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5. SPECIAL LEGISLATION FOR WOMEN AT MEN'S CONGRESSES 1890-1893

"Ein zündendes Wort ist in weite Kreise hineingeworfen worden: Internationaler Arbeiterschutz." Aug. Lehmkuhl, priest, *Internationale Regelung der socialen Frage*. Freiburg: Herder'sche Verlagshandlung, 1893:1.

After the German Chancellor Otto von Bismarck in 1878 had forbidden socialists from taking political action, he made laws during the 1880's about social insurances for workers. Most of them were financed jointly by employers and workers. The neighbouring Switzerland had introduced labour legislation. Great Britain also had such legislation since quite a time. The Swiss federation early on made attempts to diffuse protective labour legislation to other countries. In the last decades of the 19th century, non-profit organisations in several countries started to propagate for state intervention in the labour market, as a step further compared to insurances. Initiatives were taken by academics, politicians and persons in business and industry. All desired an internationalization of protective labour legislation. Also the growing worker's movement became more and more in favour of state interventions of this kind and its dissemination. The same was true for conservative circles concerned with social conditions, often connected to Catholicism.¹

The conference for labour protection in Berlin in 1890

Special treatment of women was a matter of course, when an international congress focusing on protective labour legislation convened in the German capital Berlin in 1890. The international conference of labour protection/ Der internationalen Arbeiterschutzkonferenz, was the first in a serie of official and semi-official congresses on labour protection, which were to be held before the First World War. This one in Berlin was convened by the new

¹ E g Weber 1897; Carr (1969) 1977 Chapt 5 & 7; Baldwin 1990; Wecker 1995.

emperor, Wilhelm II, in his effort to solve “the social question”. The Kaiser’s positive attitude to state regulation of the labour market seems to have derived in the troubles caused by a wave of strikes at German industries, especially in the expansive Ruhr area with its mine fields and iron production. The strikers’ demands was first of all higher salaries and shorter working hours.²

The new emperor disagreed with the elderly but still influential Chancellor in many ways. They did not agree on state regulations of the labour market. Bismarck was against any state intervention which might increase the costs of production for industrialists. He objected to legislation about working hours generally, but also for any special group. Such interventions were, according to Bismarck, quite different from the introduction of the social insurance legislation, he himself had initiated. His repudiation of regulation of working hours made him hostile also to special rules for children or women. The Chancellor maintained that it was unfair to impose special laws for certain categories of workers. On this his way of thinking matched that of the most radical women supporters of the woman’s cause, As a consequence Bismarck was adverse to all international regulations of markets. Wilhelm II and Bismarck also had different opinions on the matter of how to handle the socialists. In 1890 the Kaiser cancelled the so called socialist laws, which had prohibited Social Democrats to agitate and organise. The laws had exiled many of the best agitators of the movement. After 1890 the Social Democrats became a more and more visible force in German society.³

Wilhelm II tried to strengthen his power position at home by showing himself capable of an international initiative. The convening of a conference on protective labour legislation symbolically marked his intention to decide alone over German foreign policy. Bismarck’s introduction of social insurances had been good, according to the emperor, but not good enough as it had not managed to restrain workers’ outbreak of disturbances. The emperor decided to implement an international cooperation about state regulation of working conditions. The idea originated with the Swiss federation. A reduction of the weekly working hours for women and children and a ban on Sunday work were the two questions Wilhelm II wanted to begin to implement. His purpose was to calm the relations between employers and workers.⁴

² Gagliardi 1927: 37.

³ Trappe 1934: 3; Gagliardi 1927:29ff (the socialist laws were valid from 1878 and were invalidated by Wilhelm II in 1890; it should be observed that they did not hinder Social Democrats to take part in elections. After the election of 1884 they had 24 places in the Reichstag. Carr (1969) 1977: 150ff); Schmitt 1995a:96ff.

⁴ Gagliardi 1927: 24ff & 34ff; Trappe 1934: 15ff; Follows 1951: 97ff; Wecker 1995.

According to the contemporary national economist and sociologist Alfred Weber, an obligatory Sunday repose and special laws for children and women were demands common for the political conservative and religious movement and the so called Katheder Socialisten, academics positive to state regulated social reform. But it was not the demands at the top of the list of the workers' movement, which gave priority to an eight hours working day for all, irrespective of gender. But, as the two groups mentioned, the socialists certainly wanted to see the principle of state regulation of the labor market implemented. Many socialists also advocated special laws for women and children. The chief reason for men in the socialist movement to like limitations on women's rights in the labor market was, that they saw women as competitors. All these widely differing groups supported state solutions to what they saw as problematic: women's paid employment.⁵

Strikes and unrest in the workplaces were behind the emperor's decision to convene an international conference. Most urgent was to appease the socialists. During the twelve years their political activities had been forbidden they had succeeded to organise a large underground movement in Germany. During that period they had nevertheless been allowed to take part in the elections to the Reichstag, thus remaining visible through their representatives there. Wilhelm II was eager to get a compromise with them which could also be accepted by the other influential groups. If the effort to regulate the labour market internationally should be a success, the result would be that industries in all countries should compete on the same conditions. This seen as the fundamental feature, government intervention in the labour market could be easier accepted by employers, especially if as a consequence strikes and unrest diminished.⁶

Special laws for women and small children seemed to be a question of whether all groups with influence in society could feel that their policy got a state response without offending the other groups too much. Women were not to be counted upon in this political game between men.

