

The Historical Development of Labour Standards

by

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Abstract

This study was developed to examine the underlying nature of labour standards and to trace their development at the national, international and transnational levels over the course of almost two centuries. We try to provide an alternative account of the meaning of labour standards and to show how different social structures, historical events and social actions combined to frame their evolution across three geographical scales in ways far more complex, dynamic and contradictory than conventionally portrayed in the academic literature. The thesis attempts to trace the decades-long struggle for labour standards to their highest level of development in the 1970s, but it concludes, to emphasise their contradiction with the accumulation of capital, with a brief discussion of the neoliberal period when capital gained the upper hand in the class struggle and began to reverse what labour had won in the previous decades.

Keywords: labour standards; means and markers of class struggle; welfare state; capitalist crisis; retrenchment

Dedication

To my old man and truck drivers everywhere



If you bought it, a trucker brought it

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Chapter 1. Introduction

1.1. Object of Study

As a system based on class relations, capitalism has always required the protection of corporate private interests from working class antagonisms that threaten to undermine capital accumulation and the sanctity of corporate private property. The nation-state played a key role in compensating via political and legal mechanisms for capitalism's constant tendency towards, and periodic outbreak of, crises and class conflicts. The state became the primary site of political compromises and class tensions between workers and employers, which in turn, shaped its own internal forms and regulating functions. This included the setting out of provisions for labour standards to cope with working class pressure to which the state was subject (albeit unevenly and in very specific historical conditions).

Over the course of the nineteenth and especially the twentieth centuries, workers were regularly engaged in collective struggles against employers over the distribution of social resources. In a capitalist society, these resources often take the form of labour standards, which employers try to deny, limit or eliminate (out of a need to minimise costs and maximise profits) and workers try to achieve, defend and extend (out of a need for self-preservation). There is no guarantee over employment, wages or working conditions and the market offers no other form of security for workers so they must extract protective legislation for themselves from the state or employers. Hence the struggle for relief from the labour market (unemployment, old age and sickness insurance), from conditions at work (employment standards), for compensation (industrial accident insurance) and so on. These redistributive policies not only address the failures of the market but they also act as barriers to its 'free' operation. That is because labour standards politically define social needs and satisfy them through non-market means to a various extent. In doing so, they undermine the competitiveness of

the labour market and go against private economic decisions and activities. They imply the substitution of conscious political regulation for the free operation of the market. State intervention in favour of the working class, therefore, stands outside and above the market. At the level of the capitalist system as a whole, then, there is a contradiction between the redistribution of social resources through state/political mechanisms on the one hand, and the economic allocation of resources through free market transactions on the other.

The main contradictions and conflicts within capitalism manifested themselves in expressed disagreements between workers and employers over the breadth and depth of labour standards. The outcome of such conflicts, however, rested to a large degree on the capacities and relative strengths of the two contending classes. While the odds were usually stacked against them, workers proved capable of challenging the sheer economic and political power of employers by using their numerical strength to assert and realise their class interests. The undoubted achievements and gains workers were able to make in the course of their struggles were enshrined in the labour laws of different capitalist countries where their battles were fought out as well as in the Conventions and Recommendations of the International Labour Organisation itself. Indeed, working class struggles have been the single most important factor in the development of labour rights both within and across national territories. Changes in the scope, interpretation and application of labour legislation across time and space, therefore, can be seen as largely reflecting the growing political consciousness, organisation and power of the working class. The mobilisation capacity of workers, however, was always influenced by other conditions that were either partially or completely beyond their control. These factors combined, albeit in different ways and to differing degrees, to shape the ability of workers to achieve, defend and/or extend their rights at different historical moments.

In this thesis, we have tried to identify a complex range of factors, some of which were constant and others variable, that influenced the development of labour standards since the early nineteenth century. While there were many reasons for why labour standards arose in fits and starts and in a hodgepodge way, most of them had to do with class struggle in its various aspects and a fear or concern of some sort about labour.

Labour standards were all that workers could struggle for to protect themselves from the worst effects of the exploitation by capital within the system. So long as capitalism had the ability to accommodate and expand these rights in the face of working class pressure, the system could be reproduced and the class structure with it. However, the standards that workers had won over many decades and which the welfare state had extended in the postwar period, were always reversible so long workers could not defend them and/or the conditions of accumulation demanded their retrenchment. In the last quarter of the twentieth century, the expanded welfare state had the effect of stifling the rate of profit and reducing the impetus to reinvest thus creating economic stagnation. It became clear that the vast welfare state had allowed the working class to get more than the system could possibly sustain. The continuous extension of labour rights and standards meant that reform could lead to crisis in the system. Indeed, there was a limit beyond which the system could not reproduce itself. When that point was reached, the political project to re-establish the conditions for capital accumulation began to take shape across the western world. The class struggle, then, became a conscious concerted act on the part of the corporate sector to reverse what workers had achieved in the previous decades. This is the state we are still facing today with austerity policies, which have been more or less consistent with the neoliberal project of the last several decades. But this was not a major part of the thesis, which was to strictly map out the considerable achievement of the working class in winning for itself rights to its own reproduction.

1.2. Literature Review

Although there may be an abundance of material available on labour standards, much of it is descriptive and suffers from both a historical and theoretical deficit. A large number of scholarly works, for example, have focused almost exclusively on problems and issues related to the adoption, practicality and delivery mechanisms of labour standards, especially within the context of international trade or globalisation (Schwenger, 1967; Edgren, 1979; Charnovitz, 1987; Dorman, 1988; van Liemt, 1989; Haworth & Hughes, 1997; Langille, 1997; Lee, 1997; Scherrer, 1998; Scherrer & Greven, 2001; Hepple, 2005; Craig & Lynk, 2006). These studies generally lack a clear

sense of why and how labour standards developed historically. This is particularly true when it comes to some of the legal literature, which tends to treat labour legislation as the independent variable (e.g. *The Idea of Labour Law*, 2011 or *The Autonomy of Labour Law*, 2015), rather than as the product of a long, and rather specific historical process of capitalist development. This literature sometimes assumes that labour standards are not only compatible with the long term interests of corporations but also integral to them. For this reason, a few authors have tried to explore the ways in which labour practices can take into account both the needs of labour and capital (Deakin, 2011). This assumption, however, overlooks the fact that the working classes have had to fight for protective regulations in the face of strenuous opposition from employers for most of the nineteenth and twentieth centuries.

Research that has not failed to consider historical perspectives has tended to focus attention on specific countries, periods or institutions (Castles, 1985; Korpi, 1983; Esping-Andersen, 1990; Ferrera, 1996; van der Linden & Price, 2000; Van Daele, 2005; Van Daele, Garcia, Van Goethem & van der Linden, 2010). These works usually do not identify general trends and patterns that influenced the development of labour standards across time and space (within and across territorial boundaries). They also offer little theoretical or contextual detail to enable the reader to understand the nature of the conflict of interest between workers and employers over labour standards, although plenty of examples of industrial struggles and disputes can be found in the case studies of labour historians (van der Linden & Price, 2000; Lucassen, 2008). This literature sometimes ignores, or certainly fails to convey, the full complexity of labour regulations, including both sides of their paradoxical nature – as a form of resistance to capitalism and as a compromise response aimed at maintaining and legitimising the integrity of the system. While greater emphasis is usually placed on the important role of trade unions in promoting labour standards, much less attention is paid to the contributions of political groups and movements that were inspired by the principles of socialism or communism. It was, after all, the socialist parties that gave rise to trade unions in Europe (except in Britain) (Busche, 1983, p. 6) and for many decades the two groups worked side by side in an effort to promote labour legislation (Lowe, 1921, pp. xxi-xxii). Another shortcoming is that the literature sometimes treats the historical movement to protect ‘free labour’ as something different or separate from the anti-slave trade and slavery movement even

though the two movements intersected and sustained each other in many ways. After all, the movement to abolish New World slavery in the developed countries and their colonies constituted the first step towards the internationalisation of labour standards.

The little research that has avoided temporal and geographic reductionism and explored how different factors contributed to the development of labour standards at varying time and spatial scales suffers from considerable drawbacks (De Swann, 1988; A. Van Daele, 2004; Engerman, 2003; Bronstein, 2009; Servais, 2011). For one, the relevant literature rarely examines the meaning of labour standards and the resulting implications they have for workers, employers and capitalism in general. Most of the literature, for example, fails to draw a clear connection between labour standards and the contradictory nature of wage-labour. Second, some of the existing texts are outdated and do not cover the interwar period when important labour standards were formulated to deal with the Great Depression and a perceived working class or communist threat (Woolf, 1916; Solano, 1920; Ayusawa, 1920). Similarly, other works do not cover the postwar period when labour standards reached their most coherent and comprehensive form, both at the national and transnational level (Lowe, 1921, 1935; Shotwell, 1934). The authors of these works generally did not live long enough to witness the expansion of interest in labour standards and the building up of the welfare state in the immediate postwar decades. Third, the relevant literature is not always comprehensive in its coverage and treatment of various factors that shaped the development of labour standards. For example, the contributions of scholars, social policy experts and politicians in establishing an organisational framework for labour politics that transcends national frontiers has been left out or underemphasised in much of the literature. Researchers also tend to pay insufficient attention to the importance of working class struggle in terms of its impact on the distribution of social wealth. Indeed, all too often the literature fails to recognise, or even suppress, the fact that labour rights threaten to undermine the structural foundations of the system – exclusive corporate accumulation, ownership and control. This was after all the heart of class struggle within a capitalist mode of production. Fourth, almost all scholars have conceptualised labour standards and civil and political rights as compatible and mutually complementary. Very rarely has anyone treated labour standards as a separate set of countervailing rights that contradict and run counter to corporate rights – the dominant form of property underlying both civil

and political rights. And no one has yet analysed the content of labour standards and civil and political rights in terms of their respective relationships with corporate and feudal rights.

Not coincidentally, many studies on labour standards were written during periods of intense activity on the part of trade union, socialist/communist and reformist movements. In the late nineteenth and early twentieth centuries, for example, several texts on national labour standards appeared (Kydd, 1857; Plener, 1873; Jeans, 1891; Cooke-Taylor, 1894; Redgrave, 1895; Brooke, 1898; Hutchins & Harrison, 1911). These works were published at a time when there was a boom in trade union membership and an upsurge in the organisational strength of workers in the most advanced capitalist countries. This period, moreover, coincided almost directly with the first efforts at socialist and trade union internationalism, which was a major factor in the push for international labour legislation. Indeed, from the First World War on and after the Bolshevik Revolution in particular, several books were written about international standards. These works examined bilateral and multilateral treaties and agreements, international labour conferences and institutions as well as the establishment of the International Labour Organisation and its standard setting activities (Woolf, 1916; Solano, 1920; Ayusawa, 1920; Lowe, 1921, 1935; Shotwell, 1934). The last important period in labour standards research occurred in the second half of the twentieth century when national and transnational standards reached their highest point of development during the welfare state years before they became subject to intense political scrutiny, legal attacks and resulting retrenchment (Valitcos, 1979; Gough, 1979; Korpi, 1983; Offe, 1985; Clarke, 1988; Esping-Andersen, 1990; Pfaller, Gough & Therborn, 1991; Teeple, 2000). What was significant in the immediate postwar decades was the growing perception of the threat of socialist and communist advance (given the existence of the Soviet Union, revolutions in China, Korea, Vietnam, Cuba and elsewhere, and strong communist parties in Europe) and rising levels of industrial conflict. In many ways it could be argued that the rise and fall of labour standards, corresponded more or less to the rise and fall of mass based socialist movements and militant industrial unionism. It cannot be a complete coincidence, for example, that retrenchment occurred around the same time that the Soviet Union collapsed and unionisation rates fell. Since that period,

however, the literature has focused increasingly on the contentiousness of labour reforms and the possible revitalisation of labour politics.

There is, then, a relatively small body of literature that deals specifically with the development of labour standards across historical time and space. But it has not been brought together in this manner before. This study also draws upon other areas of knowledge, which are not typically found in the traditional literature on labour standards, in order to explore and better understand the deeper meaning of labour laws and the historical context within which they developed. Such topics which are relevant to labour standards, but often neglected in the literature, include: working class formation, industrial wage work, slavery and unfree labour, and working class movements (socialism and trade unionism in particular). By incorporating these research topics into the thesis, it was our intention to further the integration of labour standards research in the broader disciplines of political economy and social history. To undertake this wide-ranging critical analysis, we also used Marx as a starting point and employed some of his concepts but only insofar as they provided us with a useful model for exploring and understanding certain aspects of labour standards and the factors that have facilitated and hindered their evolution both during his life time and since.

1.3. Methodology

A thesis of this scope requires us to draw upon and piece together a wide variety of materials and evidence, including legal collections, archival documents, government reports, detailed case studies, secondary quantitative data, institutional records as well as scholarly works. In our inquiry, then, we come across a variety of information that is

often too incomplete to permit statistical analysis, that cannot be easily ordered by strict criteria externally dictated by statistical rules (the so-called 'crisp data partition'), that cannot be assumed to be fixed or stable in meaning through time or from one historical actor to another, and that moves across levels of analysis in a complex, apparently bewildering, fashion (from person to collectivity to institution to period). (Griffen & van der Linden, 1999, p. 7)

The use of formal inferential techniques and methodologies would have certainly allowed us to subject our findings to more rigorous testing, thereby increasing confidence in our theory and results. However, even if data were available across all time periods and countries, given the scope of our project it would have been time consuming and difficult, if not impossible, to collect and analyse so much information. Indeed, quantitative researchers sometimes become so “preoccupied with problems of coding, file construction, statistical procedure, computer techniques, and coordination of the whole effort that they practically lose contact with the people, events, places, and times they are studying” (Tilly, 1981, cited in McCammon, 1999, p. 53).

In this thesis, we have tried to grasp “the general *in* the particular, and the abstract and logical *in* the chronological” (Griffin, & Korstad, 1999, p. 162) by studying broad patterns that occurred or persisted across time and across borders. But we also preferred explanations and interpretations that were context dependent and causally contingent, and not always invariant across time and/or space. We attempted to create, then, a middle path between generality and specificity by identifying a number of structurally induced and contingent factors that contributed to the development of labour standards at different times and at different geographical scales. This dual focus allows “generality to be informed by historical grounding in transformative moments while the uniqueness of those moments is also preserved” (Isaac, Christiansen, Miller & Nickel, 1999, p. 27).

In grounding our theory within specific historical (temporal and spatial) contexts, however, we faced several methodological issues and problems. For one, it was impossible to establish a direct and unique relationship between the dependent variable (labour standards) and one independent variable (class struggle) even though we tried to provide numerous examples in order to substantiate our position. This is because there were other important but secondary variables (e.g. efforts to guarantee a level playing field for businesses) that could have produced the same outcome, either alone or in conjunction with other factors, including the independent variable. As John Stuart Mill once pointed out, especially in “the phenomena of politics and history Plurality of Causes exists in almost boundless excess, and effects are, for the most part, inextricably interwoven with another” (cited in van der Linden, 2003, p. 185). There is no

real solution to the 'problem of overdetermination' and the "fact that there may be several explanations for a phenomenon opens the doors to paradigmatic controversies that cannot be settled by research" (van der Linden, 2003, p. 189). Research of the past, however, can allow the 'past to speak for itself' so in attempting to write a developmental history of labour standards while at the same time placing greater emphasis on the role of working class struggle, we have tried to make use of quotations to allow the reader as much insight as possible into what historical actors actually witnessed, thought and expressed. These quotations provide the formula to experience the past and they also add substance and authority to our arguments. Second, comparative labour history is difficult because it "requires both a knowledge of different situations and considerable analytical ability. In exceptional cases, one individual is able to gain an in-depth knowledge of several instances and convincingly interpret this knowledge" (van der Linden, 2003, p. 189). My familiarity with so many different time periods and countries, however, was certainly very limited. Since the thesis's scope outweighs by far its actual depth, Galton's problem (when one process produces similar changes in different cases) and instance-stretching (when more cases are presented in which a particular result occurs than was really the case) became important and intriguing methodological considerations. One way to partly address these issues when doing comparative labour history is to place greater emphasis on a 'Western European pioneer labour-movement country' such as Britain which "would 'halve' Galton's problem, as it were, because pioneer countries cannot be influenced by other countries" (van der Linden, 2003, p. 194). Because of its significant impact on the development of labour standards at different historical moments, more attention was therefore paid on the case of Britain.

