

1890 - 1897. Men's international congresses promoting special labor legislation for women

Ulla Wikander. Summary built on my book *Feminism, familj och medborgarskap*. Stockholm: Makadam 2006

Regulating the labor market was part of the development of welfare states in Europe. This paper sketches the shaping of an internationalization and standardization of gendered labor legislation. It covers the time from 1889 to 1906. Its purpose is to show the growth of a way of defining women workers, thus the process of a construction of femininity in the discourses leading up until the Convention of 1906 that forbid women night work; how there first was room for doubts about the right to implement special legislation for women; how such doubts were less and less heard in the circles with power to influence legislation and how a consensus on treating women as special in the labor force became established among those lobbying for labor legislation in principle.

Democracy was in its early stages in Europe, with increasing pressure from organizations outside of access to political decisions. The possibility for a fairly radical change in the relations between men and women were at hand as can be understood from the way discourses on equality between men and women was articulated in different arenas, even male dominated such.

The paper is bringing forward discourses at important male congregations which showed ambivalence and hesitation on how to treat women and also their arguments for special treatment. With time, hesitation was done away with. As an undercurrent in the paper runs the most radical propositions articulated by feminists, also mentioned at some of the male congresses. I argue that social policies, exemplified by labor legislation, contributed to shape women as less flexible wage workers than men, thus contributing to keeping women dependent on men in the family.

I will start with the conclusions of my paper and then show how the question was treated in a number of congresses. (OH)

An international convention (to forbid women to work at night in industries with more than ten workers) taken in Bern in 1906 spread efficiently a view of women as special in the labour force and also constructed them as in fact a different kind of worker for the employer. It contributed to stabilize the strict gender division of labor in a period of great changes in the labor market. At the same time it is an example of an early welfare policy introduced to lessen the burdens of industrial work for women. It carries all the contradictions that was

to follow women into the industrialized society; to be needed as labor force but having other "duties" to be performed, which were implied via legislation of different kind.

Around 1900 woman's public presence increased the pressure on, and the discourses concerning, true femininity and thus women's role in the labor market. The new century would continue the construction and reconstruction of femininity which had characterized the nineteenth century, with an intensity during its last decades. The achievements of the women's movement had contributed to woman's increased visibility, but had not diminished the construction of what she should be - just heightened the tone.

Europe's industrialized countries had, only a few decades previously, *abolished* laws limiting women's rights, that was, the laws concerning the rights of guilds. These had often excluded women from the right to become or work as skilled workers. This puts the Berlin congress's recommendations concerning women workers in context. Guild laws had been in effect only a few decades previously; their abolition had not been meant to equalize the position of men and women.

Many nations' representatives presumably saw nothing wrong in treating women differently from men in the labor market. This was traditional. The concept of women as special types of citizens, which was now legitimized in new international recommendations, put women in a paradoxical situation. The national and international validation of women's special familial duties contradicted the needs of the modern and growing labor market. Women were both needed and used as wage laborers. The existing demands on women, when combined with legislation which limited their access to the labor market, resulted in a dilemma.

In order to survive, to fend for themselves and for their children and family, working-class women had for a long time been forced to compete in a labor market where they were handicapped by inferior education. They were now going to be put at a further disadvantage in relation to men, through the spread of special legislation that forbid them to work at nights.

The reluctance to legislate about a night work prohibition shown at the Berlin congress of 1890 and in the Second Socialist International until 1893 was overcome.

By 1900 the certainty that such a legislation was beneficial was overwhelming among protagonists of protective labor legislation, both bourgeois and socialist. The vivid feminist criticism was not reaching into the male organizations, who were ardently promoting an international convention involving only women. Before giving suffrage to women, most European countries had accepted labor legislation treating women differently to men.

Thus one of the foundations of the burgeoning welfare states was segregating men and women as workers, making women less flexible. The Bern Convention of 1906 cannot in any way be said to be "maternal"; it was about

women and some women agreed to its acceptance but men had been the initiators and the decision makers, internationally as well as nationally.