The convening of this kind of international conference was something new. Erik Rinman, a Swedish social policy and worker rights expert, considered it "incredibly

⁵ Weber's analysis in, *Congrès International de Législation du Travail, tenu à Bruxelles du 27 au 30 septembre 1897*. Rapports et compte rendu analytique des séances publié par le bureau de la commission d'organisation. Bruxelles: Weissenbruch, 1898:187ff, later = Bruxelles Sept 1897.

⁶ Gagliardi 1927: 24ff & 35f; Trappe 1934: 15ff; Wecker 1995; Also others thought that state regulations over frontiers should be good, so as not to give socialists the benefit of being the only once to working for international solutions. To "examine in concert the grievances and inequalities complained of by the working classes and thus take the agitation of them out of the hands of the subversive international party" would be good, according to "the British Minister at Berne" in a report of February 15, 1889, Shotwell Vol 1 1934:463ff quote 463.

radical” and predicted it would “become of world historic significance”. Moreover, Bismarck’s dramatic departure from the post of chancellor came in the midst of the conference. A small select group, each and everyone a representative for his own country, had come to Berlin invited by Wilhelm II. The deliberations were formal but, from the beginning, meant to end up only in recommendations.

Freiherr Hans von Berlepsch was the president of the congress. Since the beginning of January, he was Prussian minister of Trade and Industry and the Kaiser’s henchman in restructuring social policy. The previous year, Berlepsch had successfully mediated in a miners’ strike. Together Wilhelm II and von Berlepsch should work for a relatively progressive social policy in the years 1890–96. When the Kaiser abandoned it, von Berlepsch was dismissed. But even after his time as a minister, Berlepsch continued his engagement for internationalisation of labour legislation. He was to become appreciated for this by the workers’ movement.⁷ He should become a respected actor at international congresses for labour legislation long after his formal political powers were gone.

The conference in Berlin dealt with several questions. Commissions had been appointed for mining work, for a ban on working on Sunday, and for an investigation of the working conditions for children, young people, and women in industry. These commissions put together suggestions which were discussed at plenary meetings.⁸ As a matter of fact, the woman question was present in all of the commissions.

At the conference a number of representatives spoke about their doubts of the advisability to limit work possibilities for adults, even if they were women. Despite this, an early conclusion was that it would be desirable if “girls and women [...] did not work at night.” CHECK QUOTE Seven countries out of fifteen, among them Germany and Sweden, voted *for* such a prohibition, whereas countries like Belgium, Italy, Portugal and Spain voted *against* such a formulation. France, Denmark and Norway abstained from voting. At the urging of Jules Simon, the leader of the French delegation, voting had to be done over. It was then divided up into two separate questions: one question on young, minor girls’ night work and another on adult (and legally competent) women. In the final voting procedure, eight countries agreed to a prohibit adult women to work at night while five countries, Belgium, Spain, France, Italy and Portugal voted against. Denmark and Sweden did not vote.⁹

⁷ Rinman 1901:205; Gagliardi 1927; Trappe 1934: 7-20; Follows 1951: 120ff. Many more have written about the resignation of Bismarck, e.g. Carr 1977: 162ff, 188f.

⁸ *Die Protokolle der internationalen Arbeiterschutzkonferenz* 1890: 23f.

⁹ *Die Protokolle der internationalen Arbeiterschutzkonferenz* 1890:89ff, 132; *Conférence internationale concernant le règlement du travail aux établissements industriels et dans les mines* 1890: 80; In the French

Later, Jules Simon explained the position taken by his country and why he had wanted to see the question divided into two. France, said Simon, traditionally defended individual liberties and did not want to introduce restrictions on adult women's work. Because of this France had at first abstained from voting when the question was vague and then voted for a night work prohibition of young women but against a recommendation to prohibit adult women such work. Jules Simon explained that individual liberty was the official position of his country. It had been his duty to defend that position at the congress. Therefore, France had first refrained from voting when the question was formulated vaguely, and later voted for a ban on night work for young girls but against the recommendation to forbid adult women such work.

Thus far Simon explained the votings of the French group. But in the same speech he would go further and show that he was satisfied with the recommendation that had been made by the majority of the conference. He presented his personal view, which was the opposite to the official French one. Simon personally thought that women should be seen as part of the family and the home; they were to be regarded as wives and mothers, not as ordinary adults. To protect women in the labour market should put an end to a development which was a threat to the family and demoralising to all citizens. "Woman should return to her home, and the child be given a mother" for the society to function well.¹⁰ In Simon's opinion, the state would not violate the principle of personal freedom for adults if it introduced special laws for women.

At the time of the Berlin congress Jules Simon was not any longer an active politician but he had a seat in the Senate for lifetime. He was mainly supporting philanthropy. He could take on honorary assignments like chairing an international women's congress, as he had done the year before. In his homeland he was well known for his support of special laws for women and for believing that a married woman ought to devote herself completely to her family, not to paid employment. With this knowledge, Eugène Spuller, the French foreign minister, had assigned Jules Simon to go to Berlin, as leader of the French delegation. Simon was undeniably equipped for the assignment, since he was well informed and had written about

delegation was also the well known advocate for a night work prohibition of women, H L Tolain. Zancarini-Fournel 1995: 81ff.