There is no formula that can be applied mechanically to uncover why and how labour standards developed. The most appropriate method largely depends on the efficacy of the theoretical approach to historical reality and deciding which variables may be relevant and causally related (van der Linden, 2003, p. 184). At a very general level, this thesis could be said to consist of an argument and a series of sub-arguments. After researching, reading, and reflecting on material that illustrates these arguments and fleshes them out, we were able to test their veracity and substantiate and demonstrate our case. However, the scope of our research was limited to looking closely at the instances in which labour standards developed but not those in which they did not. The

major disadvantage of this approach is that one cannot “compare cases in which the event occurs with cases in which the event does not occur, thereby more systematically uncovering the causal dynamics that produce or do not produce the events of interest” (McCammon, 1999, p. 52). Lastly, because English was my only language, scholarly works in other languages, which could have further informed my research findings, were generally not accessible. I have tried to keep this language bias in mind and I am well aware that it may have influenced my results in important ways even though a wealth of material is available in English (both original and in translation).

Chapter 2.

The Rise and Development of Labour Standards

2.1. Historical Preconditions

Labour standards have been introduced in different countries at different times in history and under different circumstances. But in almost every case their emergence was bound up with certain conditions that made the rise of capitalism possible. These conditions generally included: the breakdown of feudalism, the rise and expansion of corporate private property, the formation of a modern working class and the institution of 'free' wage-labour as a dominant form of commodified or dependent labour, and the creation of the modern nation-state. All these developments were intimately linked but we have separated them here for purposes of conceptual clarity. They did not follow a linear development or occur simultaneously or in the same way in all countries. But they were nevertheless necessary, if not sufficient, conditions that had to be present before labour standards could emerge in the first half of the nineteenth century. While laws regulating the relations between workers and employers have a relatively long history, unlike modern labour standards, earlier laws did not apply to industry, were generally imposed by ruling elites, in their own interests, and for the most part, were not intended to benefit workers (Engerman, 2003, pp. 9-10).

Industrial labour standards were the product, primarily though not exclusively, of the development of capitalist forces and relations of production and the simultaneous destruction, conversion and subordination of pre-capitalist modes of production and their respective rights. This historical transformation, which spanned several centuries and is still ongoing in certain parts of the world, involved large numbers of direct producers who were dispossessed of their independent means of production and effectively 'freed' from pre-capitalist forms of bondage (Bonefeld, 2002). Forms of dispossession varied considerably across individual countries and often provoked a number of bloody rebellions, but for the most part resistance proved little threat to the advance of corporate private property, which continued to expand and firmly establish itself as the

predominant form of property in countries that developed into major industrial centres. Populations, first in England, then in Western Europe and the United States and elsewhere, were gradually divided into two distinct classes: a corporate class which had exclusive rights attached to the ownership of the means of production and a working class which did not have those rights but only the private individual right to sell its living commodity – labour-power – in return for wages.

While the expansion of industry was not always large enough to absorb all those displaced and unemployed (Hobsbawm, 1996, p. 207), sizeable numbers of direct producers nevertheless found themselves dependent on wage-labour for their livelihood, which meant that they had to access the means of subsistence via the wage, in a labour process controlled by employers and later the corporations, the owners of all the means of production and consequently of the products necessary for survival (Brenner, 1977, p. 32). Wage-labourers existed in ancient times and their relative numbers increased in the early Renaissance, yet they were still a minority class restricted to certain spheres of production and distribution and their activities were frequently of a temporary nature (van der Linden, 2008, pp. 45-46). Wage earners did not make up the majority of the working population nor did they account for an increasing share of the total labour force any more than they did in antiquity. The secular trend toward greater reliance on permanent wage-labour began only around the nineteenth century and its growth continued unabated following the rapid expansion of heavy industry i.e. as capital began to penetrate into all spheres of social reproduction (Altvater & Mahnkopf, 1997, p. 449).

In this period, more or less 'free' forms of permanent wage-labour gradually established themselves in larger economic sectors and co-existed alongside, and sometimes even replaced, earlier forms of forced or coerced labour (van der Linden, 1997). Wage-labour is the form of labour that prevails today in advanced capitalist nations (although forms of unfree labour, which are now regarded, as illegal and objectionable forms of commodification, still exist around the world) and the form that the first industrial labour standards presupposed.

The generalised shift toward wage-employment and market dependency, however, unleashed a new set of contradictions, needs, and problems that were yet to

be addressed or resolved in a partial, temporary, permanent or complete way. The peculiar nature of wage-labour and the characteristics of its condition, encapsulated in the term 'wage-slavery', became manifest in a series of dilemmas regarding the necessity of government intervention.

Wage-labour, which refers to work carried out for an employer in exchange for a wage or salary, is not usually seen as forced or coerced. Labour-power that is 'owned' by the worker and temporarily sold or hired out to the employer via an ostensibly non-compelled contract appears as free. It is, however, framed by several constraints. These constraints were common to all the industrialised nations that introduced labour standards in the nineteenth century.

First, all work oriented towards mere physical reproduction is necessary because it is activity which must be carried out regardless of whether or not individuals want to do it. In a capitalist society – where the productive activity of large segments of the population takes the form of wage-labour – this certainly holds true: there are few sources of the means of life other than work so in order to live most people must sell their labour-power. Labour 'cooperation' then actually involves pressures beyond individual choice since economic necessity forces the majority of people to spend their lives working under the command of an employer. This absolute dependence on paid employment may be obscured by the apparent freedom in hiring and in labour mobility, which gives the impression that wage earners are free to dispose of their capacities to work however they wish (unlike slaves, serfs, servants, indentured or other bonded humans who cannot, in principle, choose for whom they work).

However, the right to leave employment was not always available to wage earners. For example, in most of the British colonies in the nineteenth century, the British Master and Servants Acts made the leaving of a job by 'free workers' (before a certain period of time) a criminal offense, punishable by imprisonment and in many countries strict restrictions were placed on the ability of workers to move to new areas in search of employment (Steinfeld & Engerman, 1997, pp. 112-113).

But even if we assume there is a period of time workers are free to quit, choose between individual employers or move somewhere else to find work, it is still the same

period of time for which they must sell themselves to (at least) one employer somewhere in order to survive. Without alternative means of subsistence, all 'free' wage earners are therefore obliged, sooner or later, to place their productive powers at the service of one employer or another in order to continue their existence. Since their entry into the labour market is more or less an inescapable fact and inevitable (unless they sink into beggary or starvation), we can say in some sense workers belong to capital – the whole class of employers – even before they have offered to sell themselves to a particular one in the labour market (Marx, 1867/1977, p. 415). This constraint was somewhat more common in Europe where dispossessed and propertyless peasants were faced with the choice of either finding employment as workers or starving (vagrancy was punishable by fines, whipping, branding, years of servitude, live gibbetting, etc.) but less so in the United States, where there was still the possibility of escaping the worker's life by settling on the land and becoming a farmer (Kuczynski, 1967, p. 161).

The ideology of free wage-labour may also imply a condition whereby workers have opportunities in the workplace and a certain amount of class mobility i.e. the ability to rise from lower paid jobs to more skilled and better paid jobs and eventually to forms of self-employment. However, a number of economic barriers stand in the way of realising these goals. One complicating factor is that competition not only makes profit maximisation and growth more important than the interests of labour for employers, but it also implies the minimisation of all labour costs. Another barrier is that the growth of large-scale industries substantially increases the amount of capital even required to start and manage a new small business, which without economies of scale or regulatory favours, will inevitably face higher average costs. It is therefore not surprising to find that occupational mobility and entry into self-employment is extremely limited (if not impossible) for large sections of the working class, who despite working very hard, are still stuck in dead end, low paying jobs, even in the so-called 'land of opportunity' (Aronowitz, 1992). Furthermore, the desire for self-employment and greater autonomy runs counter to capitalism's logic of accumulation. For one thing, capitalism is a system of organised collective capital; it is not a mode of production based on small autonomous businesses and independent commodity producers. For another, corporate capital can only come into existence and grow by destroying pre-capitalist private property, that is,

by usurping small independent forms of capital and 'freeing' the workers tied to them (Teepie, 2005, p. 36).

Second, the labour market broadly determines the availability of work and the level of wages. Even though people and their families must work in order to live, there may not be work available and when the market does not need workers, the worker as a commodity is without access to the means of subsistence – no job, no income, no life. And even if people are able to find work, it may not pay enough to live in a relatively normal manner.

Third, the rights of the employer prevail over the hiring and the conditions of employment so even if there is work available, the employer can determine such things as: whether or not the worker will be employed, the length of employment, work schedule, job duties, pace or intensity of work, quality of final product or service and what happens to it, manner in which earnings are paid (e.g. money wage, piece rate, in kind, etc.), whether pay raises are warranted and so forth.

Given these restrictions, the freedom of wage workers in their right to sell their labour-power seems more apparent than real. So the notion that workers are free agents or that the wage-contract is a voluntary contract between juridically free and equal individuals ignores and disguises the wide range of extra-economic market constraints that are inherent in the wage-relation and that render it compulsory (Banaji, 2003). Moreover, the forces of the labour market and the terms and conditions of employment are not only beyond the control of workers but they are also hostile to their interests. And this is all borne out in the continuous, permanent need for workers to struggle for rights befitting those with only their labour-power to sell i.e. need to address the contradictions and problems that arose from and were connected to wage-labour itself ('freedom' of contract, competitive market conditions, and capitalist labour processes).

Wage-labour exists so long as a class remains constrained to sell its ability to work in exchange for enough money to meet its basic needs. Addressing the needs of workers, however, was never the point of the system; rather, it was the accumulation of capital at the expense of the vast majority of producers whose needs became secondary albeit necessary for the system's reproduction. The needs of the class that produced the

wealth were addressed insofar as employers were obliged to address them and as long as they were compatible with the conditions of accumulation. Therefore, there was no guarantee that the partial demands of working people expressing their immediate needs under capitalism – for full employment, sufficient wages, reasonable working hours, adequate health and safety provisions – would be fulfilled and the system offered no other form of security for them. Minimum intervention of one kind or another was needed to mitigate the ubiquitous uncertainties and disadvantages faced by workers in market economies (Reuten & Williams, 1993, p. 435).

In the early stages of industrial society, there were no mechanisms for addressing such problems, aside from the wage-relation and the purchase and sale of commodities (Teeple, 2000, p. 11). The provisional and temporary solutions were to come in large part in the form of labour standards in the early nineteenth century.

2.2. Labour Standards and Human Rights

In the place of the pompous catalogue of the 'inalienable rights of man' there steps the modest Magna Carta of the legally limited working day, which at last makes clear 'when the time which the worker sells is ended, and when his own begins.' Quantum mutates ab illo! ['What a great change from that time!'] (Marx, 1867/1977, p. 416)

Academic scholars in the field of industrial relations and labour law as well as trade unionists and other activists have often conceptualised labour standards as a legitimate part of human rights discourse, or as secondary rights that are not really part of but still somewhat related to human rights (Compa & Diamond, 1996; Van Daele, 2004; Alston, 2005; Kang, 2012; Bogg, Costello, Davies & Prassl, 2015). There is another level of analysis, however, that has not been previously examined to any great extent and that is to treat labour standards as a separate set of class rights, like all rights, including the deceptively titled 'human' rights.

Labour standards are not usually seen as a set of countervailing rights or the markers of class struggle in a system of corporate private property in which the imperatives of profit and accumulation take precedence over the satisfaction of human and collective needs. Similarly, civil and political rights, which form the original and main

part of so-called human rights, have rarely been defined as indicators of class interests or the markers of class struggle in a feudal mode of production in which customary entitlements, duties, and obligations to common lands took precedence over the accumulation of capital in the form of private property.

However, it is possible to conceptualise the historical development of labour standards and civil and political rights as running contrary to the prevailing rights of the dominant class and the mode of production consistent with its own ruling class interests. In other words, we can treat the rise and development of labour standards and civil and political rights as paralleling the birth, political evolution and struggles of two classes – workers and the bourgeoisie. Both set of rights were born with these classes and their content and form was, more than anything else, shaped by decades of class struggle activity.

All classes struggle for and assert principles of property that best suit their interests. Hence the American and French bourgeoisie asserted a set of rights that only belonged to them as a class – private rights in the form of the ‘rights of man’ (or civil rights) and the ‘rights of the citizen’ (political rights). These rights were originally extended to and exercised by a minority propertied class whose needs and demands ran counter to, and were an imposition on, the prevailing laws and privileges of the feudal classes and monarchy. Similarly, when the working class formed, matured and organised, it too struggled for and asserted a set of countervailing rights that belonged to it as a class – collective or social rights in the form of labour standards. These rights were fundamentally different from and contradictory to prevailing corporate private rights and laws.

Historically, the countervailing demands and struggles of the bourgeoisie reached their boiling point with the overthrow of the colonial monarchy in the United States and the abolition of feudalism in France. The bourgeoisie’s interests were then enshrined in the American and French constitutions as the first definitive statements of the victory, principles, and aims of a new ruling class that had just come to power. As such, the declarations born out of the American and French Revolutions marked the coming of the bourgeoisie as a social force for struggle against the regime of feudalism

and the absolute monarchy. Their publication signalled the end of the old feudal order and the triumphant rise of a minority possessing class, which had finally come into its own by the end of the eighteenth century by forcefully asserting the principles of property (civil and political rights) that best suited its interests.

Similarly, albeit with a less radical departure from the status quo, when working class conditions and countervailing demands reached a point where they threatened the collective self-interests of industrialists, labour standards in the form of the Factory and Mines Acts were extracted from, and imposed by, the state. The introduction of labour legislation marked the first time that workers successfully secured legal recognition of their interests and needs from ruling elites, who were forced to acknowledge the working class's role as a major force driving the industrial revolution and the development of the capitalist system. Indeed, the winning of labour standards represented the first practically successful attempt by the emerging working class to protect itself from total exhaustion and extract significant concessions for itself at the expense of employers. This holds especially true when it comes to the successful struggles workers waged for shorter working hours (at a time when there were no limits other than 24 hours). The struggles were long lasting and hard fought but they eventually ended in a legal win for workers, and as such they represent "the victory of a principle; it was the first time that in broad daylight the political economy of the middle class succumbed to the political economy of the working class" (Marx, 1864/1962, p. 383). Legislation governing the hours of work made it abundantly clear "when the time which the worker sells is ended, and when his own begins." For the first time, this significant victory allowed workers to prearrange their own minutes for their own class purposes, including above all the pursuit of organisational and political activities (Factory Inspector cited in Marx, 1867/1977, p. 416). In many ways, then, early factory legislation can be seen as marking the arrival of the modern working class as a social force to be reckoned with in its struggle against employers and their representatives.

Labour standards also point to the transformative change that took place once workers woke to the importance of their condition and started to demand rights of their own in contradistinction to the 'rights of man and of the citizen.' The working classes were told that civil and political rights were valid everywhere and that these rights were

in the interest of all members of society. But the most productive members, who were forced to sell “themselves and their families into slavery and death by voluntary contract with capital”, left the factory as broken human beings, crushed by the power of the employer and the deadening routinisation of the labour process (Marx, 1867/1977, p. 416). Workers painfully learned that their needs and demands were left unaddressed by civil and political rights, which had little or no meaning inside of industrial enterprises where most of their time was spent. This made some sense, given the so called rights of man came into being before ordinary working men and women had even sprang up and mushroomed in size in industrial areas. But even if these rights existed (which they did not as most working class men were denied the franchise in Britain as late as the 1870s and on the Continent the situation was even worse) how could working people exercise civil and political rights in a meaningful way when they were labouring eighteen-hour days, six or seven days a week? (Anderson, 2010, p. 193).

Just as the working class became aware of its condition inside of the workplace, the bourgeoisie, similarly, came to terms with its own interests in the emerging marketplace where it found that its needs and demands were left largely unaddressed by, and were even at odds with, feudal rights and obligations. The marketplace became “the very Eden of the innate rights of man” (Marx, 1867/1977, p. 280) because it is within this realm (of exchange) that the bourgeoisie woke to the importance of its interests in private property (the ‘Free-trade Vulgaris’) and began to demand civil and political rights for itself in contradistinction to the divine right of kings.

At their heart, the bourgeois declarations and labour standards each represent the struggle of class against class in the form of rights and principles. On the one hand, the declarations were the product of a centuries-long class struggle between various sections of the bourgeoisie (from the manufacturing to the financial capitalists) and the representatives of the old feudal order. The civil and political rights contained within these declarations were embodied in the medieval municipalities and communes, which became political weapons in the fight against feudal authorities. Labour legislation was also the product of class struggle albeit between the working class and capitalist class. Workers extracted rights for themselves at the expense of employers with the help of trade unions, which became organising centres for collecting the power of the working

class and its political weapon against capitalist authorities (Marx cited in Lozovsky, 1935, p. 16). In this sense, the publication of the American and French declarations and labour legislation, represented the symbolic victory of one class over another.

