
No Sweat

Hard Lessons from Garment Industry History

Robert J.S. Ross

THIS THANKSGIVING 2006 will witness the anniversary almost to the day ninety-seven years ago, when the immigrant shopgirls of New York's shirtwaist factories called a general strike. This past April, and then on May Day, immigrant workers, 120 years after the first strike movement for the eight-hour day (May Day, 1886), asserted their claim to just treatment.

The fall and rise of sweatshop labor in New York and elsewhere in the global garment industry is a story with lessons for our time, for the struggles over the sweatshop issue today echo the issues and contentions of a century ago. Then, as now, there was tension between workers and their middle-class allies.

Ninety-seven years ago, the twenty-three year old Clara Lemlich, otherwise described as a girl of sixteen because she was short and because so many of her fellow strikers were still in their teens, declared, to an expectant Cooper Union crowd, that "as I am one of those who feels and suffers from the things pictured. I move that we go on a general strike!" Thus came the dramatic crucible of garment workers' ascent from the sweatshop—the Uprising of the twenty thousand of 1909-1910, followed by the cloakmakers' Great Revolt of sixty thousand later in 1910 and the subsequent rapid growth of the International Ladies Garment Workers Union (ILGWU), its survival through periods of sectarian strife, the grand New Deal coalition, and the generation of decency from about 1940-1980.

Clara Lemlich's moment in the spotlight of history highlights the first, and most important, pillar upon which vulnerable workers in the twentieth century depended for material decency and social enfranchisement—their

own self-defense in unions and community organizations.

The history of U.S. progressives' response to super-exploited labor in sweatshops shows two other pillars of support, one enabling the other. One is the alliance—sometimes uneasy—between workers and their reformer, usually middle-class, allies. This alliance resulted in the third pillar for worker decency: public policies that supported workers' rights to organize and created social supports that allowed them to participate fully in the life of the society.

Reformers did not always intend to support such policies, sometimes preferring consumer action through ethical labeling and consumer choice. Often, though, reformers' market-based voluntarism turned into advocacy for protective legislation for vulnerable populations—child labor laws, minimum-wage-and-hour legislation and the like, and social safety nets such as Social Security and Unemployment Insurance.

CONSUMER ACTION was the realm of Florence Kelley and her National Consumers League, founded in 1899. The National Consumers League had promulgated, for the better part of two decades, from 1899 to 1918, a "White Label"—in effect, a No Sweat guarantee—that ensured that women's cotton underwear with the White Label was made in factories that obeyed the (minimal) labor laws of the time and did not employ child labor. The White Label also ensured that goods were not made in tenement sweatshops—the home sewing of Jacob Riis's famous 1890 photographs in *How the Other Half Lives*. At the same time, the infant ILGWU was struggling for recognition of a union label as the ethical standard for clothing.

There was a potential, and finally an actual, contradiction between the ethical labeling criteria and the struggles of the labor movement.

The NCL label did not require union recognition, nor did it have a wage criterion. In 1916 the inevitable occurred: a White Label factory was struck in Boston by a union. Kelley and the NCL must have recognized that their total of sixty-eight underwear factories enlisted was not a very important fraction of women's clothing employment and that it was untenable for progressives to align themselves against a union drive.¹ An evenly divided NCL decided in 1916 to require withdrawal of the White Label if a factory had been struck by a union. The labor movement continued to press the NCL, and in 1918 the NCL withdrew the White Label in favor of support for union labels.

Kelley and the various state NCL affiliates were not done: they became very effective advocates for the prohibition of child labor and later for the Fair Labor Standards Act of 1938, which regulated minimum wages and maximum hours.