¹⁰ *Die Protokolle der internationalen Arbeiterschuttkonferenz 1890*: 152ff; "...nous nous sommes montrés très ardents pour la protection des mineurs; nous nous sommes abstenus, quand il s'agissait des majeurs"...".la femme soit rendue à son foyer, l'enfant à sa mère..." *Conférence internationale concernant le règlement du travail aux établissements industriels et dans les mines 1890*: 135ff.

the industrial work of children and women and, in addition, had a solid political career behind him, as minister and as a deputy to the National Assembly.¹¹

If the French government without any doubts had wanted to claim that women were adult individuals without special needs, the election of Simon would have been inappropriate. Simon's well known position was not strange - many thought as he - but the fact that he was assigned to represent his country at this special conference. A night work prohibition for women was not yet decided upon in France. However, as mentioned above, it was an issue that had been under public debate and also treated in the National Assembly. It had resulted in that a planned women's congress was split into two, the official one of them with Simon as its president. It is not farfetched to see the appointment of Jules Simon to lead the delegation to Berlin as a maneuver by politicians who wanted to see special laws for women introduced in France. Through an international backdoor, an opportunity was opening to work for and win support for the idea, before the matter came up again in the National Assembly.¹²

At the congress of labour legislation, Simon had cunningly paved the way for a majority to vote for a night work prohibition for adult women. With his demand of a more precise process of voting he had still made it possible for the French delegation to vote against a prohibition for adult women. This double stance, with the subsequent speech at an occasion that was recorded in the minutes, naturally had a diplomatic objective. It was not about Jules Simon wanting to contradict the French government or being naïve. The international majority for a night work prohibition for woman in Berlin, gave a new argument for debates in France and consequent decisions.

Jules Simon's talk about adult women not being individuals in their own right, as not existing in a legal sense comparable to men, met with no objections, not even from those who had voted against the recommendation. There was no discussion about woman as an individual at the congress. On the contrary, others at the conference accepted and repeated what Simon had emphasized, that it was an important aim for labour legislation to give the mother back to the family.¹³ Simon's way to see all women as mothers was not uncommon in this period, but was evidently still not what the French state wanted to proclaim as its official view. It was still, but not for much longer, a contested question generally.

The participants in Berlin could only give recommendations. But as the delegates had been chosen by governments, the final document with its recommendations had, despite its

¹¹ Jules Simons böcker i ämnet var *l'Ouvrière* 1861, *Le Travail* 1866 och *L'ouvrier de huit ans* 1867. Om Simon: Seché (1887) 1898; Bertocci 1978.

¹² Se Zancarini-Fourel 1995:75-92 om debatten om lagförslaget i Frankrike.

¹³ *Die Protokolle der internationalen Arbeiterschutzkonferenz* 1890:152ff.

vague character, quite a weight in these times of a beginning of an international cooperation on labour legislation.

The Berlin conference recommended, that women should not work at nights or on Sundays and that their work day should not be longer than 11 hours, with a pause of at least an hour and a half. It recommended that women should not be allowed to work until four weeks after childbirth,¹⁴ without mentioning any compensation for lack of wages, or any support, insurance or other means for her to survive on. These recommendations were setting a certain standard for how to formulate such legislation in Western countries and gave, via internationalisation, a sanction to already existing or new legislation.

The recommendations formulated by the Berlin congress was undermining women's status as independent adults in the labour market. The opinion of women as a special kind of citizens lay behind the recommendation. A defence of the right of every adult to individual treatment in the labour market, had quickly changed to its opposite when speaking of adult women. The delegates who had voted against a night work prohibition for women had not done so to protect the principle of the individual to act independently and for equality between man and women. They had voted against labour legislation for women because the nations they represented wanted as few rules as possible in the labour market.¹⁵

How to explain the easiness with which women were treated this way? Earlier regulations, guild regulations, had severely limited women's rights to occupations and work. They had been abolished not many decades ago in industrialising countries. Under most guild regulations only men had work privileges. It might be relevant to see the recommendation in Berlin in such a perspective. A couple of decades or generations is a short historical time. The end of guild regulations had not been meant as an equality reform between men and women. It was to free competition. Suddenly women took advantage of the opening job possibilities. The delegates in Berlin saw probably nothing wrong or weird in treating women differently to men in the labour market. It had been done recently. They were also living in societies where such differentiating treatment was common in most other legislation. Equal treatment of women was an odd and new thought.

Women's special family duties were anew confirmed by these internationalised recommendations at a time when such duties were making trouble for women in the real labour market in many ways. Women were needed and much used in paid work, as domestics,

¹⁴ *Conférence internationale concernant le règlement du travail aux établissements industriels et dans les mines.* 1890.

¹⁵ *Die Protokolle der internationalen Arbeiterschutzkonferenz 1890.*

in factories and more and more also in schools, at hospital, in magasins and shops etc. The whole line of arguments about women as a special kind of citizens, and the new international recommendation, was again legitimizing special treatment which turned out as paradoxes in women's lives. Through this interference in the rapidly changing labour market, women were put in a paradoxical situation. To survive and manage, alone or with children and a family, a working class woman was obliged to compete for work in the labour market already handicapped by less education and/or schooling than men. Now added to this came a new restriction. Because of the special labour legislation, which gradually was to be introduced in many more countries, women had to offer their capacities at much less favourable conditions than men. And on top of this – because of repetitions of a discourse of women's duties at home – many a working woman was made to feel sad or ashamed for not being able to stay at home for her family.