Civil and political rights and labour standards were the outcome of a long and protracted confrontation between antagonistic and contradictory forms of property. Hence, the winning of each set of rights represented the symbolic victory of a particular form of property relations (for the bourgeoisie, exclusive private rights, whereas for the working class, collective/social rights), a particular form of control over the means of producing social wealth (bourgeoisie, private ownership and management; working class, collective and democratic ownership and control), as well as a particular form of distribution of the total social product (bourgeoisie, to accrue to capital, whereas for the working class, to accrue to producers and society at large).

Labour standards and civil and political rights were each the product of contested property relations that constituted two historically specific modes of production. The historical struggle for civil and political rights, for example, took place within the framework of a feudal mode of production and reached its climax with the American and French revolutions. The struggle for labour standards, on the other hand, primarily took place within the arena of modern industry and was “fought out first of all in the homeland of that industry – England” where English factory workers became “the champions, not only of the English working class, but of the modern working class in general” (Marx, 1867/1977, p. 413).

Underlying the demand for civil and political rights was the idea that the commercial needs of the bourgeoisie could never be fully satisfied within the confines of a feudal system based on hereditary privileges, duties and landed wealth. On the other hand, implicit in the demand for labour standards was the idea that the needs and interests of workers could never be fully addressed within the confines of a system predicated on the accumulation of capital. And while the French and American declarations implied the establishment of a new social order, which would replace the old feudal hierarchy, implicit in factory legislation was the idea that a new system which

could provide welfare for the majority of producers in as many aspects of life as its resources permitted was necessary.

Civil and political rights and labour standards were the markers of class struggle between competing and antagonistic classes, each of which justified itself in action and extracted concessions for itself by infringing on the rights of the other. In principle, the demand for civil and political rights meant at the same time the demand for the curtailment and abolition of various pre-capitalist customary obligations which were at odds with the right of private ownership of property exclusive of others. Similarly, the demand for labour rights meant at the same time the demand for the curtailment and abolition of corporate private rights, which were at odds with addressing the material and social needs of working people. As long as their interests and needs remained incompatible and contradictory, the assertion and consolidation of one's class's rights, then, necessarily implied and required the curtailment or forfeiture of another class's rights.

The full extension of civil and political rights served to undermine and abolish feudal relations, which resulted in the construction of a new mode of production based on different principles (private property and contractual relations) and structure for the state. Similarly, if labour standards were carried to their logical conclusion, they would spell the end of capitalism and become the guiding principles of a new system based on addressing human needs of both a material and social kind. This is particularly true if labour standards, backed by pressure from the organised working class, forced the reduction of the working day to the absolute minimum, that is, the labour-time necessary for social reproduction or the time required to produce the daily means of subsistence. Under capitalism the "working day can never be reduced to this minimum" (Marx, 1867/1977, p. 341) because it would theoretically put an end to the process of capital accumulation, which is based on the extraction of surplus labour-time for the purpose of producing exchange values for the market and maximising profits (although in a post capitalist society, what is now considered 'surplus labour' may very well count as 'necessary labour' in order to meet the ever increasing needs of society) (Marx, 1867/1977, p. 667).

In the immediate demand and struggle for reduced working hours not only do we find resistance against labour exploitation and the oppressive control of capital in working time (Antunes, 2012, p. 147) but we also uncover the principle of a new age: the desire and possibility for a meaningful life outside of work. The saving of labour-time is equal to more disposable time for individuals to develop their potential, talents and capabilities (Marx, 1858/1973, p. 711). In demands and struggles to control working and living (free) time, therefore, lies a revolutionary principle, namely that the freedom of workers to develop their potential productive activities, which respond to and address their social needs, actually lies outside of the workplace, that is, outside of the realm of necessity and at the end of a labour process with humans overwhelmingly tied to material production. The potential for leisure, creative social energies and free self-development is only realisable with a general reduction of the working day, which would constitute the first step towards securing more disposable time for workers, thus allowing them to become absolutely free of the necessity of producing for strictly material needs.

In fact, the realm of freedom actually begins only where labour determined by necessity and external expediency ends; it lies by its very nature beyond the sphere of material production proper...The true realm of freedom, the development of human powers as an end in itself, begins beyond it, though it can only flourish with this realm of necessity as its basis. The reduction of the working day is the basic prerequisite. (Marx, 1894/1981, p. 959)

The abolition of capitalism and the realisation of freedom, therefore, depend upon the reduction of the working day to an absolute minimum (Marcuse, 2000, p. xxiii). In a post-capitalist society, the shortening of the working day (made possible by technological innovations and the development of the forces of production) would facilitate human development by giving people more free time to express and enhance the totality of their sensuous and intellectual capacities, which is potentially infinite. In this new society, time would be treated in a radically different way (Hudis, 2012, pp. 145-146). Indeed, the “creative utilisation of disposable time as an orientating principle of societal reproduction” (Antunes, 2013, p. 154) would mark a ‘great change’ from the labour-time controls of capitalist production (Marx, 1867/1977, p. 416).

2.3. Labour Standards and Corporate Rights

2.3.1. Conflict of Interest

If any society is to reproduce itself, it must create and distribute goods and services in a way that addresses the material needs of its members. In a capitalist society, a fundamental conflict of interest between employers (the owners of all the means of production and of economic activity in general) and workers (who keep those means of production in motion) exists with respect to the production and allocation of the total social product, on the basis of which class struggle develops.

Divisions certainly exist among employers but as a class they are more or less united in their basic goal of accumulating capital, which requires them to minimise their costs of production as much as possible, especially with regard to labour. This includes, among others, such things as wages and salaries (if possible, even below the bare minimum value required to sustain human life), occupational health and safety measures, sick leave pay, bonuses and gratuities, overtime pay, vocational training, workers' compensation, fringe benefits, severance and termination pay, work clothes, contributions to pensions and so on.

Generalising from this imperative to maximise their return on their investments, employers have full rights (like all other buyers in the marketplace) to extract the maximum possible benefit out of the use-value (labour-power) that they have purchased for the working day (Marx, 1867/1977, p. 342). But since labour-power (mental and physical capabilities) resides 'in' the body and mind of the worker, the right of employers to the consumption of labour-power is, at one and the same time, the right to the consumption of the worker's entire being. However, this does not mean that employers have legal rights over the person since that would be tantamount to the institution of chattel slavery, which no longer exists as a dominant institution in advanced capitalist societies. It simply means that employers have to treat workers as inputs to the production process – an amount of variable capital must be efficiently and effectively utilised in order to increase the rate of the accumulation of capital.

Workers, on the other hand, have no choice but to sell themselves to employers to procure the means of subsistence, especially since a reserve army of labour that will accept onerous and disadvantageous terms over unemployment surrounds them. Economic necessity, therefore, is the working class's overriding consideration in the selection of employment. However, since the peculiar nature of the commodity that they have exchanged implies a limit to its consumption by the employer (otherwise premature exhaustion or death may result from its overuse), workers have full rights as commodity sellers when they wish to preserve the health and safety of their minds and bodies so that they can sell them again anew. And like all sellers in the marketplace, workers demand the full value of their only commodity – their capacity to work – when they wish to extract the maximum possible benefit out of its use-value by acquiring such things as a living wage, shorter hours, safe and sanitary working conditions, decent benefits and so on. If the owners of capital supposedly owe their wealth and success to being well disciplined and frugal, then it is only natural for workers, who are encouraged to follow in their foot steps, to act like sensible saving owners and never foolishly waste the only valuable asset that they have to offer (Marx, 1867/1977, pp. 342-344).

2.3.2. Unequal Bargaining Power

Regardless of its interests and needs, the working class found itself at the mercy of another class, which enjoyed a privileged and powerful position as the owners of all the means of production and distribution. Control over economic resources gave sanctioning power to the corporation, which benefitted from the nature of the system, while those who did not own any means of production had no legitimate means to live, if there was no employment, or in a decent manner, if their job did not provide them with an adequate wage, decent working conditions, hours, and so on.

As the dominant creators of all social wealth, workers formed an essential part of the system but they did not necessarily benefit from it, especially during economic downturns. The contradiction between the goal of capitalist accumulation and the means by which this goal was pursued meant that the needs and aspirations of workers were almost always in conflict with the interests of capital and subject to profitability limitations. This unequal relation gave rise to a network of workers' organisations, which

included trade councils, friendly and cooperative societies (voluntary mutual-aid groups that possessed characteristics of what later became the role of trade unions) and, most importantly, trade unions themselves.

2.3.3. Rise of Trade Unions and Countervailing Demands

Modern trade unions are an outcome of and an organisational expression of the never-ending conflict of interest that exists between capital and labour. Capital is an organised and concentrated force, while the only thing a worker possesses is individual labour-power. The worker as an individual embodiment of private property is therefore no match for the collective power of capital. The formation of a trade union, then, is an attempt by individual workers to pool together a collectivity of labour-power to confront or match the power of capital. The right to organise, therefore, represents an attempt to redress the iniquitous power relation and bargaining imbalance that exists between the employer (an organised force) and individuals who have little or no power over the terms and conditions of their employment (Engels, 1845/2009, p. 223; Marx, cited in Lozovsky, 1935, p. 16).

Competition in the labour market, however, continuously weakens working class unity by pitting workers against each other for jobs. Not paradoxically, the first trade unions formed out of the spontaneous attempts of workers to abolish or reduce this competition in order to bargain for bare minimum wages and dignified working conditions (Marx, 1867/1977, p. 1070).

These early industrial trade unions represented the first organised voice of the working class confronting the concentrated economic power of capital. They continue to provide the working class with a basis on which to develop its collective strength. Through collective organisation, including the threat of coordinated labour withdrawal (the greatest social power afforded by union organisation that keeps employers in check), unions provide a structured means for workers to protect and advance what is favourable to them. Unity is therefore the overriding precondition for successfully organising and winning during employment disputes.

But such rights to organise, to bargain collectively, and to strike depend largely upon whether they are legal rights that can be legislated and enforced by the state. If the state does not monitor or enforce these rights or impose minimal penalties for their violation, or if the employer refuses to recognise or follow them or if workers do not know they can organise or are too afraid to do so, then such rights do not exist. And so possibly the most important right fought for and won by trade unions in the nineteenth century – a right that was not fully recognised and enforced until well into the twentieth century in many places – was the right to organise. However, freedom of association and collective bargaining are rights to organise and negotiate over the terms and conditions of employment, they are not rights to any particular result or standard in these areas.

While historically friendly societies offered their working class members insurance benefits and cooperative shops offered workers quality goods at decent prices, trade unions were the only significant solution that working class people could turn to in order to help them deal with a volatile labour market and an authoritative workplace. Even though trade unions were often outgrowths of mutual benefit societies, their ability to influence the terms of payment and working conditions distinguishes them from other workers' organisations (which were dedicated more to reducing personal financial risks by accumulating funds for support payments for their members in case of death or unemployment) (van der Linden, 1996, p. 18). While trade unions recruited fewer workers than friendly societies in the first half of the nineteenth century (Merriam, 1996, p. 706), they still originated as organisations that were dedicated to militantly representing the interests of their members in the workplace. Trade unions not only exist to promote and secure legislation favourable to their members who have given them their right of representation, but they also help police and monitor agreed or promised working practices and compensation arrangements.

Along with political parties and other workers' organisations, trade unions have the potential to contribute to the formation of collective identities and the development of group solidarity among working people of all colours, sexes, religions, ages, and orientations. When they are not being used to divide the working class (by negotiating two-tiered contracts, for example) unions can help the working class realise that on

central issues of the labour market and workplace, the common interests of workers are in substantial opposition to those of management and owners (Gough, 1979, p. 59). Through their organisational governance, trade unions also provide their members with much greater opportunities to influence decisions that affect their livelihoods (Croucher & Cotton, 2009, p. 4). In collective bargaining, for example, the interests and needs of union members must continually and constantly be responded to and serviced, which enables members to gain much more control over their working lives.

While trade unions play an important role in improving the welfare of their working class members, they have more often than not operated within the framework of privileged corporate private property. Their function within capitalist society, in other words, is to re-negotiate the terms on which labour-power is exploited on behalf of their members but not always to abolish or overcome exploitation itself (Darlington, 2014, p. 113). Trade unions have an interest in the success of their employers since the satisfaction of the material needs of their members depends to a large degree on the realisation of the material interests of their employers (van der Linden, 2003, pp. 26-27). As such, unions help workers reproduce themselves as a class and by extension, active subjects who reproduce capital. Moreover, trade unions contribute to the fragmentation and stratification of the working class by raising “out of poverty the upper vanguard of the industrial proletariat capable of organising, condensing, and consolidating them” thereby amplifying the distance between the lower and upper layers of the working class (Luxemburg, cited in Breman & van der Linden, 2014, p. 922). Despite these shortcomings, however, trade unions still serve as a necessary means of defence against the constant encroachments of employers and various market pressures (Marx, cited in Lozovsky, 1935, p. 16). They have been directly responsible for the defense and extension of not only labour standards but many other social reforms as well, including suffrage, universal healthcare, affordable housing, education, improved water and sanitation (Teepie, 2000, p. 12)

As representatives of labour within class based society, trade unions are a counterforce to the collective power of employers. They represent the assertion of countervailing demands and rights against prevailing corporate private rights and laws. These countervailing principles have defined the organised working classes for more

than two centuries. But since labour standards encroach on the operation of the market and place limits on the accumulation process, the very *raison d'être* of the system, they become the objects of contestation. The demand for higher wages, for example, contradicts the principle of maximum profits. Given there can be "no rise in the value of labour [wages] without a fall in profits" (Ricardo, 1821/2001, p. 26), labour's gain is capital's loss and vice versa. Since wages and profits are inversely related then (Smith, 1776, p. 45), the conflict between workers and employers over their shares of the total social product (class struggle) can be seen as an inherent feature of capitalism (Marx, 1867/1977, p. 344).

2.3.4. Enter Labour Standards

There is, then, a constant and permanent tension between two sets of demands and rights over the division of the total social product i.e. a conflict between two forms of private property: capital's means of production and workers' labour-power. On the one hand, the prevailing rights of employers to extract all of the value they can from a day's labour and on the other the countervailing demands of workers asking for the full value of their only commodity – their capacity to work – and what is necessary for them to live in a relatively normal manner (Marx, 1867/1977, pp. 342-344).

These contradictory principles, however, have the potential to manifest themselves in a broad range of class activities which can pose a serious threat to the material reproduction of capital and the stability of the system. Class actions can range from employers unintentionally exhausting their own human inputs to working class economic struggles that threaten to pass high costs on to capital and revolutionary outbursts that threaten to overthrow the whole system. For this reason, the conflict between employers and workers has to be institutionalised through legal channels (industrial relations) in order to confine their struggles within the limits of corporate private property and capitalist reproduction (Clarke, 1991, p. 41).

The state's role in defining and regulating the actions of workers and employers is of central importance to the reproduction of the whole system (Reuten & Williams, 1993). The state plays the role of 'guardian' in capitalist society by reconciling the conflicting demands of labour and capital in such a way as to protect the institution of

corporate private property from class antagonisms that threaten its existence (Clement, 1983, p. 211; O'Connor, 1973, p. 246). As a mediating institution, the state has to ensure that labour's aspirations and struggles are confined not only within particular economic and political channels but just as importantly, within the limits of profitability itself. The state, therefore, intervenes in the labour market and workplace in order to regulate social conflict and ensure the reproduction of labour-power as a commodity but only within the limits of the available resources and forms of provision at its disposal (Clarke, 1991, p. 30). While these interventions threaten to undermine the conditions for the production and appropriation of surplus value in the long run, they are still necessary from time to time in order to prevent a larger crisis in capital accumulation from occurring (Clarke, 1991, p. 174). The state, therefore, introduces and/or expands labour standards insofar as it views them necessary to facilitate capital accumulation and maintain a sense of legitimacy in society among workers, consumers and the general public.

Labour standards consist of state policies, programs, services and regulations that "provide for, answer or accommodate certain social needs for which the capitalist mode of production in itself has no solution or makes no provision" (Teeple, 2000, p. 15). These standards consist of a hodgepodge of laws that regulate such things as: the relations between workers and employers, trade union functions and activities, terms and conditions of labour exploitation, certain aspects of the reproduction of the working class and the process of capital accumulation. They apply to three central yet overlapping arenas of societal reproduction: the workplace, the labour market and 'unproductive' and after-productive (Teeple, 2000, p. 15).