The most common argument for special legislation was that women were different; they were part of their families, not separate individuals, and thus "protection" was necessary. Some women accepted the way men thought about women's duties, without a doubt with good intentions, still contributing to a renewal of a rigid gender division of labor at a time when changes could have been possible.

The questions of universal labor protection versus special protection for working women were under vivid discussions during the 1880s and 1890s. Protective labor legislation was promoted, in many countries, by the activities of associations which were more or less informal. Formed by academics, politicians, and representatives of the business world, these associations sought to promote government intervention in the labor market. The labor movement also attached increasing importance to labor protective measures.

The New German emperor, Wilhelm II, gathered an international congress on protective labor legislation in 1890 as part of his attempt to solve the "social problem". The views expressed there on women is of interest here. The French delegate Jules Simon made a speech to clarify the negative French position. Since his nation's official position was based on protecting freedom of individuals, it had been Simon's duty to vote against limitations for all grown ups, including women. But Simon ended his speech by expressing his personal opinion, which, it turned out, was entirely at odds with France's position. In Simon's opinion, women should be viewed as part of the family and the home, not as individuals. Jules Simon thought that women, if seen in this way, could be protected without violating the French tradition of safeguarding personal liberty.

His ambiguity, his presentation of this two-fold position in a formal forum, where his words were taken down in official minutes, had, of course, a planned, diplomatic agenda. It encouraged special legislation. The association of women with the concept of "motherhood" was not unusual for the time. The reluctance of the French state to vote for special legislation as a matter of principle concerning individual adults is the more interesting! The Berlin congress quickly went from a faint discourse of every adult person's right to equal treatment in the labor market, into recommending different treatment of women. The congress's concluding document had significant weight in a period of incipient international cooperation.

What could women workers expect from the growing socialist movement? Let us look at the sliding in the treatment of women's equality at some of the early congresses of the Second Socialist International. Remark that special legislation for women had been a theme already at the national level among socialists. During the late 1880s and early 1890s, however, a discourse on equality surged.

For some years socialist discourse tended to give prominence to equality between men and women in the labor market. But the tendency became short-lived.

In Paris in 1889, Clara Zetkin made her oft-quoted speech on viewing women's waged work "as a question of principle". If women were to achieve social and political equality with men ("*Gleichstellung*"), they needed *economic independence*, which they could only achieve through waged work. She opposed any regulations of women's work at this congress.

In Brussels, two years later in 1891, an initiative from the Belgian socialist Emile Vandervelde provoked the participants to take a fundamental stance on women as equals. Vandervelde believed and argued that the task of women was to attend to their duties in the home. At the congress, his formulation of this view got an immediate reaction. A referendum was called for, and a large majority of delegates demonstrated their intention of pursuing a policy of equality between men and women. But in the longer run the international socialist movement -- as expressed in the Second International -- was, in fact, tending towards the views espoused by the young Vandervelde.

This development was probably hastened by the trade unions' influence on the Second International. What was, for men, a complicated relationship between men and working women, had not been solved by an occasional referendum on the principle of equality.

Meanwhile, national legislation prohibiting women's night-work had spread in the wake of the Berlin congress. Germany introduced such a law in 1891; in 1892, France followed suit.¹

In 1893 in Zurich, the question of special labor legislation for women got its own place on the agenda at a congress of the Second International for the first time. A special night work prohibition for women was asked for, without including it as a first step to night work prohibition for all. The resolution provoked criticism from several female delegates. The Belgian Émilie Claeys, stated that "treatment of this sort will have the opposite effect of what is intended". She asked for equality in the most strict meaning of the word, just as Clara Zetkin had done four years previously. Participation in production, which, Claeys hoped, would end women's economic dependence on men, as well as their subordination as wives. Other women supported her. These included the Austrian Adelheid Dworschack (later Popp?). Dutch Nellie Van Kol, warned that special protective legislation would result in millions of unmarried women workers having to choose between starvation and prostitution. A number of delegates demanded that a rider be added to the resolution, namely, "equal wage for equal work".