The congresses of the Second socialist international in 1889, 1891 and 1893

International organising was spreading more and more during the last decades of the 19th century. Also subordinated groups organised. We have seen women starting to organize internationally, meeting at international congresses. Workers, also suppressed, organised; they had been early in doing so. Socialism had already in 1864 started to internationalize in the First Working Men's Association, called the First International.

Were working women to get help and support from the swelling socialist movement? Women were comrades with men at work places. Such support was the expectations of many socialist feminists at radical international woman congresses organised in Paris during the 1890's; they will be the theme of the next chapter. But women were also directly involved in the male dominated internationalisation of the workers' movement. When the Second Socialist International, a revival of the First, gathered for its first congress in Paris in 1889, women were also present.

The Second International would have to come up with new ideological and concrete suggestions and solutions of questions for which Karl Marx and Friedrich Engels had not given clear directions in their analysis of capitalism. According to historian Eric Hobsbawm, those important questions were on agriculture, nationalism, imperialism and the new phase of capitalism under way.¹⁶ To this enumeration must be added the woman question. That

¹⁶ Hobsbawm in Preface to Haupt 1986:xiv.

socialists had difficulties in being consistent in their view on women will be evident by the shifting views of women and how socialists understood an equality between men and women during the formative years of the Second International.

In short, the development of international socialism vis à vis women, was going from an early aversion to women in paid work, through a very short period of a verbally expressed wish for equality in the labour market (around 1890), to demands of a special treatment of women as waged workers. Animosity towards women as competitors in the labour market had been open already at the First socialist International and it had also found expressions at national socialist congresses and policies.¹⁷

In the year of 1889, a new attempt was made to unite socialists in international cooperation. The effort was not a total success, since two congresses were held with the same purpose and at the same time in Paris this summer, both symbolically around the 14th of July.¹⁸ One congress was dominated by trade unionists under English influence while the other had a more political direction with Germans as leaders. The latter has in the light of history by many been appointed as the first real congress for the Second socialist international. The split was short lived and two years later the two had joined into one. Here only the one with a more political direction will be studied.¹⁹ There seems not to have been any difference in how the congresses looked at labour legislation for women.

Paris 1889

When the Second International for the first time met at a congress in Paris in 1889²⁰, international labour legislation was high on the agenda. Delegates recommended regular meetings on the issue and common efforts across national borders.²¹ Since this was a question that the participants agreed on – the exception was the anarchist objections to any demands on the state – it were hardly discussed. It were very quickly voted in shortly before the congress was dissolved. Despite this summary treatment, the resolution on of labour legislation was large and was to have long-term significance for the social political orientation

¹⁷ E.g. Weiland 1983:218 on Proletarischer Antifeminismus; Ardaillou 1998; McMillan 2000:115.

¹⁸ Joss 1955:33ff; *Histoire ... Tome 5* 1976:376ff (eg = Stegmann, C & C Hugo, *Hand buch des Sozialismus*. Zürich 1897.)

¹⁹ *Histoire ... Tome 5* 1976, see there both Le Congrès marxiste de 1889 et Le Congrès Possibiliste de 1889.

²⁰ With the official title *Congrès International Ouvrier Socialiste de Paris 1889, issu des Congrès de Bordeaux, de Troyes et de la Conférence Internationale de La Haye*. Haupt 1964:105, not 3.

²¹ *Congrès internationaux socialistes de Paris 1889. Histoire de la IIe Internationale*. Geneva: Minkoff Reprint 1976) 1976: 169f, later = *Histoire ... Tome 6-7*; Lorwin 1929:70 has the opinion that of all the questions dealt with at the congress "the most important was that of international labor legislation", *Histoire ... Tome 5*: 378f.

of the Second International and thus influence socialism in many countries.²² It would influence how a night work prohibition for women was regarded but with a significant alteration in 1893.

How was this question presented on the agenda? A comprehensive resolution on *general* protective labour legislation was divided up in eleven sub paragraphs. The resolution promoted an eight hours working day for all workers, and obligatory factory inspection. It demanded a night work prohibition for *all* workers, men and women, unless the character of the work made a night shift necessary.

In two of the eleven sub paragraphs of the resolution, women were mentioned a part. One of these paragraphs did not want women to work in industrial work, harmful to their "female organs", the other wanted to forbid women and young workers under eighteen years of age from working at night.²³ The first formulation of a specific protection of women saw women's bodies as being more exposed to danger than those of men and sought protection on the grounds of biology. This was a protective aspect that had long found support and acclaim in the German movement. The other formulation on a night work prohibition for young persons and women, is not easy to evaluate from a gender perspective. It was on the list of eleven sub paragraphs after the general demand to prohibit night work for all and wherever possible. The first to observe is that women are not mentioned as "workers" but together with male youth under eighteen. Women workers were not treated separately either but as non-adults. But let us be fair: the special paragraph should most probably be read as a diminishment of the general demand, a demand to be used use if the general one was not accepted, or until it could be accepted, thus to be seen as a demand for the time being, until all workers would enjoy a night work prohibition. It is of importance to notify that at this congress, a special treatment of women was not put up as a resolution of its own. It was subordinated the general resolution of a night work prohibition for all and treated together with young men..