In the *workplace*, where labour must meet its obligation to provide capital with labour-power for the working day, the state provides a regulatory framework for class conflict. It does this by directing the arrangements between trade unions and management, especially rules regarding the formation and maintenance of unions, collective bargaining rights, as well as the conciliation and arbitration of disputes. The state also legislates employment standards and health and safety regulations. The first forms of state intervention were in this realm.

In the *labour market*, the state intervenes to regulate the social reproduction of the working class as a class of wage earners for capital. Here, the state is also responsible for ensuring that a regular and adequate supply of appropriately prepared and skilled workers is available. The regulation and definition of wage rates (now minimum, not maximum as earlier), hours of work (maximum amount), child labour, immigration, retirement age, training, and industrial accident insurance/workers' compensation are all central to the state's activities in this arena.

In the third arena the state provides income assurance for the '*unproductive*' and *after-productive*. Here the state regulates old age pensions and other forms social security arrangements distributed to those who are unable to work, either in the short or long term, for a variety of reasons.

Not included in the general category of labour standards, then, are the following arenas that do not deal directly with the process of working but are still often reliant on employment: health care, education, housing, and day care. These arenas facilitate the physical and social reproduction of the working class within the confines of the capitalist system (Teeple, 2000, p. 44).

Labour standards also prohibit and apply to persisting forms of 'unfree' labour (Engerman, 2003, p. 11), including: chattel slavery, indentured servitude, debt bondage/peonage, state coordinated unfree labour, trafficked labour, and tributary labour. In all of these forms, the worker is unable to stop working, find other employment and/or exit the workforce altogether (McGrath, 2005, pp. 2-3).

The state is therefore responsible for defining, enforcing, controlling and directing private property relations in such a way as to set parameters to a property regime in which corporate private property – the dominant form of property under capitalism – is established and advanced. At the same time, the state is responsible for ensuring that the countervailing demands of the working class are accommodated and contained or subordinated and usurped. This all depends, however, on the balance of class forces and the latitude available for employers and the state to make concessions to workers in order to contain the class struggle within the capitalist state form (Clarke, 1988, p. 147).

2.3.5. Challenge Prevailing Corporate Private Rights

Employers see labour standards as part of the wage bill, as a production cost impinging upon their expectations of profit, reinvestment and expansion. From their point of view, wages above subsistence levels, paid holidays, severance costs, sanitation and overcrowding provisions not only eat into profits and lead to demands for more concessions but they also interfere with their ability to dictate the policies and procedures of the workplace. For these reasons and more, employers resist all encroachments on their rights by the owners of labour-power.

Workers, on the other hand, may see labour standards as part of the value produced by them but which they have appropriated. They press for minimum or higher standards for the sake of self-preservation and social reproduction. As so many state supports, labour standards serve as a baseline for workers' wages, hours, and working conditions. For the unionised, these standards provide a starting point for negotiations for improved conditions. They also protect the non-unionised from various degrees of exploitation and abuse, including deceptive recruitment, false promises, wage theft, unsubstantiated deductions, lack of rest days, intimidation, and so on. As such, labour standards are rights, claims and entitlements attached to a class of workers to which special protections apply. But they are not enjoyed exclusively by the working class, other groups and strata benefit from them as well, including all those who are unable to work such as the unemployed or differently abled. Indeed, labour standards improve the living and working conditions of workers and non-workers alike, providing them with direct non market access to the means of subsistence (Engerman, 2003, p. 22).

At their heart, labour standards are benchmarks or yardsticks that represent collective rights for workers. The content of these rights, however, has always concerned claims and entitlements that benefit the working classes but that come at a cost to the corporate sector. That is why labour standards are countervailing rights because they run counter to, and are an imposition on, prevailing corporate private rights. A legal standard for particulate matter/air quality in a factory, for example, is protection for the worker but a cost for the owner. Two conflicting set of rights but one standard, which if successfully won, is imposed on capital.

In seeking to achieve and extend such rights as higher wages, less working hours, or improved working conditions, the working class weakens capitalism and hampers its further expansion. This is because labour standards are an important economic and political weapon in the hands of the working class, which can be used to contradict and counter the powers of the corporate class. When they are constantly struggled for, won and extended, they have the potential to deal a blow to the capitalist system (Lozovsky, 1935, p. 135).

Working class struggles over wages and hours have been known to check the power of capitalist development and cause economic crises (Cleaver, 2000, p. 45). If “moments are the elements of profit” (Factory Inspector cited in Marx, 1867/1977, p. 352) and more profits can be made if there are more working hours, then the struggle to impose limits on the working day threatens to undermine capital accumulation. The corporate sector resists each and every effort to reduce the portion of working class life given up to capital because it understands that “as the portion of life devoted directly to work drops, it becomes ever more untenable to demand that the rest of life be subordinated to that diminishing percentage” (Cleaver, 1974-2012). And because free time outside of work can be used by workers to organise themselves politically, the corporate sector views disposable time for workers as something that must be exploited, colonised and structured so that it becomes non threatening. In the interest of its own expansion, then, capital attempts to invade workers’ free time and control it through different means, including via entertainment, leisure, and education (Antunes, 2013, p. 154)

Labour standards help workers resist the arbitrariness and absoluteness of corporate power in the labour market and workplace. Trade union and employee rights counter the principles of free-market enterprise (apolitical forces beyond the state’s control, which prioritise the needs and preferences of capital over all other interests) by undermining the detrimental effects of competition – fear, vulnerability and poverty – which are all inherent aspects of the labour market. Labour standards also counter distribution policies that benefit the corporate sector at the point of production, including speed-ups, ‘flexible’ hours, and the costs of health and safety neglect, which are

absorbed by the working classes unless the unions protest working practices and/or the state regulates them.

Wherever labour standards are asserted and consolidated, they modestly de-commodify labour-power and partially free workers from market fluctuations and the abject dependence on the employment that only capital offers. For example, a social security program like unemployment insurance provides limited income protection for working people when all else fails, thus restricting and lessening the dependence of social reproduction on the labour market. With labour standards, human needs become less subject to the demands and influence of capital and private interests.

If demands are made for labour standards, then that means that the market alone cannot distribute social resources in a way that is sensitive to the needs of all members of society, especially those who are unemployed, underemployed or unemployable. During periods of economic stability, the market still has difficulty addressing the needs of some of its members and in times of economic crisis the market cannot satisfy the needs of larger numbers of people. Quite often, then, the “satisfaction of the material needs of those precluded from the market can only be addressed through departures from market principles, such as charity, good will, theft or state intervention” (Teepie, 2010, pp. 97-98).

While corporations are highly critical of labour standards, they regularly appeal to the state for help, often at the expense of tax payers. In fact, the corporate sector has received far more financial support in the history of capitalism than the working classes have. Large businesses have received a range of federal welfare benefits which have cost tens and hundreds of billions of dollars. Such benefits include: generous and enormous tax refunds or cuts, subsidies, grants, giveaways, loan guarantees, research contracts, debt revocation, production and import quotas and bail outs (Suarez-Villa, 2015).

Labour standards are not gifts from employers or governments but rather positive gains fought for by working people. They prevent the degradation of classes and groups by protecting them on the job and providing a social safety net to keep them from falling

into poverty. As so many collective rights, they facilitate the reproduction of the working class and raise the consciousness of workers regarding their own interests and needs.

However, a system of labour law is more an issue of class than anything else (Palmer, 2003). That is why labour standards are seldom framed as fundamental or constitutional rights because they reflect the ongoing class struggle between employers and workers and their respective attempts to shift the balance of class forces and political power in their favour. The breadth and depth of these standards are therefore always a matter of contention, always in flux, always subject to reduction, in accordance to the relative strength of the organised working class vis-à-vis employers. As such, the state of labour law at any given period is both a product and component of the struggle between workers and employers (Marx, 1867/1977, p. 412).

It follows that the level and comprehensiveness of labour standards is a product of the organised working class's strength in capitalist society and not the legislation to which it might give rise because the latter can easily be denied, reversed or eliminated if the strength of the organised working class wanes. The main elements of labour legislation are therefore always predicated upon and the product of the "conflict between large-scale employers and collective groups of organised workers" (Hepple, 2000, p. 426).

In times of economic growth and relative prosperity, however, an increase in labour standards and by extension, a rise in the material wealth of the working class is possible without much direct class struggle, because of increases in labour productivity and the demand for goods and services (as the experience of the boom of the 1950s and 1960s in the United States showed). But periods of sustained and severe economic instability, which periodically occur, place limits on the accumulation process, which in turn forces employers to attack jobs, wages, and conditions in order to bring profit levels back up. The working classes therefore always struggle to defend their gains and if possible, extend them.

But labour standards also help perpetuate the system and make radical changes or a transition to a different kind of social order seem unnecessary. In many cases governments use them as legislative concessions to appease working class discontent

and confine workers' struggles and aspirations within the wage form. In this sense, labour standards delegitimise certain forms of struggle that appear to be outside the legal and constitutional framework of industrial relations (Clarke, 1988, p. 141). As a compromise response to labour unrest, these standards arrive whenever class conflict poses a serious threat to the reproduction of the system. They are instituted under the pressure of maintaining the system and temporarily reversing the trend of resistance and opposition. They also conceal the deep rooted structural problems intrinsic to capitalism which create the need for limited security, intervention and support in the first place. So while labour rights ensure the safety, protection and well-being of working people, raise working class consciousness and lead to more demands, they can also curb social unrest, bolster the system's legitimacy and disguise essential contradictions (Teeple, 2000, pp. 19-22). At any one time, labour standards can be both an agency of repression, control or containment and a system for enlarging human needs and mitigating the effects of market failures and compensating for lack of income, poverty wages and accidents (Gough, 1979, p. 11). In this way, labour standards are paradoxical (Gough, 1979, p. 11). Their paradoxical nature, however, does not discredit them.

This holds true for labour standards just as it does for the labour theory of value, which was developed by writers like William Petty and John Locke (before Smith and Ricardo) in the seventeenth century to justify private property but centuries later was taken up by Marx and the workers' movement and turned against the propertied classes (Lichtheim, 1970, pp. 48-49). While this paradox certainly exists within labour standards and can be found in the impact of modern machinery as well (Marx, 1867/1977, pp. 617-619), in the final analysis, however, the introduction, defence, and expansion of labour standards does not depend so much on the immediate interests of capital as it does on the political challenge of the working class (Clarke, 1991, p. 157). It follows that labour standards are not just counter revolutionary measures that are intended to halt the advance of the working class or a meagre form of reformism imposed by and solely to the benefit of the corporate sector. Employers have consistently opposed these standards (even in times of crisis and collapse) for more than two centuries precisely because they know that these standards are not in their long term interests. In fact, the historical struggle waged by workers for labour legislation has given rise to so much opposition that when it is finally "achieved it is understandable that those who have

spent half a lifetime on its behalf too easily believe that with its enactment a new period in social history is beginning” (Savile, 1957, p. 17).

If opposition and resistance to a particular countervailing demand or right is any indication of the degree of threat that it poses to the interests of the corporate sector, then labour standards remain by far one of the most important and significant of all present social rights. For over two centuries, workers have had to fight for these standards, especially rights to organise, to bargain collectively, and to strike, in order to improve their working and living conditions. But by doing so, workers open themselves up to criticism, repression and even violence. This is because labour standards, wherever they are achieved, defended and extended, challenge prevailing corporate private property relations in a fundamental way. They are legislated at the expense of employers and in some cases even result in direct charges being imposed on businesses (Mahaim, 1934, p. 14; Engerman, 2003, p. 22). They also serve as a useful public image tool and class reference. For this reason, the corporate sector has always paid careful attention to limiting and controlling their potentially negative impacts on business. As a nineteenth century employer commented, labour law has always shown the ‘danger of becoming a class question’

Of recent years, the whole subject of labor legislation has shown the unhappy signs of a degeneration into a mere trial of strength between the employing classes and the organized trades-unionism of the operative classes. It has become the popular method of exploiting the assumed antagonism between capital and labor. The one certain result of this constant appeal to legislative bodies to decide between class interests and demands, as distinguished from the common public interest, and irrespective of economic results, must necessarily be a constant increase in the intensity of that antagonism. The danger is, that the inherent rights of both parties will be lost sight of in a struggle which trends more and more to complicate itself with current partisan politics. There are other dangers associated with this so-called labor legislation, - dangers more vague and indefinite perhaps, but none the less to be apprehended on that account. The historian Lecky hints at these dangers when he alludes to ‘the fatal tendency of every act of interference to become a precedent, and to reproduce itself in still more radical encroachments upon individual action’...The law-makers who pass these laws seem to have no well-formed concept of their true scope, function, effects and limitations. There is apparent no realization anywhere of the fact that they have profoundly modified not only the conditions of manufacturing, but the whole relationship between the state and the citizen engaged in business under

its laws. There is underlying them a new doctrine of paternalism more extreme and excessive than has shown itself in any other phase of democratic government; and the ultimate consequences of its indefinite development are beyond the reach of human ken. A West Virginia court has described them as laws which 'assume that every employer is a knave and every employe[e] an imbecile;' it is not necessary to go to any such extreme to realize that they are in their nature intensely socialistic; that they are on all fours with that theory which would make it the duty of the government to find food and employment for every one. Their rapid increase, and the ready public acquiescence in them is the startling evidence of the unconscious spread of socialistic ideas...They are the most conspicuous illustration of the tendency to excessive legislation, which so strongly marks the latter years of the nineteenth century. Men have fallen into the habit of thinking that they can run to the legislature for a statute to remedy every real or fancied evil or grievance. (North, National Association of Wool Manufacturers, New England, 1895, pp. 208-210)

However, every advance the working class is able to make in the economic and political sphere triggers a counter attack by employers. In the face of countervailing rights and demands that undermine profit levels and threaten to bring capital under social control, there is, then, a push back by employers who use the state (courts, police, prison, military, etc.) to defend their interests. At the heart of this attack by capital is an attempt to weaken workers economically and politically. Corporate inspired and state led attacks give corporate private property an almost free hand vis-à-vis labour. Counter-offensive measures intended to halt the advance of the working class can include such things as the frequent use of the police (intimidation, spies/agents, provocateurs), strike-breakers, blacklists, legislation (injunctions, fines, imprisonment, 'right-to-work' laws), planned bankruptcies/closures, runaway plants to large non-unionised areas, and so on.

Trade unions, owing to their central role in the creation of wealth and their relations with capital in the sphere of production, constitute the "most significant contradiction to the principle of capitalist private property" (Teeple, 2000, p. 152). For this reason, employers instinctively try to use the state to ban unions, or outright control them or make it difficult for them to carry on their activities. Many times throughout history, trade unions were either dissolved by government decree or threatened with mass layoffs or their funds were confiscated. Sometimes their leaders and members were blacklisted or deported, or, threatened with violence and arrested, or even tortured and assassinated. In some cases, employers hired militias and gangs to break strikes

and suppress other forms of workers' resistance. Many factory owners even used espionage to block their employees' actions. Other businesses established company unions in an attempt to reduce support for autonomous unions. Propaganda was also used against unions in an attempt to turn the public against them (van der Linden, 2008, pp. 239-241). While these countermeasures did nothing to counter the underlying cause of working class struggles, they did, however, leave employees much more disciplined, divided and isolated. Despite violent measures and the enforcement of anti-labour policies, workers' resistance still grew and became all the more apparent in countries where the "almost entire absence of recognized and legally protected union rights contributed to a rapid politicizing of labour conflict" (van der Linden, 1988, p. 332).

2.3.6. English Factory Acts: 'the modest Magna Carta'

The first labour standards appeared at the national level. National political units were responsible for determining the breadth and depth of their country's standards as well as the methods of monitoring and enforcing them (Engerman, 2003, p. 32). But before they were introduced elsewhere, labour standards first appeared in England where the modern working class evolved alongside the industrial revolution, that is, with the introduction and expansion of machinery in production (Engels, 1845/2009, p. 33; Marx, 1867/1977, p. 390). A series of Factory Acts were enacted shortly after the technological revolutions of the early industrial age, whose role in creating the beginnings of a much needed system of government control grew increasingly more important over time.

The development of machinery (made possible by new inventions and technical processes) transformed previously small scale production studios and work rooms into large-scale factories, giving rise to the factory system which necessitated the concentration of the landless and the dispossessed – the working class to be – to meet the pressing demands of machines for more labour (Marx, 1867/1977, p. 504).

This new labour force, consisting of not only adult males but young children and first generation female workers, was initially absorbed by the cotton textile industry (Kuczynski, 1967, p. 141), which was the first as well as the largest industry during Britain's early industrialisation period (Engerman, 2003, p. 32). Along with mining,

textiles became the first industry to fall under the purview of the first Factory Acts which were designed to ameliorate the worst excesses of capital's employment of machinery during a period when "great abuses in the employment of women and young children had become the rule" (Factory Inspector, 1887, p. 45).