KELLEY AND the NCL also symbolize the alliance partners in the larger political gains of the working class of the twentieth century. Her pupil and protégé, Frances Perkins, as Franklin D. Roosevelt's secretary of labor, shepherded the Fair Labor Standards Act through Congress. When FDR asked her to serve in his federal cabinet, after she had sat in both his and Governor Al Smith's cabinets in Albany, she told him what she wanted to accomplish: federal aid to the states for unemployment relief, public works projects, maximum hours of work, minimum wages, child labor laws, unemployment insurance, social security, and a revitalized public employment service. If "you [don't] want these things done . . . you don't want me for Secretary of Labor." They both said yes.

So, by 1935–1938 the three pillars of decency for vulnerable workers were in place: feisty unions and a widening circle of community organization supports; alliances with reformers that produced electoral breadth and policy-administrative expertise; and then, government policy that institutionalized gains for the next generation.

Today as Yesterday

Conscientious concern about labor abuse in

the apparel industry worldwide has in the last ten years gained currency among students, church activists, and community organizers. The concern is well founded. Conditions are terrible and have been documented thoroughly. In the United States, 60 percent of cutting and sewing shops fail to pay minimum wage or overtime pay. In the mid-nineties I estimated that 440,000 U.S. apparel workers worked in sweatshops; by the early years of this decade, in *Slaves to Fashion*², I estimated their number to be about 250,000—not because conditions had improved, but because jobs had been lost. Now I estimate the number of U.S. sweatshop workers to be about 170,000 in an industry even smaller and more bereft, with no union actively organizing its workers, and even its workers' middle-class defenders oriented more to the toilers abroad than to those next door.

Driven by a global race to the bottom in labor standards in the apparel industry, sweatshops reappeared in the (declining) domestic apparel industry because the worldwide rag trade is a ferociously competitive woman-eating, human-grinding beast that consumes migrants coming to the cities of the world looking for work. It takes your life and it doesn't say thanks. Even nasty sweatshops in the United States aren't cheap enough for the cost-crazed purchasing agents of the big brands.

In China, for example, migrant workers, coming from rural villages to cities, are lucky to get one rest day in ten, though national law calls for one in seven. Their workweek may be seventy or more hours, though the law would restrict it to forty-nine in extreme cases. In Nicaragua's free trade zones, the scofflaw contractors who, as in China, are often multinational firms themselves, remain hidden below the radar because they make clothes at the behest of such big brands as Wal-Mart. These firms may fire workers because they are union affiliated, and hassle others about their use of the company's medical clinic. They evade overtime laws. Now that import restraints—quotas that put a ceiling on each country's exports to the rich-country markets—are almost nonexistent, the danger on a world scale is that all the world's labor standards in this industry will descend toward China's definition of the bottom.

In Florence Kelley's era there was a similar race to the bottom: tenement sweatshop labor competed with factory-based labor. The vast network of home workshops could not be well regulated, and the desperate women who sewed in them would accept wage or piece rates way below the standards of factory labor. This dragged down factory wages and standards. In their concern for vulnerable women and children, Kelley's volunteers and the Progressive and New Deal reformers targeted the home-based sweatshops. The White Label of the NCL aimed at excluding the products of tenement sweatshops from department stores.

The Fair Labor Standards Act of 1938 was written at Frances Perkins's behest so as to prohibit home sewing if it could be proved that the minimum wage could not be enforced under industrial homework conditions. Perkins supported legislation that outlawed industrial homework in apparel sewing in 1942. Thus, the Fair Labor Standards Act combined with the Wagner Act, for a time, protected union organizing and cut off the race to the bottom.

In the last decade all three approaches—union organization, consumer-oriented codes of conduct, and public policy to protect workers—have each been advocated at different times and by different groups. The structure of these policies and preferences is beginning to look very much like 1916.

**As Pete Seeger Has Recently Said,
"There's No Hope, But I May Be Wrong"**

For eight years United Students Against Sweatshops (USAS) has fought to clean up the university and college logo market (1 percent to 2 percent of total clothing sales, about three billion dollars) by pressuring universities to impose fair labor codes of conduct upon the licensees and their contractors who make the T-shirts and sweatshirts that adorn young adult bodies.³ The Worker Rights Consortium (WRC) has signed up 154 colleges and universities and has successfully defended worker rights in a series of labor rights firefights.