If this placing shows an political consciousness trying to reach an equality in the labour market in due time or rather should be put as a sign of a bad organisation of the congress, depending on the fact that the agenda really had been put up in a haste²⁴, will be hard to ever know.

²² Joll 1955: 45f.

²³ *Histoire ...* Tome 6-7:170; "Verbot der Frauenarbeit in allen Industriezweigen, deren Betriebsweise besonders schädlich auf den Organismus der Frauen einwirkt." *Histoire ...* Tome 5: 378.

²⁴ Joll 1955: 40.

The historian Sabine Schmitt shows in her doctoral dissertation on protection of women workers in Germany, that the Social Democratic party precisely around 1890 was cautious of formulations at national congresses, demanding special legislation for women, contrary to earlier practice. And Social Democratic women in Germany had at the end of the 1880's at several occasions demonstrated against special legislation for women. They preferred equal protection for both men and women. Thus the words chosen in the resolution at the Paris congress in 1889 shows a double message or rather an unwillingness to take a clear stand.²⁵

At this formative marxist congress of the First International Clara Zetkin gave her very often quoted speech on women's work seen from a principle perspective. Maybe she gave it so that a view on women's work should not be inarticulated by the congress? Her voice as speaking up for women in the movement was already important. She was exiled in Paris since many years. Now she did underline that women's waged work was a necessity in an industrial society, not mainly for economic reasons but for reasons of principle. Women's social and economic equality (german: "Gleichstellung") with men depended on their *economic independence*. Women could achieve this only by performing paid employment. Zetkin opposed both attempts to forbid women to work outside the home and limiting the rights for women who had paid employment. Both these questions had been discussed for decades among socialists in her homeland, without actually getting further than determining that it would be impossible to forbid women to work for wages. For women to work and earn money was, according to Zetkin, also an act of solidarity with the "worker's question". CHECK QUOTE Zetkin shared this view with many of the women in her party during the 1880's. Here she was a spokeswoman for this opinion. Her speech focused on equality. It was well received at the congress. It is one of Zetkin's speeches that has been reprinted and appreciated in recent years.²⁶

Parenthetically should be pointed out that demands of a *general* protective labour legislation – thus including men - had been up as a main question at earlier workers' conferences with delegates from many nations. According to *Handbuch des Sozialismus*, published in Zürich in 1897, had demands of internationalization to such laws been presented both in Chur in 1881 and in Paris in 1886. It was part of the German Erfurt platform. The interest in increased protective labour legislation was also included on the agenda in later years and was questioned by few during the international socialist congresses held during the

²⁵ Schmitt 1995a: 43-62.

²⁶ *Histoire ...* Tome 6-7:128-133 the whole speech (in original 80-85) "die Arbeitersache"(132); Clara Zetkin "Die Arbeiterinnen- und Frauenfrage der Gegenwart" 1889, reprint in Brinker-Gabler 1979:134-146; see also e g Thönnessen 1969:41ff. Schmitt 1995a: 47, 51ff.

1890's. In summary, national protective labour legislation and its internationalizing, was an important demand by socialist congresses during the 1890's. When the history of the Second International has been written or discussed, the focus of research has been on other questions: reform versus revolution, or the peace question have been of interest, as well as the question of which groups would be excluded from the International.²⁷ Clashes of opinions have been observed much more than demands for reforms, which were easily agreed upon, did not stirred up debates and were quickly decided on. Thus protective labour legislation has met with little interest in the history writing: firstly, there were seldom any discussions; secondly the persons researching the Second International have mainly been interested in ideological differences between socialists. The focus of interest has been on how to explain the gradual disintegration of the Second International more than on what kept it together.

Only one labour legislation has been emphasized: the demand of an eight hours working day. That was voted in 1889; the celebration of the 1st of May, first a day of strike for the 8 hours day, started in 1890 and later. But protective labour legislation included more than a shorter working day.

Even if special legislation for women had appeared as a topic on the national level for socialists before, the favorite was general legislation around 1890.²⁸ Clara Zetkin supported it in 1889. The slide, the change back to the former wish to treat women differently can be followed at congresses of the Second International early in the 1890's. The period has been called formative for the International. There was not yet an agent – an office – connecting the participants between the congresses. Thus the programme, aims and directions, depended on the country that organised the congress.²⁹ This meant that certain resolutions and decisions taken at one congress, could disappear from the consciousness, the image, and the reality.

Bryssel 1891

The idea of an equality between women and men seems to be emphasized yet again – forcefully - at the congress of the Second International, held in Brussels two years later. In 1891, there was now only one congress, convened despite complications and with compromises, which integrated the English trade unions and also the so called possibilists.³⁰ This probably resulted in a stronger trade union influence, and in the long run may have

²⁷ *Histoire ...* Tome 5:26 ff & 373ff; Joll 1955: 43ff; UW comment: no other book or analysis has been published about the Second International and how it handles protective labour legislation. At least, I have not found any such; nor is there any according to Linden 1988 or Linden – Rojahn 1990.

²⁸ Schmitt 1995a: 45ff.

²⁹ Bürgi 1988: 336ff.

³⁰ Joll 1955:67; Bürgi 1988:

contributed to the turnaround that would take place in the matter of protective laws for women only. But the merger also meant that those who recommended political activity had been victorious. The anarchists place was not any more a sure one. They were soon to be excluded. Demands of reforms were directed to states and parliaments, even if the state was not a socialist one, despite a constant discourse of revolution. It must be seen as a sign of the ambivalence of the Second International: it wanted to effect the prevailing political system at the same time as it was questioning its existence.