Early nineteenth century textile factories frequently relied on the labour of women, young persons and children (Engerman, 2003, p. 58). In fact, out of all workers in English cotton mills from 1843-47, only one quarter were adult men, while over half were women and girls and the rest boys below 18 (Hobsbawm, 1996, p. 50). Industrial capitalism undermined certain aspects of familial patriarchy by significantly reducing the wages of men to the point where they could no longer support the household alone (although the wages of men were sometimes supplemented by income earned by their family members from other sources) (van der Linden, 2003, pp. 199-200). Husbands were then joined by their wives and children in the factories, shops, mines and other industrial enterprises in search of work.

Women not only became wage earners but continued to carry prime responsibility for domestic labour performance as well. Women performed different kinds of reproductive roles such as giving birth, cooking and preserving food, taking care of children, nursing the sick, cleaning and dusting, washing and ironing clothes, making soap and candles, shopping and bargaining for small house items, mending and providing clothing, carrying water, tending the fire, and so on. The unpaid and exploited work of women, which not only conditioned the organisation of wage-labour but was also conditioned by it, supported the reproduction of her family and their capacity to work (Peck, 1996, p. 37).

While capital did not give rise to patriarchal structures that initially transformed women (and children) into propertyless dependents, it did however exploit and take advantage of the consequences. It accommodated patriarchal structures from the past which were functional to its existence by forcing women into occupations that reflected and reinforced their perceived role as domestic labourers. Indeed, the 1841 census in Great Britain showed that women (20 and over) accounted for 80 percent of all counted domestic workers (562,392 women compared to only 144,072 men) (Burnette, 2008, p.

222). Since employers associated the skills of female workers with processes formed outside of the capitalist workplace they were able to undervalue 'female jobs' and underpay women who held them in the labour market (Peck, 1996, p. 36; Yeo, 2002, p. 77). The wages of women are substandard because training for housework was not recognised and because housework was viewed as 'natural' and unskilled (Picchio, 1992, p. 80).

There were other advantages to employing women and children, who became the first subjects of factory legislation (Engerman, 2003, p. 32). Their entry into the labour market would expand the total pool of workers competing for jobs, thus helping to drive down wage bills to the lowest possible level which would increase profits for factory owners. Women and children could also be paid lower wages, were seen as more submissive and easier to discipline, and also seen by employers as less likely to organise. In cases where restrictions were placed on the employment of children and young persons, women were employed in much greater numbers (Plener, 1873, p. 35).

With the advent of specialised factory machinery such as the roller spinner it also became possible in certain industries to reduce the labour process into simple one step tasks. This not only encouraged a new degree of labour 'discipline' which was seen as a requisite for the efficient employment of machinery (Ure, cited in Marx, 1867/1977, p. 490), but also made it possible for an 'unskilled' labour force consisting of women and children to replace what was perceived to be the more skilled and expensive labour of adult males. Since the labour process became automated, factory work such as spinning thread or weaving weft and warp no longer required additional knowledge or muscular strength, "only flexibility of finger" (Engels, 1845/2009, p. 150). And so 'naturally' the nimble limbs, short stature and versatility of young children, who were able to engage in repetitive and monotonous motions without rebelling, made them better suited to work on small, tight fitting factory machines built low to the ground which adults could not access without much difficulty. Employers could also use little boys and girls to crawl through narrow, cramped underground tunnels where the air was clouded with dust and harmful gases, in order to mine and fetch coal, in almost total darkness. In industries such as pottery, glass, metal wares, pillow-lace, and hosiery the employment of children as young as four, five, or six was quite common (Hutchins & Harrison, 1911, p. 150).

In these early years, company owners took no account of the health, safety and life expectancy of their workers, especially the young who worked in an environment in which long hours, starvation wages and desolate working conditions were the norm. Most of them were malnourished and worked 12 or more hours a day (from 6 a.m. to 7 p. m.), and they often slept in dirty factories and mines. Due to exhaustion, children would sometimes drowse over moving machines during their shifts, which resulted in many fatal and maiming accidents. It was also common practice for overseers to severely hit children with leather straps, or strike them in the eye with clenched fists or even hit them with a billy-roller (a heavy iron rod) whenever they made mistakes or dozed off on the job (Kuczynski, 1942, p. 33). Parents often complained about black and blue bruises on their children's bodies. As the working process intensified and working hours increased, children experienced difficulties staying awake during their shifts. So their parents who worked the same 12 or 14 hour shifts, would occasionally beat them in order to keep them alert and working faster. They resorted to such acts to save their children from crueler punishments by the overseers, even though child workers of the industrial revolution did not exactly have parents with strong altruistic concerns (Marx, 1867/1977, p. 519). Economic necessity forced them to regard their children's earnings as vital to their own economic survival so most parents demanded that their children work and contribute to the reproduction of their family (Thompson, 1964, p. 339).

Employers argued the employment of young children and individuals 'under age' brought a comparative advantage (much like mothers in domestic and caring work) and that factory work was beneficial for them since it prevented idleness and protected the 'achievements' of industrial society and the 'sanctity of labour' (Engerman, 2003, p. 29). The achievements and privileges that the defenders of the factory system enjoyed, however, came at the expense of the English working class, particularly children. The noise from machines, the dim gas lights in the factories and the dangerously narrow underground tunnels of metal and coal mines where the average child worker spent 12 hours a day, six or seven days a week, often resulted in occupational deafness, blindness and deformation. Children developed humpbacks from carrying heavy loads and damaged pelvises and 'knock knees' (which leaned inward symmetrically) from standing all day on their feet in the confined spaces of factories and mills. In the 1850s, when medical authorities examined 824 working children employed in six mills in

Stockport, they described only 183 of them as relatively healthy, while 240 were referred to as 'delicate', 258 as 'unhealthy', 43 as very much 'stunted', 100 as having enlarged ankles and knees, and 37 as being 'distorted'. In one case, "the mangled limbs of a boy were sent home to his mother" who was "unprepared for the appalling spectacle: I will not describe the result" (Kydd, 1857, pp. 176-180). But it did not matter if moving machines crushed their hands, or whether they developed spinal deformities, limbs or other injuries, or even if they died from exhaustion, an abundant supply of young labour was readily available for exploitation, at least for the time being. It is therefore no exaggeration to say that while the labour of young children formed the basis of the factory system (Kuczynski, 1942, p. 27), much of the wealth which large-scale factory production created in the years of the industrial revolution, came from their blood, toil, sweat and tears.

Employers and managers also devised disciplinary control mechanisms, which possessed the same degrading and brutalising power as the slave driver's lash in slave society (Marx, 1867/1977, p. 550), as a way to teach the first factory hands how to work in a manner acceptable to industry (which was entirely different from the seasonal ups and downs of farm work or the self-reliant and independent work of craftsmen). Draconian labour discipline was used to teach workers how to respond to monetary incentives, to maximise productivity as well as to create a regulated and submissive workforce. This included the Master and Servant code which stacked the law in favour of employers as well as the practice of paying workers as little as possible so that they would have to labour through the week in order to earn a minimum income (Hobsbawm, 1996, p. 50). Penalties also included the whole system of fines which were designed to reduce wages paid out to workers (sometimes as much as half of the worker's daily or weekly earnings) for such things as being found dirty, or washing the body in the factory, or becoming ill and not finding a replacement. There was also the truck system which forced employees to spend two-thirds to three-quarters of their wages on poor quality foods and necessities in company controlled stores at relatively high prices (Kuczynski, 1942, p. 24).

Shortly after the French Revolution, workers in the woolen and lace industries, who feared that certain machines would put an end to their trade, began attacking 'all

Machinery hurtful to Commonality' (Luddites cited in Sale, 1995, p. 261). As a result, factory owners and the government thought that a violent revolution against the rich was in the making. The response was the passing of the Frame-Breaking Act of 1812, which made the destruction of stocking frames a capital offense punishable by death. Other repressive laws were used to protect employers from various forms of working class organisation which threatened their control over and exploitation of the labour force. Despite protests against them, the British Combination Acts effectively made all working class opposition and activity not favourable to the interests of employers, including the formation of unions or any other attempt by workers to establish collective bargaining, illegal and subject to severe retaliatory punishment, including imprisonment. In 1812, for example, the strike by 40,000 Scottish cotton weavers for fixed wage rates was broken when the whole strike committee was arrested and the leaders received prison sentences for combining (Kuczynski, 1942, p. 35). The Combinations Acts, however, only served to push the trade unions underground and into the arms of more radical groups (Clarke, 1988, p. 60). But since working class organisation and resistance was outlawed and liable to prosecution, employers were more or less given free rein to do whatever they wanted – discharge, discipline, and exploit workers at will. The 'problem' of factory discipline and the need to socialise people into their situations as workers was therefore first addressed in England where starvation wages, deadly working conditions, long hours, harsh forms of punishment, and time discipline became the norm for the majority of the English population.

The adverse effects of the employment of machinery on labour was even acknowledged by one of the staunchest proponents of capitalist production, most notably David Ricardo who concluded after several violent anti-machinery demonstrations by workers, that: "the opinion entertained by the labouring class, that the employment of machinery is frequently detrimental to their interests, is not founded on prejudice and error, but is conformable to the correct principles of political economy" (1821, p. 287). The super exploitation of workers through technical change during this period became so harsh (and vital to Britain's economic growth in the nineteenth century) that the introduction of labour standards was seen as necessary purely for the reproduction of sufficient labour-power to the rapidly growing industry. State action was needed in order to prevent the overexploitation and excessive degradation of a large

section of the population which formed the very condition for profit. If working practices were left unrestricted, then employers might have exhausted their own human inputs because competition would have driven each employer to subject its work force to notoriously exploitative conditions in order to raise output and gain an advantage. Labour shortages were to be avoided at all costs since they would increase the demand for labour, which would increase wages and strengthen the bargaining position of workers and that, in its turn, would have lowered profits and weakened the bargaining power of employers. Labour standards, then, would help ensure an adequate supply of relatively cheap labour was always available to meet the demands of capital. Since the total degradation and exhaustion of the workforce threatened industrial efficiency and productivity, minimal standards would also help guard against output drops. Moreover, they would serve as a means of eliminating or reducing costly or damaging labour grievances in the form of strikes (and in times of economic growth the benefits of standards certainly outweighed its costs since the alternative was disruptive class conflict). The state had a vested interest in labour standards because protective measures would help it maintain a relatively healthy and effective military force for wars and colonial expansion (Marx, 1867/1977, p. 348), as the experience of the Boer War showed (Kuczynski, 1942, pp. 58-60). There was another advantage to the introduction of labour standards as well. All employers had to introduce the same standards and pay the same costs so no single one would have a competitive advantage (unless one evaded regulations while its competitors did not). In this sense, labour standards would ensure 'fair' competition among established businesses. However, when there were few or no standards, established employers were able to make more profits since they did not have to pay extra costs in order to improve their working conditions. These established employers had a competitive advantage over prospective employers who did not have businesses when there were no standards and therefore could not financially benefit from the lack of standards like established employers did. Compared to their established competitors, prospective employers had to pay relatively higher costs to start and maintain their businesses and this put them at a disadvantage. In this sense, labour standards worked to the advantage of established employers and ensured 'unfair' competition with prospective businesses. And because there was no alternative to a national labour supply (given capital was nationally based and there was no international labour market to exploit) employers had no choice but to accept these standards

(especially as workers were becoming increasingly conscious of their class predicament).

Despite some of its advantages, a large section of the employing class still opposed factory legislation, even if it meant the amelioration of some of the effects of exploitation which threatened their profits. Certain employers regarded all means for protecting the lives and health of workers, especially from dangers that arose from their use of machinery, as attacks on the 'personal freedom of workers' and against the 'laws of free trade' (Marx, 1867/1977, p. 1070). As they saw it, any expenditure on the health, safety and comfort of workers, that is, on human life and its costs of reproduction, fell under the category of unprofitable investment, as something that could not be reincorporated into the circuit of production, and as such, an unavoidable externality. Moreover, they argued labour legislation would lead to a diminution of production and by extension, a rise in the cost of production, a fall in the rate of wages, a fall in the rate of profits, a rise in prices as well as a loss of foreign trade (Plener, 1873, pp. 93-96; Jeans, 1891, pp. 21-24). They were backed by certain members of parliament who believed that factory legislation would significantly raise production costs and reduce profits (for example, by forcing employers to pay workers the same total pay for fewer hours worked) which would impact employment levels and as a result put Britain at a disadvantage in international competition (Engerman, 2003, p. 30).

Labour standards, therefore, had to be forced through parliament in the face of opposition from employers, some of whom tried everything at their disposal to prevent the passage and successful enforcement of factory legislation, because it would compel them by force to give up part of their profits for the health and safety of their workers. Nothing is more characteristic of capitalism during this period than the fact that it was necessary by law to "force upon the capitalists the simplest appliances for maintaining cleanliness and health" (Marx, 1867/1977, p. 611). These included provisions for the weekly cleaning of workroom floors; for adequate ventilation to prevent injury from fumes, dust and other dangerous elements; halting the practice of overcrowding (which employers termed 'saving on buildings and space'); providing reasonable temperature in workrooms; ensuring adequate and suitable lighting in all areas of the workplace; draining all wet floors; issuing sanitary conveniences for all workers, including separate

accommodations for women and men; supplying an adequate amount of clean drinking water; providing iron or steel exterior fire escapes; setting up necessary fencing or railing of all dangerous machinery (which engineers and owners complained would spoil the 'handsome appearance of their equipment') (Redgrave, Chief Factory Inspector, 1890, p. 14), especially in flour mills, to cog-wheels of drilling machines, lathes, engines, hoists, exposed gears, horizontal shafts running under work benches, etc.; and for all doors in workrooms and factories to open outwards, never to be locked or bolted during working hours which was a common practice among employers (Kay-Shuttleworth, 1832; Engels, 1845; Marx, 1867/1977; Plener, 1873).

Dismal working conditions coupled with instability of income (which was the greatest problem the English population faced) and crowded and unsanitary living quarters took their toll on workers' lives. Around 1820, life expectancy at birth was below 40 years and even by 1900 it was still below 50 years (Esping-Andersen, 1990, p. 89). In the 1840s, the life expectancy of workers in Manchester and Liverpool was two times lower than the life span of the population in the countryside of Wiltshire and Rutland (Hobsbawm, 1996, p. 206; Van Daele, 2004, p. 45). In 1842, the life expectancy of a worker in Manchester was only 17, in Liverpool only 15, in Bethnal Green only 16, in Leeds only 19 and in Derby only 21 (Rule, 1986, p. 89). Congested living conditions contributed significantly to high urban mortality rates, especially among infants (Williamson, 1975, p. 245). In cases where the lives of the rich were at risk, namely the threat that water-borne diseases posed, especially cholera epidemics which spread throughout Europe for the first time in 1831 (due to the rapidity and frequency of communication by sea between different countries), then more attention was paid to sanitary reform than to crowding and working conditions (Engels, 1845/2009, p. 315; Hobsbawm, 1996, pp. 203-204; Flinn, 1965, p. 10).

Despite all their attempts to prevent workers from organising and educating themselves about their own class interests, and in spite of all of the savings and profits employers made on working conditions (Marx, 1894/1981, pp. 181-190; Kay-Shuttleworth, 1832), English factory workers were finally able to "put their heads together and, as a class, compel the passing" of legislation (Marx, 1867/1977, p. 416) that protected their rights to organise and to exercise their collective powers. In 1824,

the partial repeal of the Combination Acts (of 1799 and 1800) allowed workers to organise but after trade unions rapidly grew, legislation was passed in 1825 to severely restrict union activities (Clarke, 1988, p. 60). Nevertheless, the partial repeal of anti-union legislation benefitted English workers by providing them with a confidence building political victory over the forces of capital. Economists like Francis Place, who was the architect of the Combination Laws repeal campaign in 1824, predicted that trade unions would simply disappear once they were legalised (Rubin, 2000, p. 322) but they were proved wrong. In time, trade unions grew and became more organised, soon spreading all over the country. There were over 1,900 individual union branches established in more than four hundred towns in the United Kingdom by 1861 (Price, 1990, p. 3). By the early 1870s, membership in Britain reached a high of 1 million. By 1892, union membership was over 1.5 million and by 1900, over 2 million (Bain & Price, 1980). Between 1858 and 1867, in the industrial cities of Glasgow, Sheffield, Liverpool, Edinburgh and London, permanent Trade Councils were set up which ultimately led to the formation of the Trade Union Congress in 1868. Around the same time, the labour movement continued to make more gains. In 1867 the Reform Act, which was the result of the promotional efforts of the National Reform League (an organisation that was inspired by the First International and influenced by Marx) extended the franchise; in 1871 the Trade Union Act improved the legal status of unions; and in 1876 an Amending Act followed (van der Linden, 2003, p. 18). Organised workers advocated further reforms as their numbers and powers increased, in part, due to capital's concentration in the cities which resulted in the massing together of workers in large production areas (Tilly, 1984, p. 25; Tilly, 1986, p. 408).