At the same time, a Clinton-era initiative for an industry-wide voluntary corporate code of conduct has slowly begun to certify "fair labor" lines of production among some major brands of athletic shoes and other clothing.

The Fair Labor Association has been the exemplar of an approach to fighting labor abuse known as Corporate Social Responsibility (CSR). CSR is the alternative of choice for pro-employer regimes in Asia and Latin America. CSR has spawned a big business in "social auditing." Perhaps thirty thousand audits are performed annually by a mix of for-profit and non-profit firms. The cost for these audits (and thus the gross from which profits may be taken) probably ascends to the billions.⁴ Corporate social responsibility is the subject of *many* international conferences of *earnest* people, and it has been, according to on-the-ground investigators from similarly earnest nongovernmental organizations in Central America and in particular Asia, almost useless. Workers rarely know the codes exist, contractors evade the standards with relative impunity and lie to the auditors, remediation of violations is slow, and violations are not public knowledge except as generalizations.

THE OLD IDEA of the ethical consumer as Florence Kelley defined it is in danger of becoming an element of corporate spin control. The corporate-supported Fair Labor Association, first opposed by the student movement, and then for a time led by executives who begrudgingly cooperated with it on some discrete matters,⁵ has now become an attack dog against the latest pro-labor campaign by activist student consumers.

Having fought for affiliation to the WRC and for codes of conduct at its various campuses, USAS has now recognized the urgency of improving workers' lives in the global apparel industry with a new approach—pressing universities to designate some proportion (25 percent at first) of their logo contractors to use either union or worker-co-op facilities. USAS calls this a "Designated Supplier Program" (DSP). We can think of it as a "union-preference" campaign. As *Dissent* was going to press, twenty-nine university campuses had agreed to the DSP.

Déjà Vu: The Right Stuff

USAS is tracking more or less exactly the National Consumers League and Florence Kelley's migration from preferring codes of con-

duct (which, San Diego State University scholar Jill Esbenshade points out, cede power to middle-class consumers⁶) to acknowledging the importance of workers' self-determination through unions.

USAS first decided upon this general course on January 22, 2005, at a consultation in Washington, D.C. Around a very large horseshoe of tables, about forty chapter representatives were mixed in with another twenty older types termed "Allies." The Allies included middle-aged activist-professors and trade-union supporters and some less-than-middle-aged NGO staffers. The Allies were all instructed to "step back" (that is, keep quiet and speak little) while younger chapter reps were instructed by the twenty-something USAS staffer who led the opening session, to "step up"—make their voices heard. When the chapter reps voted to support a union preference campaign for USAS chapters, the generation-long breach between organized labor and campus activists was, in that symbolic moment, healed.

USAS'S STRUGGLE to impose either codes of conduct or the Designated Supplier Program on college logo providers has not been and will not be an easy path. Struggling alongside them, though, is a new (old) kind of entrepreneur: the merchant adventurer trying to get a piece of market niche—in this case the new (old) ethical market. Markets famously call forth innovators, and there is now, as there was in 1910 or so, a market niche for ethical providers.

Even before USAS turned to its union-preference purchasing campaign, a small start-up jobber in Massachusetts, headed by entrepreneur Adam Neiman, had been marketing "No Sweat Apparel" on the Web, sourcing union-made garments from the United States and around the world to fulfill the "ethical" market niche. Neiman, a tough-guy lefty who walks and talks like a guy who could have been a roofer (he was, and sold his roofing company to back No Sweat) or a Broadway contractor, can sell you Indonesian sneakers made in a unionized factory or union-made T-shirts from Bangladesh or button-down shirts from one of the last U.S. union shops.