IMPORTANT PARAGRAPH: The Women Workers' Association from Britain and Ireland suggested the addition of a rider that emphasized *both* the fight for an *equal wage*, and the fight for *similar* protective labor legislation for

¹ Zancarini-Fournel 1995: 75ff, Schmitt 1995: 125ff

women and men.² This twofold demand, which stressed economic and legal equality on the labor market, had been raised repeatedly at feminist congresses from 1892 on. And it was to be the recurrent demand by socialist feminists and also other feminists. The Zurich debate in 1893 shows that not all socialist women were comfortable with the Second International's resolution on the issue.³ However, many of them seemed to accommodate themselves. Clara Zetkin became a leading spokesman for the socialist women's movement's new direction. She used the German woman's journal *Die Gleichheit*, which she edited, to campaign for special legislation for women.⁴ This enabled her, as undisputed leader of the German socialist women's movement, to impose upon it as guidelines the policies of the male-dominated socialist party.

For non-German socialist women, however, the issue of special legislation for women remained controversial. Several French socialist women opposed the legislation well into the new century. And more than fifteen years later, at the Second Socialist International in Copenhagen in 1910, Scandinavian socialist women would -- in vain -- attempt to change the attitudes of the international socialist movement towards special treatment of women on the labor market. But that is an other story.

The trade-union movements' hostility and ambivalences towards working women came to the fore at another kind of international congress in Zurich, International Congress for Protective Labor-Legislation (*Internationale Kongress für Arbeiterschutz*), held at the end of August, 1897. The congress had been arranged by the Swiss Catholic workers' organization and its leader, Dr. Decurtins. The Catholic trade-union movement was powerful in Europe. The fact that both non-socialists and socialists attended the congress was unique and meant that both sides wanted to voice their views on women.

The question concerning adult women's work, became the most important discussion topic. The focus of the debate rapidly shifted from the regulation of women's work to the issue of whether women, and especially married women, should be allowed to enter the labor market at all.

The Social Democratic Party leader August Bebel, whose reputation as a spokesman for women had been established by his book *Die Frau und der Sozialismus* (Woman and socialism) remained silent on the advantages that women's waged work might bring to women, their husbands and/or their families. His speech sought to balance between the different opinions within his own party and in the trade-unions. The speeches of female socialists had

² *Protokoll des Internationalen Sozialistischen Kongresses...1893*, 1894: 38

³ See *Reports to the First International Conference of Socialist Women 1907*: 10-11; in this report socialist women write that German women had opposed special protection laws up until 1893.

⁴ Schmitt 1995a; *Die Gleichheit* (Equality) first came out in 1891; Zetkin became its editor in 1892. *Die Gleichheit* was for the first year published under the name *Die Arbeiterin*.

adhered to the party line, arguing in favor of special legislation. But they had also said that women and their families benefitted from women's economic independence.

French Marie Bonneval, socialist *and* feminist, was the only one to raise a feminist demand for equal treatment. Her brave articulation of the question of labor market equality between women and men was doomed to failure at this union-based congress. Still, her contribution demonstrated that there *were* differing opinions. The resolution which had been adopted at several international women's congresses was thus not unknown to those who pushed for a different solution.

The result of the meeting was almost unanimous support for special legislation for women. Was agreeing to special protective legislation a compromise? Did socialist women had to accept it in order to avoid women's exclusion from the labor market? Was a positive attitude to the prohibition of women's night labor a price "paid" by socialist activist women who wished to work alongside their male comrades in party activities? Had the leading socialist women made a compromise when they shifted from a discourse on equality to one on woman as mother and her special importance to the family? The questions are difficult to answer but come easily to mind, when trying to understand Zetkin's and others' silence and total change of opinion.