In Brussels the delegates were provoked to take a principal stand; were women to be equal to men. A vote was demanded, triggered by a proposal by the Belgian socialist Emile Vandervelde. He was a brilliant young radical doctor of law, 25 years old, who should in the near future become the leader of socialism in his own country and a leading figure on the socialist scene of Europe. Vandervelde thought that woman's first obligation was to take care of duties at home. His formulations about this led to immediate reactions at the congress. Voting was asked for. An overwhelming majority made it clear that socialist policy was equality between men and women. Only three persons were against.³¹

At the congress of 1891 protective labour legislation did not have a prominent place but was still important. The summoning of the recent Berlin conference on the topic was praised as a moral victory for socialism. The Berlin recommendations on international regulations of labour protection were demonstrating that it was possible to achieve results with political work in the Reichstag, socialists said. Such a positive interpretation of the Berlin conference opened up for an acceptance of a night work prohibition for women by socialists. A special legislation could be seen as the first step towards an international and general regulation of labour conditions. And it did satisfy the trade unions, negative to women's competition with men for work.

The Austrian and German delegates in Brussels were keen on drawing attention to that the goal of the Second International was not to stop at demands for better and better protective labour legislation. They wanted to emphasize the class struggle, a broader political struggle before economic reformism. If socialists got the political power, workers should be the legislators and not have to beg those in power positions for labour protection. The two German groups were not satisfied with the results from the Berlin conference; they said it was evident that the governments were not willing to implement necessary reforms. They alluded

³¹ Already in 1889 Vandervelde had aired his opinion about women's nature, which made them suitable for work in the home, not outside of it. Vandervelde 1889: 81; Joll 1955:73f; Thönnessen 1969: 51; *Congrès international ouvrier socialiste*. Bruxelles, 16-23 août 1891. *Histoire de la IIe Internationale*. Tome 8, Geneva: Minkoff Reprint 1977:314, later = *Histoire ...* Tome 8.

to the eight hours working day. Despite this critic, they were happy to take part in renewing the demands for protective labour legislation, as it had already been formulated at the former congress in Paris. To speed up the process of getting a united legal protection of workers' conditions, the congress asked that every country should make inquiries on such conditions and give proposals for legislations.³²

After the socialist congress in 1891, some women spread the word about the vote for equality taken in Brussels. The French Paule Minck emphasized socialism's aim and direction towards an equality between men and women. Her starting point was the resolutions from the congress, when she wrote articles on woman's emancipation, published in the socialist journal *La Question Sociale* in 1891. German Lily Braun also put stress on this promise. Braun was of the meaning, that this made the Social Democratic programme the only one in Germany which "demanded an equality between the sexes" by asking for "the abolition of all laws, both public and civil rights legislation, which put woman as inferior to a man".³³

The assurance of an equality in 1891 were soon to turn sour. And what in fact had been decided? It could be interpreted in several ways. Maybe women had put too much emphasize on the vote? The old view on women, express by the young Vandervelde, was to become common inside the socialist movement. Equality as an idea for the labour market was giving way to a discourse on difference. The consequence was special treatment.

Zürich 1893

The Second International discussed protective labour legislation again at its third congress in Zürich in 1893. There a dramatic change in the socialist opinion occurred. A law forbidding women to work at nights had been sanction in Germany in 1891 and in France in

³² Several versions of protocols and summaries of the congresses in Paris in 1889 and Brussels in 1891 exist. Not any one is definitively better than others. Strong stress on protective labour legislation can be found in the report by Stegmann and Hugo, who are not at all noting the question on women and equality. They do not either mention the speech by Clara Zetkins on equality of men and women in the labour market in 1889 or the congress vote for equality two years later. Nor do they comment suggestions of special legislation for women. *Histoire ...Tome 5: 379ff.*

³³ Under the titel "L'émancipation de la femme et le socialism" Minck stresses equality, with references to the congresses in Paris and Brussels. She compare the subordination of women with subordination of other groups in society, writing that socialism was on the side of all exploited. Minck in *La Question Sociale* 1 Oct & 1 Nov 1891:31; "... die einzige Partei in Deutschland, deren Programm die Forderung der Gleichberechtigung der Geschlechter aufstellt". ... it asked for suffrage and "... die Abschaffung aller Gesetze, welche die Frau in öffentlich- und in privatrechlicher Beziehungen gegenüber dem Manne benachtheiligen." Braun-Gizycki 1896: 17; the Social Democratic party days in Erfurt in 1891 and its programme had no special decisions about protection of women. But Eduard Bernstein had argued for such special treatment in *Die Neue Zeit* that same year, Thönnessen 1969: 50f. Bernstein 1891.

1892. The reality had changed.³⁴ Influenced by this change, as well as by the recommendations from the congress in Berlin in 1890 and from the powerful German Social Democratic party, delegates voted that women should be separately protected. It became the policy of international socialism. The trade unions' position in the International probably contributed. It became evident that the complicated relation between men and women in the labour market, had not been solved by the votes two years before on the principle of equality.