Neiman and No Sweat Apparel are getting by where the more famous SWEATX, which attempted both to produce and market T-shirts, did not. According to its last National Sales Manager, Kevin O'Brien, SWEATX rapidly ran through the initial investment made by Ben (of Ben and Jerry's ice cream fame) Cohen's foundation, as it was trying to learn marketing and production and trying to master the complex and multiple sales channels of the T-shirt business. The first two or three cycles of its management team lacked industry know-how. O'Brien, and his associate Chris Mackin, the next-to-last president of SWEATX, believe that additional investment might have allowed SWEATX to get some market penetration, but the monthly cost of running a production facility brought them down. Says O'Brien: "Not understanding and working with the Promotional Products Industry was the greatest factor in the cash burn." O'Brien thinks SWEATX did learn to run its factory fairly well, and he thinks others should try—but not before they make studies of and clear decisions about distribution channels.

By contrast, Adam Neiman says he warned the infant SWEATX brand that mastering production while mastering brand identification and distribution at the same time was too much of a burden. Over lunch this May, Neiman became more and more animated as he described the research he did before No Sweat's launch in 2002—including a survey of a thousand Internet shoppers—that showed people would buy union-made goods and would tell their friends about it. He says he couldn't convince the SWEATX people that they would run up too many costs by starting their own facility. Others dispute Neiman's claim to omniscience—but the fact is, he's still standing.

The No Sweat brand can now be found in about 130 stores—many of them abroad—in Canada, Germany, Australia, New Zealand, and the United Kingdom. Neiman opened his own seasonal store for four weeks last Christmas in Harvard Square. He says it was real-time focus-group research, and that he didn't lose money. Now Neiman is past the two million dollar annual gross and hoping to hit three million in this or next year. Half of his sales come from the Indonesian sneakers.⁷

The Tricky Wrong Stuff

Nothing could contrast more strongly with No Sweat than American Apparel. This widely known brand has more than a hundred of its own stores and also sells through a very important, but little-known channel, the Promotional Products Industry, sometimes referred to as ASI sales. ASI goods move through warehouses of blanks—clothing without insignia, which may be printed or embroidered upon order—and orders for them come through local distributors. A high school, for example, wants a reunion T-shirt; it chooses from an order book, and the three hundred shirts go from warehouse to screen printer and to their gymnasium in three days. Among the largest networks of warehouses and order books is the Broder Bros. network, and American Apparel is in it—along with the other big names like Champion or Gildan. American Apparel now claims more than \$200 million in sales and, distinct from SWEATX, has a major presence in the Promotional Products sales channel.

American Apparel is an integrated manufacturer: it makes and sells its own goods based in a Los Angeles factory. The firm is owned by Dov Charney (along with the nearly invisible Sam Lim), who pushes two big distinguishing features of his line of clothing: sex and no sweat. AA owns and operates the largest clothing factory in Los Angeles and it does indeed pay standard wages or better and provides health insurance (but not pension contributions). In addition to holding a startlingly inappropriate concept of sex in the workplace (almost anything goes), Charney is ferociously anti-union. And therein resides the Big Difference between the anti-sweatshop movement and Charney's "decent pay—no union" philosophy.

Dante in the Rag Trade: Three Circles of Vice and Virtue

Wrestling with the potential similarities and differences among anti-sweatshop and fair trade advocates (they're the people who bring you organic coffee from co-ops), a group of activists and a few academics began discussion in late 2004 and early 2005 and met together at a March 2005 conference on Constructing Markets for Conscientious Apparel Consumers. The conveners, Ian Robinson of the Uni-

versity of Michigan and Bama Athreya of the International Labor Rights Fund (ILRF), proposed, in a working paper, a simplified criterion that would join the Fair Trade movement's emphasis on agricultural producer co-ops and the anti-sweatshop movement's emerging preference for union-made goods: they call their approach "worker voice."

The "worker voice" standard requires that a garment be made by workers represented by a union of their choice or by a worker-owned cooperative. No Sweat Apparel, for example, includes sources from shops organized by UNITE and the UFCW (United Food and Commercial Workers) in the United States and Canada, from union factories in Bangladesh and Indonesia, and from a women's sewing cooperative in Nicaragua.