The Chartist movement, which had supported the working classes in their struggle to repeal the Combination Acts, also helped unite a wide range of industrial and urban workers to champion a general cause shared by all workers regardless of the boundaries of trade that normally divided them (Calhoun, 1982). It was a working class conscious movement "free from all the trammels of bourgeois influence" (Engels, 1845/2009, p. 242) which saw protective legislation as a necessary step toward securing sufficient conditions for the existence of workers, as their political slogan attested: "Nothing short of political power to *protect* our *labour* will satisfy us, the working classes of this country" (cited in Tholfsen, 1977, p. 96). Chartists gave considerable backing to

the labour movement by calling for general strikes, which were formulated and popularised by radical pamphleteer William Benbow, whose ideas the Chartist Congress adopted (Carpenter, 1921). Workers gained the support of other sympathisers such as factory inspectors, public health medical reporters, and commissioners who made inquiries into the exploitation of women and children, housing conditions, food sources, and so on. Certain sections of the English ruling class allowed these social reformers and investigating committees to advocate reforms on workers' behalf because of a change that was already taking place in industrial conditions, in the way labour-power was controlled and exploited, such that these reformers "did the work of advertising as moral progress, the measures, the introduction of which technical progress and new methods of exploitation required anyway" (Kuczynski, 1942, p. 36). Reports on the Employment of Children (1831-2, 1833, 1834, 1842-3, 1863-7), the Sweating System (1888-90), the Employment of Women (1893-4), on Physical Deterioration (1904), on Home Work (1907-08), on Street Trading by Children (1910), on Diseases of Occupations (1908) as well as governmental reports of Factory Inspectors (1834-77), the researches of the Webbs, Charles Booth, and others helped shed light on the horrors of the factory system and gave new impetus for government intervention (Hutchins & Harrison, 1911, pp. 280-281). In the final analysis, however, compulsory limitation by law that 'all-powerful social barrier' (Marx, 1867/1977, p. 416) was only effective when it was backed by pressure from organised workers whose agitation gradually forced English employers to respond to the revolutionary changes that were taking place in the relations of production in the nineteenth century.

During the first 30 years of the nineteenth century, however, labour standards extracted from industry by the working class "remained purely nominal" because Britain's parliament never appointed any officials to monitor and enforce legislation (Marx, 1867/1977, p. 390). Such standards included the 1802 Health and Morals of Apprentices Act (repealed in 1878); the 1819 Act for the Regulation of Cotton Mills and Factories (repealed 1831); the 1825 Cotton Mills Regulation Act; the 1829 Act to Amend the Laws Relating to the Employment of Children in Cotton Mills and Manufactories; as well as the 1831 Labour in Cotton Mills Act (Hobhouse's Act, repealed in 1833).

The first effective piece of factory legislation was the law of August, 29, 1833 known as *Althorp's Act*. The 1833 (Mills and Factories) Act was “partly the product of growing working class organization strength in the short time committees and increased working class political agitation nurtured by the Tory leader of the short time movement, Richard Oastler” (Booth, 1978, p. 148). It established an innovative administrative technique that ensured labour standards could be enforced: a small ‘inspectorate of factories’ consisting of four officials who were controlled by and reported to the Home Office. These factory inspectors received legislative powers to impose penalties, fines and other sanctions on workplaces violating minimum health, safety, wage, and child labour laws. This combination of the “social welfare justification for intervention into industrial activity with the decision to place enforcement responsibility in an arm of the central government marked the beginning of economic regulation as we know it today” (Howard, 1977, p. 380). Along with other factory legislation passed in nineteenth century England, the 1833 Act was in many ways the precursor of the modern welfare state (Ward, 1962, p. 427).

Althorp's Act applied to workers under the age of 18 in England's burgeoning textiles industries, namely the cotton, wool, worsted, hemp, flax, tow and linen spinneries and weaving mills. The Act attempted to establish a ‘normal working day’ in these industries and prohibited children under the age of nine from working and limited the working day of ‘young persons’ between the ages of 9 and 13 to nine hours a day (setting a maximum forty-eight-hour work week) and of those between 13 and 18 years of age to twelve hours a day (and a maximum sixty-nine-hour work week) (Blaug, 1958, p. 213). The only exception was in silk factories where children under nine were permitted to work and those of 13 years of age were permitted to work ten hours per day as well. The Act also required children under 13 to attend elementary school for at least two hours every day and provided two entire and eight half holidays in the year. Moreover, only physicians or surgeons (and no longer parents) could provide proof of age documents for the working children (Plener, 1873, p. 15).

In 1844, parliament passed another more comprehensive law known as *Graham's Factory Act of 1844* which included a provision that made it the first health and safety act in Britain, and by extension, the world. For the first time workers received

protection from certain classes of dangerous machinery which had to be 'securely fenced' or fines would be imposed. The 1844 Act also placed a new category of workers under legal protection, namely women over 18. The new law prohibited women from working at night and reduced their daily working hours to 12 hours (Cooke-Taylor, 1894, pp. 86-87). It marked the first time that the labour of adults was controlled directly and officially by legislation. The Act of was successful in reducing the number of working children. For example, in 1835 there were 27,715 boys and 28,378 girls under 13 who were employed in the textile industry, but by 1850, the numbers significantly decreased to 21,137 boys and 19,638 girls (a decrease of 15,318 legal age child labourers) (Report of Inspectors of Factories, 1850, cited in Plener, 1873, p. 35).

In 1847 the long struggled for *Ten Hours Bill* (An Act to limit the Hours of Labour of Young Persons and Females in Factories) was finally passed in parliament. First it limited the working hours of women and 'young persons' (from 13 to 18) to eleven hours a day and then in May, 1848, it reduced their working hours to ten hours a day and fifty-eight-hours a week (Hutchins & Harrison, 1911, p. 97). Its successful passage was due, in large part, to the Ten Hours Movement and the 'Short Time Committees' (set up by mill workers and supporters) as well as the efforts of Richard Oastler, Lord Ashley, and John Fielden. It was supported by Tory land owners and the financial and commercial segments of the bourgeoisie who wanted to exact revenge for the repeal of the Corn Laws. Parliament members were also concerned about growing working class agitation and factory owners were insufficiently organised to mount pressure against it. Hence "political pressure from a collection of diverse particular interests rather than the actions of an enlightened political ruling class...is the best explanation of the passage of the Ten Hours Bill" (Booth, 1978, p. 150).

The *Factory Act of 1850* (also known as the 'Compromise' Act) marked an important turning point in the history of English factory legislation. It practically made the normal working day in the textile factories ten and a half hours, not only for women and young persons but adult males as well (Jeans, 1891, p. 13).

Beginning in 1850, three periods in the history of English factory legislation can be distinguished. The first period, which was between 1850 and 1864, was confined to

textile factories. The second period was from 1864 to 1871 when certain special forms of non-textile industries were placed under state inspection as well as workshops of a certain size. The third period came in 1871 when “every kind of manual labour exercised by way of hire or gain in textile factory, non-textile factory, or workshop (the term ‘workshop’ however being defined to mean only *a place to which the employer has the right of access*)” was placed under supervision and regulation by the Factory and Workshop Act of 1871. Factory legislation in this period typically applied to handicraft, manufacture and the factory system but hardly domestic industry. The Consolidating Act of 1878 (repealed in 1901) had certain provisions regarding ‘domestic workshops’ but these were meagre and inadequate (Jeans, 189, pp. 14-17, 82), especially since provisions related to cleanliness, freedom from effluvia and overcrowding were exempted (Hutchins & Harrison, 1911, p. 201).

Throughout most of the nineteenth century, objections were made against the Factory Acts by employers and their representatives in parliament, especially in the years 1833, 1844, 1874 (called “the last great battle on the subject of factory legislation”), as well as in 1878 (Jeans, 1891, pp. 23-24). For the most part, the opposition to the Factory Acts by “a large majority of manufacturers shows the general fear to have really been rather that *profits* would be cut down than that wages would fall” (Jeans, 1891, p. 53). For this reason, a large number of factory owners

offered a most vigorous resistance to the factory legislation, which appeared to threaten them with serious loss, both through a diminution in the amount of goods manufactured and an increase of expenditure. They first sought to either set the law at defiance altogether...or to evade it. (Plener, 1873, p. 96)

When factory owners could not defy the law (due to the strict supervision of inspectors) or evade it with the relay system (due to stricter legislation introduced from 1847-50), they introduced ‘time-saving machines’ and intensified the labour process in order to press more work into the shortened working day (Marx, 1867/1977, Part IV; Plener, 1873, pp. 96-97). Because of this strong opposition and resistance to labour laws by the class of employers, the history of factory legislation can in one sense be seen as the “history of a conflict between ingenious evasion on the one hand and tightening-up to baffle evasion on the other” (Shaw, 1896/1996, pp. 184-85).

Chapter 3.

Sources of Pressure for International Labour Standards

In the nineteenth and early twentieth centuries a confluence of historical forces, institutions and actors gave rise to several attempts to regulate working conditions and impose a uniform set of standards at the international level. The term 'international' refers mostly to the industrial nations of Western Europe, which were economically similar and geographically contiguous (Engerman, 2003, p. 32). This (historically Western) international movement to protect labour stemmed from a variety of factors, including: (1) the rise of an international working class movement and its demands for international protection; (2) the movement to abolish the slave trade and slavery; (3) the need to curb potential or actual labour unrest; (4) the desire to establish an 'even playing field'; (5) the efforts of individuals; (6) the conclusion of several international conferences and governmental agreements; (7) the initiatives of private and semi-official international associations; (8) pressure from international trade unions; and (9) the spectre of socialism or communism. The relative importance and influence of each factor varied markedly but their combined impact was keenly felt in 1919 when the International Labour Organisation was established to promote and enhance the legal protection of workers in the capitalist industrial nations.

3.1. Working Classes Demand International Protection

Demands for international labour standards came at a time when a modern working class (not a traditional peasantry or slave class) began to form in different countries and colonies that underwent industrial development (Katznelson, 1986; Spohn, 1990, p. 77). This was the case in Great Britain where the first industrial revolution took place before it spread to some of the other countries such as Belgium, France, Germany, United States, parts of Northern Italy, as well as Holland, Denmark, Sweden, Norway, Austria, Moravia, Hungary, Japan, and to a lesser extent Russia, Australia, and India (Kuczynski, 1967, pp. 139-225). Over time an international capitalist economy

emerged out of the expansion of national industries, which were competing with each other for market share and cheaper sources of raw materials. International trade in the western world increased more than fourfold between 1780 and 1850 (Hobsbawm, 1996, p. 172) and between 1850 and 1890 there was a “quadruplication of industrial world production and a sextuplication of world trade” (van der Linden, 1988, p. 324). One significant outcome of rapid economic expansion throughout most of Europe was a remarkable increase in the urban population and the emergence of an industrial and no longer artisan working class population (Dreyfus, 2000, p. 27)

As a whole, Europe's urban population increased by almost six fold between 1800 and 1910 (Mikkelsen, 1996, p. 11). The population in the United Kingdom alone almost doubled between 1800 and 1850. In the United States, where large numbers of Europeans immigrated (4 million between 1816 and 1850) because of its abundant land and resources, the population grew from 6 million to 23 million from 1790 to 1850. The population of Prussia doubled between 1800 and 1846 while the populations of Norway, Denmark, Sweden, Holland, and large areas of Italy doubled between 1750 and 1850. During the same period, Spain and Portugal's population increased by a third (Hobsbawm, 1996, pp. 169-170) while Belgium's population doubled from almost 3.8 million to 7.5 million in the period from 1831 and 1910 (Devreese, 1990, p. 29).

By the end of the nineteenth century, the agricultural labour force in many countries significantly dropped, as the population grew ‘more proletarian’, especially in countries like Britain, Belgium and Germany (Mathias & Pollard, 2005, p. 33). The advent and growth of industry opened up new economic opportunities for wage earners, allowing them to marry sooner and to have more children, which in turn lowered infant mortality (whereas non-proletarians tended to adjust their family size to the availability of land and other resources). Over time differences in fertility patterns caused the proletariat to grow at the expense of non-proletarians (Tilly, 1984). Measured against the total population, however, the working class was still numerically small (except in Britain). What the working class lacked in numbers, however, it more than made up for in class consciousness, organisation and political strength. Indeed, the power of the industrial working class has always been disproportionate to its actual size (Hobsbawm, 1996, p. 301).

The growing political awareness and militancy of the emerging working class was a direct consequence of the actual process of industrialisation and the subordination of labour to capital in production. Workers who hoped for any improvements in their conditions understood well that “all significant amelioration came primarily through their action and organization as a class” (Hobsbawm, 1989, pp. 135-136). In response to deteriorating market and working conditions, for example, workers sometimes staged protests and strikes. With the extension of universal suffrage and general advances in education and literacy, increasing numbers of workers also pursued their interests through the electoral system (Dreyfus, 2000, p. 28). Over time workers learned how to mobilise their collective strength through parliamentary and extra-parliamentary means. The trend was the same in all the major capitalist economies, though it proceeded at varying speeds. As Karl Kautsky had observed in 1892 “the foundations, aims and methods of the proletarian class struggle are everywhere growing more similar” (cited in van der Linden & Rojahn, 1990, vol. I, p. x).

As many of the great economic factors such as production and exchange were organised on an international basis (Périgord, 1926, p. 15), the labour movement also acquired an international spirit. While there were significant national differences among capitalist economies, technical and economic trends in most of them were very similar. Everywhere workers were subjected to the same working conditions and discipline and as a result they began to look at things in the same way. Indeed, the

world-wide uniformity of industry had tended to create in the workers a kind of international mind or psychology...The workers become class conscious internationally and realize their universal solidarity; the more so because they have substantially the same problems to solve regarding wages, housing, unemployment, insurance and organization...As workers developed an international outlook, they were becoming more and more conscious of their power. (Périgord, 1926, pp. 16-17)

Workers slowly learned that their class interests transcended national boundaries and that international organisation was necessary so that they could respond to the challenges posed by employers who were already organised at the international level. This belief was reflected in the *Communist Manifesto*'s political slogan '*Proletarier aller Länder, vereinigt Euch!*' ('Proletarians of all countries, Unite!') which proclaimed the

international character of working class struggle at a time when many European workers' organisations were isolated from one another. The Communist League believed internationalism would grow over time since capitalism was an international phenomenon that was subjecting workers everywhere to the same exploitative practices, thus giving rise to a consciousness of shared interests. The slogan was a call to break down national isolation and to counter the divisive quality of nationalism through the establishment of international ties, which cross national borders and raise awareness around the idea that despite differences in national history, character and experience, workers in different parts of the world have more in common each other than with their respective employers (Friedland et al., 1982, p. 115). At the same time, the slogan stressed the need for workers to mobilise their collective strength by organising themselves into trade unions (while cautiously moving beyond the narrow confines of various crafts). It was also "regarded as the ideal for making a declaration about the practical need for international labour legislation" (Van Daele, 2005, p. 439).

