full employment was extraordinary. Full employment was maintained for at least 40 years after World War II. In particular, Norway and Sweden kept unemployment below 3 percent throughout the 1970s and most of the 1980s, when unemployment rates were rising above 10 percent in much of Europe. Even today unemployment in Scandinavia is lower than the European average.

The single most important union policy for higher labor standards in Scandinavia was solidaristic wage bargaining. In order to illustrate how solidaristic wage bargaining affected labor standards we can apply the metaphor of good and bad jobs. Good jobs are more productive, but more expensive to establish, than bad jobs. In a decentralized labor market good jobs have high standards both in pay and working conditions, while bad jobs have low pay and unsafe working conditions. Equilibrium is obtained when profits from both types of jobs are equalized.

To raise minimum labor standards in the conventional way implies that bad jobs become more expensive and less prevalent. Higher standards imply lower employment. This is not so with solidaristic bargaining. Wage compression via solidaristic bargaining requires that employers with bad jobs offer better terms. At the same time, however, solidaristic bargaining prevents workers in good jobs from obtaining higher wages. The result for employers with good jobs is higher profits and good jobs expand as bad jobs are closed down (Moene and Wallerstein, 1995, 1997).

This type of productivity enhancing creative destruction via an egalitarian wage policy also extends to industries. Solidaristic bargaining applied over the national economy, limits the ability of the most efficient industries to pay a wage premium, and prevents the least efficient industries staying in business by lowering their labor standards. In fact, the elimination of different labor standards between industries can be understood as a subsidy of industries with good jobs and a tax on industries with bad jobs. The consequence is a national economy composed of more modern industries with higher labor standards than would be the case with more decentralized bargaining or with a conventional law-imposed increase in minimum standards.

Many economists think that this dramatic union-sponsored wage equalization or centralized wage compression is irrelevant in today's globalized free trade regime. It is natural since economists think that strong unions and trade protection go hand in hand. Yet, the Scandinavian variety of solidarity via centralized wage setting was associated, not with protectionism and

monopolistic pricing, but with free trade and the subsequent need to remain competitive in export markets.

The centralization of bargaining in Sweden and Norway were essentially actions by employers and workers in the metal working sector to control wages throughout the economy in line with prices in the traded goods sector. Construction workers were the target in Sweden and Norway because they were highly paid, militant and sheltered from foreign competition. When foreign demand collapsed in the 1930s, metal workers accepted large wage reductions in order to stem the decline of employment. Construction workers came under no such pressure, but since they were employed in the export sector as well as in home construction, higher construction wages raised labor costs in the export sector. The more construction workers were paid, the more metal workers had to reduce their wages in order to maintain employment (and the more metal workers had to pay for housing). In gaining control over the wage demands of workers in the non-traded goods sector, metal workers and their employers were able to force all workers to share the burden of lowering wage costs in the export sector. Centralized bargaining was created as a mechanism for allowing those workers who were directly subject to international competition to set the pace of wage increases for the entire economy.

The political economy of solidaristic wage bargaining is also worth emphasizing. The beneficiaries of egalitarian wage compression were low-paid wage earners and employers, particularly employers with modern plants. The principal losers were the relatively highly paid wage and salary-earners whose incomes were held back in the name of wage equality. Thus solidaristic wage leveling is a policy of the 'the ends against the middle,' based on an implicit coalition between employers and low paid workers.

In Sweden the political coalition that prevailed in the 1950s and established the pattern of centralized and solidaristic bargaining that was to last for 25 years was comprised of the low-wage unions inside the LO and Swedish employers organized in the Swedish Employers' Confederation, SAF. High-paid unions were prevented from leaving the centralized negotiations by the threat of lockouts as in 1955 and 1957 (Swenson, 1989, 1991). It is unlikely that the low-wage unions and the LO leadership would have been able to force the high-wage unions to accept an egalitarian wage policy without the backing of Swedish employers and the threat of lockouts against recalcitrant unions. Initially solidaristic bargaining was supported by important actors who were opposed to redistribution in general. When support for solidaristic bargaining was reduced to those who welcomed its redistributive impact, the policy declined.

The Scandinavian strategy of enhancing labor standards via solidaristic wage bargaining also had consequences for other important policies. Take social insurance, for example, a policy that constitutes a normal good in the

sense the demand goes up with income. Thus richer countries spend more than poorer countries on social insurance arrangements. As the distribution of pay in Scandinavia became more compressed via solidaristic wage bargaining, the income of the majority of voters increased. This implied higher support for social insurance spending just as if the country became richer. Consequently, Denmark, Sweden, and Norway have better social insurance and lower rates of poverty than equally rich countries with higher inequality in pre-tax and transfer labor incomes (Moene and Wallerstein, 2001).

Yet, all is not well with centralized wage negotiation in Scandinavia. In Sweden the system has become somewhat more decentralized after the metal working industries made separate offers to the metalworking union in 1983. In Norway the system is maintained, but with less employer enthusiasm than before. Moreover, Norway has been accused of violating international labor rights by the ILO for the frequent use of compulsory arbitration to coordinate wage setting.

In any case union-sponsored wage compression played a positive role in raising labor standards for a long period in Scandinavia. It was not the only policy followed, but the one that made social democracy distinct. The lessons for poor countries are that encompassing unions that are not protectionist or hostile to market competition may, nevertheless, be effective in raising labor standards. In fact, it is difficult to solve the problems of control and enforcement that Engerman mentions, if poor countries do not have interest organizations with self-interest to monitor labor standards. Unfortunately the World Trade Organization has been unwilling to include rights of association and wage bargaining in its present regulations. It is not surprising that among the countries most opposed to including bargaining rights as part of the WTO regulations are poor countries where such rights are not present.

So the characterization Adam Smith gave of England more than 200 years ago, as “no acts of parliament against combining to lower the price of work, but many against combining to raise it,” is still true for many developing countries today. But as Adam Smith also said: “No society can surely be flourishing and happy, of which the far greater part of the members are poor and miserable” (Smith, 1976, pp. 74, 88).

REFERENCES

- Moene, Karl and Michael Wallerstein (1993) “What is Wrong with Social Democracy,” in P. Bardhan and J. Roemer (eds), *Market Socialism. The Present Debate*, Cambridge: Cambridge University Press.
- Moene, Karl and Michael Wallerstein (1995) “How Social Democracy Worked,” *Politics and Society*, 23, (2, June), pp. 185–211.

- Moene, Karl and Michael Wallerstein (1997) "Pay Inequality," *Journal of Labor Economics*, 15 (3), pp. 403–30.
- Moene, Karl and Michael Wallerstein (2001) "Inequality, Social Insurance and Redistribution," *American Political Science Review*, 95 (4, December), pp. 859–74.
- Smith, Adam (1976 [1776]) *An Inquiry into the Nature and Causes of the Wealth of Nations*, Chicago: Chicago University Press.
- Swenson, Peter (1989) *Fair Shares: Unions, Pay and Politics in Sweden and West Germany*, Ithaca: Cornell University Press.
- Swenson, Peter (1991) "Bringing Capital Back In, or Social Democracy Reconsidered," *World Politics*, 43 (4), pp. 513–44.