An other international congress on protective labor legislation was held one month after the trade-union based congress. It was the International Labor Legislation Congress (*Congrès International de Législation du Travail*), held in Brussels in 1897. This was a privately organized follow-up to the Berlin 1890 congress. The congress allowed open confrontation between those who endorsed state intervention, and those who espoused a strictly orthodox version of liberalism, no labour laws at all.⁵

The former German minister of trade, Baron Hans von Berlepsch, a powerful advocate of protective legislation, had been forced to retire in 1896 from his high position as a progressive minister. He had chaired the congress of Berlin in 1890. He reappeared in Brussels with great prestige but with no real political power any longer. Berlepsch made no open mention of this critique of regulating women, stating only his general satisfaction with the women's protective legislation.⁶

⁵ Fifteen of the participants had also participated in the Berlin conference. Three Belgian university professors, Victor Brants, Remi de Ridder, Ernest Mahaim and Louis Strauss, the chairperson of "la Fédération des innovations commerciales et industrielles de Belgique," constituted the organizational committee. Bruxelles Sept 1897: XIIff; Seilhac 1904: 9; Congrès ... des Travailleurs, Paris 1900 II: 262

⁶ Bruxelles Sept 1897: XXXIV, 205, 615f; See e g Trappe 1934

Yves Guyot, a forceful *opponent* of regulated prostitution, and a participant at many women's congresses in Paris,⁷ expressed his dissatisfaction with the prohibition of women's night work. No-one had asked women whether they wanted to be "protected." The socialists, claimed Guyot, had been first to demand a regulation of women's work because they felt that women competed with men. The socialists based their arguments on morality and hygiene.

The congress ignored the lively debates on the importance of women's freedom to work which had occurred at The International Congress on Women's Conditions and Rights (*Le Congrès international de la Condition & des Droits des femmes*)⁸ convened at the same world exposition in Brussels that summer. The fact that the women's congress also had official sanction did not mean that men actually paid any attention to what women said there, or that women were able to engage men in a dialogue. The women who attended the male dominated congress were all in *favor* of special laws for women. The view of femininity and woman's role in the labor market, which saw woman as different and woman's labor market presence as temporary, was well established.

⁷ See my forthcoming book; Yves Guyot (1843-1928) minister of Public Works 1889-93; editor of *le Siècle* 1892-1903, Guyot was critical to the regulation of prostitution, wrote a preface to the translation into French of Josephine Butler, *Souvenir ...* 1900 and a book on *La Prostitution*.

⁸ It has been termed the apex of French "social feminism." Sowerwine 1978: 75ff

The issue of night labor, which was already illegal for many European women, was important at the International Congress for Protective Labor Legislation which met in Paris in 1900. The congress was designed to assemble those who favored state intervention in the labor market. The minister of trade and industry, socialist Alexandre Millerand, found in his opening speech that the time was ripe for an international regulation of labor protection.

All the sessions showed basic agreement on the benefits of special legislation for women. Women were categorized with juveniles and children. The French minister Millerand was enthusiastic about arranging a European congress which would extend the prohibition of night labor to women to all countries.

According to Paul Pic, French and professor in industrial relations, two types of criticism had been leveled against the legal prohibition of night labor; one complained about the problems caused for production that had to continue both day and night; the other emphasized the difficulty of gaining permission for evening overtime work. But the law's most serious fault, in Pic's opinion, was that it *only* applied to women working in industry. He wished it extended to children and women who worked in trade and commerce.⁹ Pic did not even bother to argue his case for the benefits of women's protection for women; he took it as given.

German scholar and journalist Käthe Schirmacher disagreed with all other contributions, when she defended everyone's right to work nights. She referred to the recently-held Second International Congress for Womanly Activities and Institutions, which had come out *against* the prohibition of women's night labor - indeed, against all regulation of the labor market.

/here my overview abruptly finished, sorry//

⁹ Congrès ... des Travailleurs, Paris 1900: 510-512