The Social Democratic party had been legally free to agitate and organise since 1890 in Germany. During the years in exile, several leaders of the party had chosen to live in Zürich, where the newspaper *Sozialdemokrat* had been published. After 1890 the party had strengthened its position all over Germany and become the largest socialist party in the industrialized world, united under one man, August Bebel.³⁵ The new opinion about women was maybe influenced by the fact that the congress was held in Zürich, a town with strong ties to the German party. In addition to this, Switzerland had well developed traditions to treat women differently in the labour market. The country had since long been keen on internationalizing such laws.

The desirability of an equality between man and women, expressed at two earlier congresses, was in Zürich debated as if such resolutions had not been taken. In Zürich, for the very first time, a protective labour legislation for women only, was presented as a resolution of its own on the agenda. Louise Kautsky from Austria presented the resolution. It was beginning with an attack on the bourgeois women's movement, which was accused of dissociating itself from protective laws for women. The capitalist society exploited both men and women, Louise Kautsky agreed, but it was necessary to "acknowledge the special role women had, because of sex differences" and on woman's "importance as the mother of children". Her resolution suggested for women only: an eight hours working day, a night work prohibition, prohibition to work two weeks before and four weeks after childbirth, and state employed women as factory inspectors.³⁶

The resolution was sharply criticized by some women participating in the congress. One of them, the Belgian Émilie Claeys, said that "such a treatment will have the opposite effect to the one wished for". She asked for equality in its strict meaning, as Clara Zetkin had four

³⁴ Carr 1977:189; Zancarini-Fournel 1995:75ff; Schmitt 1995a: 98ff; Schmitt 1995b:131ff.

³⁵ Gagliardi 1927:34; Trappe 1934: 3; Joll 1955:53; Bürgi 1988, points out the co-work with Germans in preparing the congress in Zürich; Wecker 1995; UW comment: few French persons were there, maybe because they had preferred the congress to be held in a French-speaking town. See Bürgi 1988: 352.

³⁶ "... die durch die Differenzierung der Geschlechter geschaffene besondere Rolle der Frau verkennt, nämlich ihre für die Zukunft der Gesellschaft so wichtige Rolle als *Mutter der Kinder*; ..." (37) *Protokoll des Internationalen Sozialistischen Kongresses...1893, 1894: 36ff*, later = *Histoire ... Tome 9*; Schmitt 1995b: 136ff discusses this congress and connects its development to what was happening in the German party.

years earlier. "We can not agree to shorter working hours for women than for men. We do not want any special rights for women."³⁷

Émilie Claeys was a textile worker. In her hometown Ghent she had founded a propaganda group for socialist women in 1886. In this town of textil workers, a socialist movement had grown since the 1880's, and women were active politically. Belgium had hardly any laws for labour protection and none protecting women separately. Claeys was very involved in work for women's equality with men and for their rights to be productive workers. With this Claeys hoped that women should become economically independent of men and no longer subordinated as wives. In 1889 she had published a book on woman suffrage, printed in 12 000 copies.³⁸ She wanted both political and economic citizenship for women and men, on the same conditions.

Émilie Claeys' intervention got support from Adelheid Dworschack from Austria. She remarked that she did not want "any special protection for us, women", adding that she supported a right for women to have time off for childbirth. Another criticism pointed out the economic consequences of limiting women's paid employment. Nellie Van Kol, with Émilie Claeys since 1893 editor of the journal *De Vrouw/ The Woman*, warned melodramatically for the fate of millions of unmarried working women; they should have to choose between dying from hunger or prostituting themselves, if protective laws were introduced. The delegate Mrs Margaret Irwin was dissatisfied with the attack on the bourgeois women's movement; she wanted to keep the door open for cooperation. A large number of delegates from Belgium, Spain, Roumania, the Netherlands, Italy, France, Russia and England joined the debate on economic equality in demanding an amendment to the resolution: "equal pay for equal work". Wilhelmina Drucker, since 1886 in the Dutch Social Democratic party, became acquainted with Claeys at this congress.³⁹ Drucker should later on at women's congresses criticize

³⁷ "Wir sind überzeugt, dass diese Behandlung gerade zu dem entgegengesetzten Resultat führen würde, was beabsichtigt worden ist."(38) and "Und besonders können wir uns damit nicht einverstanden erklären, dass man für die Frauen eine grössere Verkürzung der Arbeitszeit verlangt als für den Mann; wir verlangen keine Reservatrechte für die Frau"(55) *Histoire ...* Tome 9.

³⁸ Hilden 1993:263ff.

³⁹ "... keinen besondern Schutz für uns Frauen"(38) "Für gleiche Arbeit gleichen Lohn" (40) Nellie Van Kol was married to the Social Democcrat Hubert Van Kol, representing the Netherlands. She in not in the list of delegates to the congress. *Histoire ...* Tome 9: 39f & 55ff ; later on Dworschack, married to Popp, to change her view on special laws for women. Popp 1912; at the list of delegates were: "Marguerite Irwin, Glasgow, Women's Provident Protective League", which was Margaret H Irwin, Women's Protective and Provident League of Glasgow. She took part in many state investigations in Great Britain on women's work and its regulation, among other was she one of the authors of *The Employment of Women*, Malcolmson 1986:58f. Irwin was until 1895 the Scottish organiser of The Women's Trade Union League, later secretary at the Scottish Council for Women's Trades, Gordon and Doughan 2002:12 ; see also Irwin 1896, 1897, 1900 and 1906; Wilhelmina Drucker in 1886 joined the Sociaal Democratische Bond. There she met Claeys, resulting in co-operation. Everard 1998; The arguments of a connection between the conditions of womens' paid work

unequal protective labour legislation. Her attitude must have been reinforced, hearing the criticism from the women in Zürich.