The problem posed by American Apparel suggests a three-zone landscape for the solidarity-oriented consumer. The sweatshop zone is that of the outlaws, those beyond the pale of reasonable hours, below legal minimum wages, in unsafe and or abusive conditions. Dante would understand this as rag-trade Hell.

Firms and factories like American Apparel are beyond this line, in the second zone. They may pay decent wages and provide some but not all reasonable benefits. But by resisting unions these firms make working conditions subject to the unilateral whim and caprice of the employer, not to mutually agreed conditions among workers and their bosses. This is quite poignant in the particular case of American Apparel, where Charney may politely be called eccentric, but as the 1909 strike heroine Clara Lemlich said of the sanitary facilities of her sweatshop, "there ought to be another word."⁸ This is the second circle—rag-trade Purgatory.

A factory where workers have a voice in their conditions through either a cooperative form of ownership or a democratic union is one that enters the sphere in which an ethical consumer can venture with conscience. It may not be Heaven; in poor countries, even good conditions may be daunting by our material standards. One has in mind the advances made in Cambodia, for example, where a Clinton-era trade treaty brought relatively high labor standards to the garment industry, including protection of union rights, in return for access

to U.S. markets.⁹

Herman Melville offers the insight we need here:

Of all insults, the temporary condescension of a master to a slave is the most outrageous and galling. That potentate who most condescends, mark him well; for that potentate, if occasion come, will prove your uttermost tyrant. (*White Jacket*, 1850)

Solidarity, not Guilt

The pure ideal of the ethical consumer seeks to mobilize the conscience of the buyer on behalf of the oppressed producer. Finally, it is about guilt, but along the way it can become arrogance. Consumer sovereignty—the notion that “we consumers” can get what we want, or even more fantastically, *do* get what we want—may have been a naïve belief in Florence Kelley’s time, but in our age of saturation advertising, product placement in movies and television drama, and chain store oligopoly, it seems way out of touch. Nevertheless, there is ample evidence that Americans (and even more so Europeans) care about the labor conditions under which their clothes are made.

For many years, opinion studies had indicated that substantial majorities of the American public would prefer clothing made under fair labor conditions and would pay an extra few percent, five or more, for a fair labor guarantee. Because the typical developing-country garment worker’s wages are 1 percent or less of the retail price, this appeared to show that there was ample “upside” pricing space in the sweatshop struggle. But skeptics—reasonably—responded that this opinion data was merely a form of “correctness,” not behaviorally relevant.

Ian Robinson and associates at the University of Michigan tested the skeptics’ case, and in doing so opened up a tremendous political space. Robinson gained access to a large Southeast Michigan department store. There he created two racks of athletic socks: one labeled fair labor, the other ordinary. The socks were identical. In brief, substantial numbers of consumers bought the fair labor socks even under relatively high price additions.

There is a market niche for ethical producers. Adam Neiman of No Sweat argues the psy-

chology of the market he wants to create:

Unlike the old White Label crew the Fair Trade labeling orgs are not really into empowering labor, just empowering guilt-ridden consumers in the global north. What we want to promote isn’t guilt, it’s solidarity. We’re all sliding into the great global sweatshop.

Neiman wrote a leaflet for Musicians Against Sweatshops that comments on a Danziger cartoon. The cartoon shows a software programmer flipping a hamburger and reciting a variation on Martin Niemöller’s declension:

First they came for the shipbuilder, then the garment workers . . . finally they came for me [the programmer] but there was nobody left to listen.

Combating sweatshops by asking consumers to prefer union-made goods through solidarity is where No Sweat Apparel has declared its turf, as has a new strictly wholesale enterprise that O’Brien and Chris Mackin are starting up, EthixSupply.com. These merchant adventurers confront all at once the current political, social, and cultural obstacles to progress for working people.