Throughout much of the nineteenth century, therefore, organised labour tried to "transcend national frontiers, or at least recognize similar interests in the working class of the population the world over" (Riegelman, 1934, p. 55; van der Linden, 1988). Sections of the bourgeoisie certainly felt threatened by the international scope of the working class's rise (Harvey, 2003, p. 313), especially after the international upsurge of labour struggles that swept through Europe in the second half of the nineteenth century (Hobsbawm, 1975, p. 138). Government authorities also recognised that the 'labour problem' was increasingly taking on international dimensions. The Prussian ruling elite acknowledged early on that it was beyond the ability of any one nation-state to control

In every country in which the development of modern large-scale industry has produced a numerous class of workmen suffering from the pressure of present-day methods of production and free competition, this demand [for a normal working day] has uniformly come forward as one of their main wishes and has at the present date, having regard to the interdependence of the industrial and commercial conditions of these countries and to the close relations in which the workmen of the same class have entered with each other, obtained an international character independent of the wishes of the Government. (Letter co-authored by Bismarck and addressed to the German Ambassadors, Ministers or Chargés d'Affaires in Paris, Vienna, St. Petersburg, London, Rome,

Berne, Brussels, The Hague, Copenhagen, Madrid, Lisbon, Stockholm, and Washington, 1885, cited in Shotwell, 1934, vol. I, p. 459)

While political pressures mounted for the introduction or improvement of reforms, they were usually confined within national boundaries. Attempts by national working classes to broaden national regulatory instruments very rarely resulted in governments actually doing much to promote labour standards at the international level. Many initiatives in labour reforms, therefore, were aimed at appeasing local or national populations. In countries with strong labour movements, reforms were intended for use by policy makers to placate a large section of the working class and isolate those workers agitating for radical change. In Britain, for instance, where the majority of the population was proletarian and assumed a more class conscious form, the government moved quickly to legally recognise trade unions and partially address their demands out of fear of provoking further popular unrest. In Germany, where a strong socialist movement sprang up, a number of political parties and organisations appeared in order to advocate social reform as an alternative to the communist class struggle. Hence, in the second half of the nineteenth century, two developments became somewhat permanent: the organisation of independent, political and socialist mass labour movements and the transformation of the structure of politics to accommodate the needs and interests of workers (Hobsbawm, 1975, p. 141).

Concerned about the rise of labour as an independent power and revolutionary force at both the national and international level, governments began to maintain regular contacts with each other in order to stay informed about the activities of workers and their representatives. The collective and coordinated efforts of governments aimed at discussing international issues of labour and social policy were few and not very successful before World War I, although this may have been because the actual threat posed to states' security was very low. Nevertheless such limited attempts were an explicit acknowledgement that class conflict was a common mark of all industrial countries and that the issue of 'labour as an international problem' could only be addressed through intergovernmental collaboration in policymaking (Solano, 1920). At the end of the nineteenth century, the first steps toward developing a framework for international labour policy were taken. In a letter inviting the great powers to a conference in Berlin, Bismarck drew attention to the need for an international labour

conference, which would discuss the aspirations, needs and demands of labour and find ways to confine them within the limits of the resources and forms of provision at the disposal of national governments

The working classes of the different countries have...established international relations aiming at the improvement of their conditions. But efforts in this direction cannot meet with success unless the governments interested endeavor to come to an agreement on the more important questions concerning the welfare of the working classes by means of international discussion. (1890, cited in Shotwell, 1934, vol. I, p. 471)

3.2. Movement to Abolish Slave Trade and Slavery

Until 1900, slavery and the slave trade which supported it, not only loomed large but played a very important role in comparison to 'free' and independent labour (Lucassen, 1997, p. 53). Approximately 18 million slaves, for example, were exported from Africa between 1500 and 1900, with 4 million in the first half and 14 million in the second half (Manning, 1990, p. 84). While the transatlantic traffic lasted about 360 years, two-thirds of it happened after 1750 (Eltis, 2011, p. 120). During the last 115 years of the traffic, the British and Portuguese accounted for over three quarters of it. The Spanish, French, Dutch, Danes and Americans, on the other hand played a much smaller role (Eltis, 2011, p. 121).

The movement toward abolishing New World slavery in the developed European countries and their colonies (and the related ending of serfdom) may be regarded as "the first major, worldwide change in labour standards" (Engerman, 2003, p. 70). Attempts to end the slave trade on land and at sea, beginning in the nineteenth century and continuing into the twentieth, set an important precedent for the regulation of trade and labour conditions at the international level.

Slave labour was sometimes used in places where the wage-labour market did not yet exist, or had broken down, or where labour was in short supply and the land was abundant and relatively cheap (Steinfeld & Engerman, 1997, p. 117). Wherever the costs of slavery were relatively low, for example in the Americas where many plantations were located, the products of slave labour were exported at a competitive advantage

with goods produced by countries that had already abolished or never used slave labour. Since slave labour involved trade across borders and was known to enhance a country's competitive advantages, it received considerable attention from leading powers like Britain whose hegemony depended on its ability to prevent (by navy and other means) unfair competition by other countries (Zimmerman, 2011, p. 495). While Britain was the most successful country to establish slave labour colonies overseas (which became the cornerstone of the British Atlantic economy), it also became the first major power to renounce slavery both in words and in practice on the grounds that it was not only immoral but also economically inefficient (Eltis, 1987, p. 4).

In general, there were two main ways abolition could be achieved: "the country of outshipment could decree the ending of a traffic in people, or, alternatively, the recipient country could refuse to permit enslaved humans to arrive and to be sold" (Engerman, 1996, p. 232). Britain led the abolition movement by restricting the inflow of new slave arrivals within its own territories and by controlling slave movements abroad. Britain first passed the 'Act for the Abolition of the Slave Trade' in 1807, in part, due to the 20 year campaign by abolitionists. While it did not end the slave trade entirely, since 3 million slaves were still carried off after 1807 by major national participants in the slave trade (Eltis, 2011, p. 121), the act nevertheless prohibited all British citizens from purchasing, selling and transferring African slaves (van der Linden, 2011, p. 1). From 1823 onwards, the antislavery campaigns of abolitionists, which were widely supported by the British public, accelerated under the leadership of Thomas Fowell Buxton. Pressure for emancipation mounted in 1833 when the recently reformed British parliament successfully passed legislation to end slavery in British colonies (Engerman, 2003, p. 73). Other factors played a role in the introduction of the 1833 Act as well, including the slump in West Indian agriculture, the fact that sugar could be easily obtained from other parts of the world and the Jamaican slave revolt in 1831 which had made an impression on the British public (van der Linden, 2011, p. 22).

While British officials undertook these initiatives in response to the demands of abolitionists, the press and the public, certain sections of the British ruling elite were concerned about European nations that had not yet abolished their slave trading practices. Some members of parliament argued that Britain would lose its competitive

position in the international market since other slave trading nations would simply take over Britain's share of the trade and benefit economically at its expense (van der Linden, 2011, p. 5; Engerman, 2011, p. 227). This led to a concerted effort to convince other nations such as France, Spain, Portugal, and the Netherlands to end their slave trading as well. Britain did this by offering these countries enticements and compensation. In 1814, for example, Britain offered France (which formally abolished the slave trade and colonial slavery in 1794 and then for a second time in 1848) either a West Indian Island or an amount of money in return for immediate abolition. Britain also offered Spain large subsidies in exchange for the restriction of the Spanish slave trade in the area south of the equator as well as for the complete abolition of Spain's slave trade in five years' time. Portugal was also offered payments amounting to £1,134,179 up to the year 1853 for similar anti-slave trade policies, which it agreed to (van der Linden, 2011, pp. 5-7). In some cases, however, Britain joined forces with other major powers such as the Netherlands and Spain in order to fight against the slave trade of smaller competitors like the the Sulu Sultanate. From the second half of the eighteenth century, the Sulu Sultanate had operated human trafficking in parts of Southeast Asia (both in the West as well as in the East) an area in which the great powers had economic interests (van der Linden, 2011, p. 35).

In the first decade of the nineteenth century, Britain produced as much as 60 percent of the world's sugar and almost 50 percent of all coffee in territories under its control. However, after Britain first passed the Act for the Abolition of Slavery in 1833 and then prohibited slave labour in the British West Indies, Cape of Good Hope and Mauritius from August 1834 onwards, its trading interests came under immediate threat by the mass use of slave labour in countries such as Cuba and Brazil where slave-grown sugar and coffee were produced (Eltis, 1987, pp. 5-6). The British Islands were unable to compete with Brazil and Cuba in sugar exports without tariff protection (Engerman, 2007, p. 4). It was around this time that a debate took place inside the British political arena over free labour against slave labour in the production of agricultural goods

Our colonies with free labour cannot compete with foreign colonies having slave labour. (cited in House of Commons Report, 1848, p. 167)

Mr. Buxton, in his valuable work on slavery informs us that the crop of sugar in Cuba alone increased in the year 1838, as compared with 1837,

by 18,000 tons...the produce of sugar has increased by slave labour, during the last century, six fold; the produce of free labour has made no such increase. (House of Lords Report, 1850, p. 4028)

...it is a most extraordinary thing that, without one word of remonstrance from the opponents of slave-grown produce, we take upwards of 4,000,000 lb. of slave-grown cotton from America every year, as well as an enormous amount of slave-grown tobacco; while the loudest outcry is raised against the introduction of a single hogshead of sugar that has been produced by slave labour. (House of Commons, 1839, p. 3472)

in the present condition of the West Indies and of the East Indies, competition with slave-grown sugar is a competition which cannot be carried on upon equal terms. (House of Lords, 1846, p. 495)

Several members of Britain's parliament supported the anti-slavery politics of Buxton whose doctrine was "that the Slave Trade kills all other trade." They viewed the practice of slavery in other countries as a major source of competition and argued that it would hurt British economic interests in the long term. Only by leading an abolition movement at the international level, it was claimed, could Britain maintain its leading role in the international market. This ultimately led the debate over free labour against slave labour to be framed around the idea that "the slave trade and 'legitimate' trade was in irreconcilable competition with each other, and the equally axiomatic belief that, among other things, because of this competition, abolition would be successful only if it was combined with the promotion of 'legitimate trade'" (Zimmerman, 2011, p. 463).

The difference between the productivity of free labour and slave labour was also central to the British attack on slavery (Drescher, 2002). Indeed, the reported superior performance of free labour played a major role in the debate on abolition in the eighteenth and nineteenth centuries. It was at the time generally believed that

ending slavery and moving to free labour would lead to higher output and more efficient production of those crops previously produced. The superior incentives and discipline of free labour, with labourers working harder when given the opportunities to benefit from their increased production when free, would lead to outcomes that were in sharp contrast with the presumed low productivity under the coercive control of the slavery system. (Engerman, 2000, p. 284)

Compared to free workers, slaves were seen as less willing to work, less efficient, less inventive and also 'more expensive'. Another advantage of wage-labour was that "higher

labour input was generally seen as leading to higher land values so that some of the benefits of free labour would also go to landowners, since emancipation would not result in the confiscation of slave owner land” (Engerman, 2000, 284). For Adam Smith, who argued in favour of abolition a decade before the British anti-slavery movement had begun to pick up pace, the system of free labour maximised economic utility for both employers and workers. Smith argued free workers were more frugal and efficient at maintaining themselves than slaveholders were at maintaining their slaves. For this reason, free workers would cost their employers less in the long run, he claimed. Smith drew on the mines in the Habsburg Empire and those in the Ottoman dominions as examples in order to illustrate the superiority of free labour over slave labour. As he saw it, wage earners were much more inventive in developing labour saving devices in the Habsburg mines than slave workers were in the mines under Turkish control (Drescher, 2002, pp. 21-23). Smith’s close friend David Hume, who also argued in favour of free labour, believed that the work ethic of free workers was superior because slaves were taken care of by their masters and did not have to endure the poverty and hunger that were such strong incentives for wage earners. Likewise, James Steuart thought that individuals worked in unfree societies because they were slaves to others but in a modern ‘free’ society people worked because they were slaves to their wants and desires. Abolitionists, for the most part, however, tended to favour Smith’s argument about the role of incentives in leading to higher productivity (Engerman, 2007, p. 29).

At the same time that anti-slavery sentiments began to echo in Britain’s political arena and the abolition movement spread to America, there was a corresponding increase in demand for the promotion and protection of ‘free’ labour, which was equivalent to a state of slave labour in terms of wages, hours, working conditions and mobility (Engerman, 2003, p. 11). In fact, the binary opposition between free labour and slave labour was never really clear cut and the assumed difference may actually owe more to “the spirit of the nineteenth century antislavery argument, obviously to the great advantages of free labor as a system” (Engerman, 2007, p. 27). The distinction between the two tended to blur, since slaves and free workers were subjected to very similar constraints and experiences of subordination. For example, long working hours, exceptionally low (‘starvation’) wages and many forms of overt social and cultural discrimination were all accepted as a part of life for most free workers before the

introduction of labour standards. Free workers also had restrictions placed on their ability to leave employment contracts as evident in the British Masters and Servants Acts, which were used as criminal sanctions (such as the threat of imprisonment) to enforce labour contracts, even up until the late nineteenth century (Engerman, 2007, pp. 27-28). Many countries also controlled the mobility of free workers by introducing restrictions on foreign immigration and emigration. In some cases, too, free workers were prevented from leaving their homeland until they had fulfilled all military or other obligations (Engerman, 2007, p. 28). Moreover, because of their propertyless status, workers' political rights were non-existent or heavily restricted (Engerman, 2000, p. 293). In the United States, for example, Benjamin Franklin argued in favour of prohibiting all those without any land to vote in legislative elections because he believed that such votes would amount to 'an impropriety'. Similarly, Thomas Jefferson proposed that suffrage should belong to "every man who fights or pays." James Madison also issued a warning that if the right to vote to all was extended, then "the rights of property...may be overruled by a majority without property" (cited in Ishay, 2008, p. 96).

The transition to free labour was often characterised by many peculiar features that were common to slave labour. Repressive policies and controls, for example, were applied with brutality and intensity to newly freed slaves in the Americas, which essentially amounted to one form of slavery replacing another. Despite lofty pronouncements about freedom, equality and independence, ex-slaves were often forced back on to the plantation market sector using vagrancy laws, land restrictions, taxation, and other measures. These laws were designed, rather ironically, to restrict labour freedom in order to help make free labour a success (Engerman, 2000, p. 291). While many anti-slavery activists had hoped that newly freed slaves would continue to work on plantations, most free workers, however, desired to avoid plantation work at all costs. Wages were also kept very low in plants and many ex-slaves had to go into debt just to survive. In addition, state officials and employers frequently used violence as a way to control their work forces (Engerman, 2000, p. 294). Another complicating fact was that many freed slaves felt uneasy about emancipation because they feared their new found status and increased competition in the labour market would make it hard for them to live. For instance,

millions of Brazilians, particularly those whose dark skins marked them as descendants of slaves, remained much as they had been under slavery – legally free now, but unable to compete in freedom because of their class and color, with few alternatives beyond working another man's land in poverty and servility or migrating to a precarious urban environment, where opportunities were normally limited to the humblest and hardest of work (Conrad, 1972, cited in Geary, 2011, p. 153).

Furthermore, legislation concerning the working conditions of slaves, including amelioration codes, generally preceded the introduction of labour standards for free workers and the regulations of the slave trade and slavery preceded constraints regarding the employment of free labour and the conditions of transport of free migration. However, unlike slaves, free workers were able to form unions and improve their wages and working conditions (Engerman, 2007, p. 31).

In the United States, for both legislators and individuals who supported abolition there was a strong economic incentive to repeal many of the slave acts throughout the North in order to mitigate competition and secure the labour market for (white) free labour. The American white working class viewed skilled African American slave labour as unfair competition in a variety of trades including printing, tailoring, shipbuilding, shoe making, carpentry, baking, blacksmithing and coopering (Bland, 2001, p. 948). The justifications for American antislavery politics were often self serving and racist. White activists and workers argued blacks were naturally servile and that they would bring slavery with them, or that they would ruin a homogenous white society and accept lower wages and conditions which would in turn lower the standard of living for whites. The paradox of promoting the interests of free labour was that it “granted social recognition only to white producers” which ultimately led to “white exclusion of black workers from various trades, from white labor organizations and unions, and from employment in the new territories” (Martinot, 2003, p. 85; Engerman, 2011, p. 227).

One of the earliest attempts to suppress practices of slavery and trade in slaves can be traced back to 1815 when the Declaration Relative to the Universal Abolition of the Slave Trade was adopted during the Congress of Vienna. The 1815 declaration was signed by Austria, France, Portugal, Prussia, Spain, Sweden, the United Kingdom and Russia. However, it never set a time limit for abolition, nor did it create an enforcement mechanism or even criminalise the slave trade. Similar agreements followed the one in

1815, including the Aix-la-Chapelle in 1818 and Verona in 1822 but they never really had an impact on slavery other than convince other European powers that Britain intended to use international agreements to dominate the Atlantic Ocean as an 'international policeman' (van der Linden, 2011, p. 6). In the following decades, however, more and more nations joined the British abolition campaign, through the conclusion of bi-lateral and multi-lateral agreements (for list of treaties and conventions on the slave trade from 1817-1882, see: van der Linden, 2011, p. 7). In fact, no anti slave trade treaty was ever signed without the involvement of Britain (Eltis, 2011, p. 134).