The Women Workers' Association from England and Ireland suggested an addition to the resolution, in which a struggle for equal pay and equal labour legislation for men and women should be put together.⁴⁰ These two joined demands, for both an economic and a legal equality in the labour market, had already been accepted as a resolution at a socialist feminist congress in Paris in 1892, to be reported in the next chapter. Here it was – thus once more – presented in an unquestionably socialist context in which men were in the majority. Here it did not receive any broad support.

The women at the congress were divided. The now even more influential Clara Zetkin had changed her attitude since 1889 and did not support the opposition. Together with Louise Kautsky she even spoke against the amendment on equal pay. Instead Clara Zetkin put motherhood as central to any understanding of women's role in the labour market. Her change of view on women in the labour market had happened within four years. She now lived again in Germany and her party, the Social Democratic party, was the largest such party in Europe. It had a decisive influence over the Second International.

Backed up by this power position Zetkin accused the trade union activist Émilie Claeys for standing fast with equality, pushing for “an old dogmatic women's rights view“. Those using such arguments for equality, according to Zetkin, also used to stress that every man was an enemy to women.⁴¹ She thus tried to put Émilie Claeys and the other opponents in their place by almost openly defining them as bourgeois. As such they were not to be counted on in a debate at a congress for proletarians. Zetkin implicitly accused her opponents for hating men; a standard argument by all who were against feminists.

At the end of the verbal battle, the congress accepted the original wording of the resolution for protective labour legislation for women, read by Kautsky. Accepted was an amendment on equal pay for equal work; that was all on equality. And the attack on the bourgeois women's movement was still kept in the beginning. *This combination of a demand of special protective labour legislation for women only coupled to a demand for equal pay for equal work, became a standard formulation inside the Second International during the following decades.*

and prostitution was repeated often and it was also used in arguments for special legislation. Thönnessen 1969: 55; Hilden 1993: 265.

⁴⁰ *Histoire ...* Tome 9: 38.

⁴¹ "... der Standpunkt, den diese Delegierten vertrat, ist der alte frauenrechtlerische Standpunkt..."(38) *Histoire ...* Tome 9: 38f; Joll 1955: 65ff; Schmitt 1995a: 49ff & 1995b: 136ff.

The congress accepted to add the demand for “equal pay for equal work” without any longer discussion; the ambiguity of the slogan has been analysed in depth by American historian Alice Kessler-Harris. All, both those who were for and those who were against special legislation could unit around such a demand but with various expectations on its effects. Some interpreted “equal pay for equal work” as a protection of men’s work against that of women. Women should not any longer be able to compete with lower wages. The demand could also secure a gender division of labour, because it gave employers an incentive not to give men and women the same work. Women’s work could thus easily be paid less. Both these reasons were relevant for men who feared competition from women. For many others – among them many radical women – the demand for equal pay meant justice and equality in working life. They were also full of hope that male dominated trade unions should support actions to ensure higher wages for their female comrades.⁴² The demand was raised often with emphasize at later women’s congresses.

The debate in Zürich demonstrate that not all socialist women in Europe were satisfied with the recently reestablished positive German view on special legislation and the resolution of 1893. Even some German women had kept their distance to the party policy on the topic up until this year. Later, most of them yield to the party opinion. Clara Zetkin was in the head of this turn. She launched a campaign for special labour laws for women in several numbers of the journal *die Gleichheit* (german for “equality” but also for “similarity”). She was its editor since 1892.⁴³ By this change she accepted the policies of the male dominated party in an area important to socialist women and their daily toils. She became the undisputed leader of the German socialist women’s movement with support from the party.

Clara Zetkin’s new position became the model. She was going to defend it on later international congresses for socialist women and also at other congresses arranged by women, e g in Berlin in 1896. In Germany protective labour legislation for women was made into a question of profile/of image for the Social Democratic women’s organisation. Among socialist women outside of Germany these special laws would for a long time yet remain contested. The question should reappear time and again. And more than fifteen years later, at the tenth congress of the Second International in Copenhagen, at a small pre-congress for socialist women, Nordic women were still going to oppose such special legislation for women

⁴² *Histoire ...* Tome 9: 39f; Kessler-Harris 1990: 81ff.

⁴³ *Histoire ...* Tome 9: 40; Zetkin’s new view can be followed in *Die Gleichheit* KOLLA.; Socialist women themselves wrote in a report on their own history, that they had been against special protective laws until 1893. *Reports to the First International Conference of Socialist Women* 1907: 10f; Clara Zetkin & Lily Braun, "Gesetzlicher Arbeiterinnenschutz zum Parteitag der Sozialdemokratischen Partei 1899 i Hannover" Brinker-Gabler 1979:181; Schmitt 1995a: 47ff.

in the labour market, directly confronting the policies urged since long and so eagerly by Clara Zetkin.⁴⁴ Many French socialist women did not like the resolution taken in Zürich. They should, considerably longer than their German socialist sisters, preserve their aversion of a night work prohibition for women only, debate the question and agitate in opposition to their male comrades.

⁴⁴ Schmitt 1995a: 63ff.