- *Politically*, declining union density makes it harder for the labor movement to leverage votes in legislatures and turn out votes in elections.
- *Socially*, it has been more than a generation since consumers were primed to look for union labels. So few of them have a union member in their families that the network of empathy, the subjective identification with union workers is limited. When I went to Brattleboro, Vermont, in early May to testify before the Brattleboro High School Board about the WRC, two conservative members thought that asserting the right to form a union was inappropriately “political.” Nevertheless, the student-led child labor coalition won affiliation by a nine-to-three vote.
- *Cultural* obstacles to union preference campaigns may be the biggest. As more time is spent alone with mass media such as television and less is spent in pubs and clubs, what Smith College professor Rick Fantasia called “the culture of solidarity” erodes. There is also a kind of wise-ass premium put on the “new”

that denigrates the “old”—defined by mass media ideas of “in” and “out.” Theorists call this the cultural style of irony. In this cultural context, unions “are just so *ancient*, you know, *Jurassic*.”

As inequality grows and the class chasm widens, cultural denial of class inequity and its correctives grows proportionately. Compassion for the global South is consistent with the culture of irony and hipsterism. Pity for the status subordinate is less challenging than solidarity with a status equal who may not have your educational degree or speak English as a

first language but who claims to be just as good as you are, not a victim but a toiler who shares your problems.

It is here, where guilt and solidarity are in dialogue, that the struggle against sweatshops in the global North will be decided. ●

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1. My calculations from the 1916 Statistical Abstract of the United States indicate that the sixty-eight White Label underwear factories may have represented 1 percent of employment in women’s clothing, if underwear factories had the same average size as other women’s clothing factories—thirty per factory, in an industry with 168,000 total employees. If instead, women’s underwear had the same average size as corset factories (120) then, the White Label factories represented just under 5 percent of employees.

2. *Slaves to Fashion: Poverty and Abuse in the Sweatshops*. (University of Michigan Press, 2004).

3. The eight years and going strong is notable. The last big campus-based unitary movement organization—Students for a Democratic Society (SDS), of which this writer was an officer, imploded in its seventh year. Before that, the American Student Union of the thirties was much more short-lived.

4. See *Quick fix: How weak social auditing is keeping workers in sweatshops*, the Clean Clothes Campaign, Amsterdam, 2005. www.cleanclothes.org/publications/quick_fix.htm

5. See Robert J.S. Ross, “A Tale of Two Factories: Successful Resistance to Sweatshops and the Limits of Firefighting,” *Labor Studies Journal* (30, 4/Winter 2006), pp. 1-21.

6. See Jill Esbenschade, *Monitoring Sweatshops* (Temple University Press, 2004).

7. No Sweat got caught in a crossfire of dueling unions at the Bata plant from which it buys sneakers. One American

NGO, partial to the rival of the union that is dominant at the plant, caused some of his accounts to hold their orders for a while.

8. One blushes to repeat the stories: Charney masturbated in the presence of a reporter from *Jane* magazine who was doing a profile; he was accused of harassment by female employees; he is reported to have conducted meetings in his underwear; he believes consensual sex with his employees is fine and apparently solicits it.

9. The end of quotas—ceilings on imports—in 2005 sent all non-China exporters into a tizzy of anxiety. In anticipation it was feared, and there was some reason to do so, backsliding in Cambodian labor standards. A labor leader was assassinated in 2004. In April 2005 the International Confederation of Free Trade Unions (ICFTU) published a critical report saying that though it is “too early to say exactly what fate awaits Cambodia’s clothing industry in the long term . . . [it] is threatened by growing repression of freedom of association, a development that has now been clear for several months.” (www.icftu.org/www/PDF/LMSrapportCambodiaEN.pdf) However, as of first quarter 2006 Cambodia had *not* lost market share in the U.S. market, and Chinese exporters were worrying out loud about the advantages Cambodian makers had over them. These included both labor cost and image advantages. Without the leverage of privileged access to the U.S. market, Cambodian workers may lose the associational rights and worker voice they had barely attained earlier in this decade.

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