By the mid nineteenth century, all the major capitalist powers were ready to give high priority to banning both the slave trade and slave labour. The General Act of the Berlin Conference in 1884-5 passed a resolution to 'help in suppressing slavery' and required states with economic interests in the Congo Basin to act to end the slave trade and abolish slavery. In the final document, the maritime slave trade was clearly prohibited while overland traffic was more vaguely condemned (Drescher, 2009, p. 396). In 1890, the more comprehensive and detailed General Act for the Repression of the African Slave Trade was adopted in Brussels by European powers that had colonies in Africa. They included: Britain, France, Germany, Italy, Portugal and Spain as well as the signatory powers of the Berlin Conference – Holland, Belgium, Russia, Austria, Sweden, Denmark and the United States. Article 5 of the General Act of 1890 required signatories to adopt penal laws to punish any nation engaged in the capture, transportation and dealing of slaves. Since slavery was still legal in their territories, the Muslim rulers of the Ottoman Empire, Zanzibar (whose territories Germany and Britain intended to divide amongst themselves) and Persia were also invited to the Brussels conference (Drescher, 2009, p. 385). The Brussels' Act of 1890, however, left formal procedures against slavery up to the discretion of each imperial power. It was not until the British abolition lobby pressured the British government that the slave trade was "henceforth prohibited, and any rights derived from claims to property in persons were no longer enforceable in courts" (Drescher, 2009, p. 397). The Brussels Conference also occurred around the same time that large parts of Africa were being colonised by Britain and other major powers. The anti-slavery campaign in general and the General Act of 1890 in particular thus served to cloak "the entire conquest of Africa in a 'humanitarian' guise by

presenting European rule and capitalist enterprise, including the employment of freed slaves, as *anti-slavery* measures” (van der Linden, 2011, p. 36).

The anti-slavery movement was among the first attempts at international standard setting, as it created and put into practice international law (Zimmermann, 2011, p. 435). However, it took almost one hundred years (from the first political attack on American slavery in England) to abolish slavery in the colonies of European countries and another 75 years to abolish it elsewhere (Engerman, 2003, p. 71). In many cases, however, the abolition of slavery led to a permitted increase in international movements of contract labour (often called a ‘new system of slavery’ because of its harsh working and living conditions), which was created, in part, by the decision to end slavery while the demand for sugar and other plantation crops remained relatively high around the world (Engerman, 1996, p. 234). In the 1860s, for instance, Britain brought indentured labourers from China and India as well as from Portuguese islands, Africa and elsewhere, to expand sugar production in some of its colonies in Africa, Asia and Oceania (Engerman, 2007, p. 4).

The British attack on slavery may have also been the most expensive international policy in modern history, costing its metropolitan citizens 1.8 percent of their estimated national income during the six decades (1806-1863) Britain pursued antislavery initiatives without the help of other great powers (Drescher, 2002, p. 232). And the abolition of slavery was achieved, in almost all cases, by compensating the slave owners and not the slaves themselves (Engerman, 1996, p. 227). In fact, the ending of slavery (and serfdom) often involved payments in labour-time by the emancipated to their former owners in exchange for limited rights to land and for some freedom (Engerman, 1996, p. 235). The anti-slavery movement also played an important role in opening up non-Western societies and territories to Western economic interests (Zimmermann, 2011, p. 495). This certainly was the intention of the 1884-85 conference in Berlin, which formalised “the process of determining the boundaries of domination not emancipation” (Drescher, 2009, p. 396). Around the same time as the Berlin conference, Germany and France were beginning to challenge British paramountcy beyond Europe by launching new initiatives in West and East Africa. The Belgian king Leopold II acquired at least 2 million square kilometers in the form of the ‘Congo Free State’

(today's Democratic Republic of the Congo), which was unclaimed by other European powers. Leopold made no effort to hide his desire for colonial control in his correspondence with one of his aides in London when he famously wrote "I do not want to risk...losing a fine chance to secure for ourselves a slice of this magnificent African cake" (cited in Hochschild, 1999, p. 58). Measures against slavery also coincided with key turning points in history when class struggle was at an all time high in certain regions of the world. Some examples include: revolution or the threat of revolution in North America (particularly in Vermont in 1777 and in Pennsylvania in 1780) as well as in France and the French Caribbean (especially in the years 1793-9); in Britain there were conflicts in 1788-91, 1804-7, 1814 and 1830-34, as well as intensified slave revolts in the years 1823-32 which resulted in the Reform Bill crisis of 1832-3; in Spanish America there was conflict from 1814-23, the liberation wars, etc. as well as in France and the remaining French Caribbean in 1848 and the United States from 1855-68 during the Civil War and Reconstruction and in Spanish Cuba in the years following the Spanish revolution in 1868 and the beginning of the Ten Years War (1868-78) and finally in Brazil there was a class struggle and political crisis in the 1880s (Blackburn, 2011, pp. 188-189).

3.3. Curb Potential or Actual Labour Unrest

The push to establish uniform international labour standards also stemmed from a fear of social unrest both within nation states and in the world at large. The 'normal' cyclical ups and downs of major capitalist economies meant that the system sometimes failed very large percentages of the working population. For example, the prolonged depression of 1873-93, which led to steep wage reductions, furloughs and mass layoffs, caused distress and unrest among people who, for the most part, lacked any social safety net. Widespread unemployment, poverty and discontent meant that hundreds of thousands, possibly even millions of people, could take to the streets to vent out their anger. This was certainly the case in Europe where there was a

vast semi-circular belt of poverty and unrest in which revolution actually was on the agenda, and – at least in one part of it – actually broke out. It stretched from Spain through large parts of Italy, via the Balkan peninsula into the Russian empire. (Hobsbawm, 1989, p. 136)

Whenever the system failed to satisfy the basic needs and expectations of working people or when demands for higher wages and better working conditions were ignored during times of economic prosperity, class confrontation, which was directed as much at the state as the corporate sector, followed. During the last quarter of the nineteenth century in particular, many industrial conflicts broke out in the mass industries, in part due to an upsurge in trade union membership and a great expansion in the organisational strength of workers in every country (Voss, 1989, p. 3). Workers' movements consisting of members from the urban poor, the organised working class and the urban petty bourgeoisie not only raised substantial questions regarding adequate employment, wages and labour practices but also about the power of employers and the nature of the system in general (Clarke, 1988, p. 162).

It was not unusual for employers to give in to their workers' demands, especially if there was high consumer demand for their products. For the most part, however, owners would add fuel to the fire of broader discontent by forming a united front and announcing wage cuts and mass lay offs. If they faced disruptive, costly and damaging strikes, then many businesses simply found foreign labour to replace strikers, especially when improvements in the transportation system made it cheaper for them to do that (Waltershausen, 1883/1998, pp. 104-5).

The state, on the other hand, tended to refrain from engaging in aggressive acts for fear of further aggravating the pressures of working class life and opening up the prospects for revolutionary politics, especially whenever there was an economic crisis. At the same time, however, the activities of socialist groups and trade unions were closely monitored by and a major concern for intelligence and security arms of national governments (Busch, 1983, p. 4).

The increasing number of labour protests and conflicts in the late nineteenth and early twentieth centuries pressured many governments to take direct action in the labour market in order to prevent an even larger crisis from occurring (Engerman, 2003, p. 22). Increased calls for intervention in economic life therefore came at a time when working people felt ambivalent or outright hostile toward employers and the state. Policy making, therefore, was designed by ruling elites to

strengthen in the working population the feeling of solidarity with State and Government and fill them with the conviction that the ruling power in the States of today is not a government which only has in view the welfare of the privileged class but which also vigorously intervenes for the betterment of the low of the workmen. (Bismarck, 1889 cited in Shotwell, 1934, Vol. I, p. 460)

In the United States, the period between 1880 and 1900 was marked by unrest on an unprecedented scale. Corporate efforts to solve the crisis through wage cuts and strike breakers only served to intensify labour unrest and strikes, including those of 1866 (known as the year of American labour's 'great upheaval' and massive 8 hour work day campaigns) and 1877 and 1886 which "made a mockery of all talk of reconciling labor and capital" (Montgomery, 1998, p. 13). The highly publicised strikes of 1883, 1884, and 1885 by Knights of Labor telegraphers and railroad workers raised concerns about a growing 'labor problem' within the United States which had already spread to all industrial sectors, including the shoe industry which witnessed a successful strike by women collar starchers and ironers in 1880. However, many strikes failed, especially those in the major East coast cities because employers were able to replace strikers with large numbers of immigrants who were looking for work in the eastern ports. Class tensions reached a point where the prospect of violent revolution created a regulatory climate that supported the expansion of government power in the labour market and workplace. Threatened by the political insurgency of agrarian radicals and the urban working class, the American state intervened on behalf of employers in order "create or expand state capacities to regulate marketplace behaviour and augment social support" (Stromquist, 1990, p. 571).

In Germany, the labour movement reached an organisational peak in the years 1868-69 with the first wave of strikes. Intensified strike activities continued in the founding years of the empire as well. From 1889-90 the labour movement reached another peak with an unprecedented wave of strikes and the formation of several workers' associations and unions (Tenfelde, 1990, p. 244). There were mass strikes by Ruhr coal miners in 1889, despite Bismarck's carrot-and-stick approach of offering social welfare programs to win the loyalty of workers while at the same time banning the Social Democratic Party (SDP) (van der Linden & Zieren, 1998, pp. 28-29). The number of strikes and lockouts also reached record highs from 1905-06 and from 1910 to 1912. In

1905, there were 2,070 strikes and 253 lockouts; in 1906: 3,059 strikes and 421 lockouts; in 1910: 2,224 strikes and 970 lockouts; in 1911: 2,707 strikes and 207 lockouts; and in 1912: 2,469 strikes and 356 lockouts (for statistics on Germany's strike activities and union membership from 1889 to 1914, see: Tenfelde, 1990, p. 257). In 1910, there was a nation-wide lockout of construction workers. Eventually labour reforms were introduced as a "reaction against demands for socialisation and the works councils were a palliative to the revolutionary workers' councils of 1918" (Hepple, 2000, p. 432). These reforms were designed to "legalise the class system in a class-divided society and to make it a component of the legal system" (Kahn Freund, cited in Hepple, 2000, p. 432).

In Great Britain, the depression and labour unrest of the 1880-90s marked a highpoint of trade union militancy and class struggle. Employers reacted to the great depression by passing stringent economic and managerial policies, which provoked more worker resistance and rebellion. The major strikes of the period included the cotton textiles strike of 1893, the boot and shoe strike of 1894 and the engineering strike of 1897, which all flowed from tensions that were created by the intensification of the labour process (Price, 1990, p. 14). However, in 1900 the Labour Party was formed to articulate the interests of workers. The opening decade of the twentieth century was still characterised by intensified class conflict and labour unrest but placatory measures by the government had already been taken. The conflict-ridden Liberal Government of 1906-14 established state services in the form of Old Age Pensions in 1909, regulated sweated trades in 1909, set a minimum wage in the mines in 1912, created national insurance for unemployment and illness in certain occupations in the same year, and also regulated the labour market in 1912 (Price, pp. 9-10). However, these reforms did little to prevent the 399 industrial strikes in 1908 or the 1,497 strikes in 1913 (Price, p. 21).

Many governments, therefore, tried to introduce limited reforms in an attempt to mitigate domestic unrest and accommodate certain social needs for which the economy had no solution. A few governments thought that social insurance systems (mainly accident, sickness and old age insurance) could curb the expression of working class anger and help take the power out of the labour movement's hand (Hobsbawm, 1989, p.

103). This was the case in Russia where the Minister of Interior (N.A. Maklakov) argued in favour of stopping “the working masses from revolutionary activity by introducing insurance legislation” (cited in Linden, 2003, p. 38). Similarly, German government officials believed that old age insurance would help integrate their labour force into the normal forms of bourgeois intercourse by giving working people “a vested interest in the state” (Bismarck, 1889, cited in van der Linden, 2003, p. 39). In Russia, however, the health and accident insurance system of 1912, which was intended to weaken the labour movement there and draw the population into the arms of the government, empowered and emboldened organised workers instead. Only in Germany did social insurance have an integrating effect, mainly because of the support it won among skilled workers who were an important element in the social base of the SPD, which authorities viewed as a revolutionary threat (van der Linden, 2003, pp. 38-39). During this same period, several European countries passed legislation permitting the formation of mutual benefit societies (albeit with certain restrictions), which almost always provided insurance coverage for paid workers (van der Linden, 1996, p. 27). Mutual benefit societies, which were sometimes allowed to operate in certain countries where unions and strikes were prohibited, formed in Germany in 1883, Italy in 1886, Portugal (1891), Belgium (1894), Great Britain (1896), France (1898), Luxembourg (1901), Spain (1908), and Switzerland (1911). Their emergence coincided exactly with the development of socialist parties in Europe (Dreyfus, 1996, p. 678).

By 1890, however, Prussian authorities already recognised that intergovernmental collaboration through an established institutionalised mechanism was necessary in order to solve the desperate labour problems that many governments faced. The need to confront a growing ‘labour problem’, which had become a normal feature of life in all manufacturing countries, was acknowledged by William II who instructed his official representatives in France, England, Belgium, and Switzerland to

find out whether the governments are disposed to enter into negotiations with us with the aim of bringing about an international agreement on the possibility of giving satisfaction to the needs and desires of the workers which have found expression in the strikes of late years and in other forms of unrest. (1890, cited in Lowe, 1921, p. 28; Shotwell, 1934, vol. I, p. 469)

In a second rescript addressed to the German Minister of Public Works, William II suggested creating some sort of government institution to deal with labour's grievances

For the maintenance of peace between employers and workers, there should be legal provisions concerning the form in which workers are to participate in their common affairs, through representatives who possess their confidence, in order to safeguard their interests in negotiations with employers and with government authorities. Such an institution will facilitate the free and peaceful expression of their wishes and their grievances, and furnish officials a regular means for keeping informed of the labor situation and of continuing in contact with the workers. (cited in Shotwell, 1934, vol. I, p. 470; Lowe, 1921, p. 29)

One year earlier, the British Minister of Berne had warned about the dangers of labour unrest and the need to organise a well publicised international labour conference

The question of labour legislation...[is] a grave political as well as commercial importance, for the interests of international order were at present as much at stake as those of international trade...[the] Revolutionary International party was...preparing to make the centenary commemoration of the First French Revolution an occasion for convening International Conferences of working men, and was already organising combined agitation for the redress of their grievances...symptoms of this organization might...be detected in the incidents of the last few days at Lyons, Marseilles, and Rome; there was a very suspicious coincidence in point of time and features, which looked like the result of direction from a common centre...[we are] in favour of an attempt at the present moment by the Governments of Europe 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...In order not to raise false and dangerous hopes...the Conference [of Berlin] must necessarily result in an International Convention... (1889, cited in Shotwell, 1934, vol. I, pp. 462-463)

Several years later the warning was repeated by a French cabinet member who observed that "the conflicts between capital and labor are becoming daily more frequent and more acute, they run the risk of affecting adversely the prosperity of commerce and industry, and we believe that it is time to study seriously the means of preventing their return" (1906, cited in Lowe, 1921, p. 118).

During the First World War, government authorities tried to appease their working populations, whose importance in providing factory or cannon fodder was not overlooked, by giving them a voice inside of the factories where many of their rights had

been curtailed for the war effort. In France, for example, the Minister of Armament appointed a commission in April 1916, which also included a labour representative, for the organisation of factory workers engaged in the production of war materials. In July 1917, the same Minister asked employers to include in the management of their factories a labour representative. Similarly, in Germany, workingmen's committees were appointed in all plants employing at least 50 men in December, 1916. In Great Britain, Whitley Industrial Councils were established, which were organised at the factory, district and national levels and consisted of representatives of workers and employers (Périgord, 1926, p. 76).

Both during and after the war, it was generally the working class that suffered and not employers or state officials. Trade unions, however, tried to capitalise on the sacrifices of workers and soldiers by demanding compensation for their contributions and losses. They also organised their members against the efforts of employers and the state to push the financial costs of the war on workers following peacetime period. At the 1916 Leeds Conference, for example, the Confédération générale du travail (CGT) issued the following warning to trade unions and workers around the world

After demobilisation the financial burdens which will be imposed on the people will be heavy...If the working class allows it, it may be sure that it will bear all these burdens. Not only indirect burdens, for it is quite evident that in the end it is on Labour alone that all financial burdens will ultimately fall, but others also if it permits a recoil on the present conditions of Labour to be imposed on it. (cited in Shotwell, 1934, Vol. II, p. 8)

After the war, labour reform was placed high on the policy agenda as wartime workers were transitioning back to civilian life and ex-combatants were returning home from conflict (de Swann, 1988, p. 224). Across Europe and North America, the experience of demobilisation following intense industrialised warfare created tensions, resentment and anger among ex-soldiers of working class origins who suddenly found themselves and their families without many of the basic necessities to life which had previously been promised to them by their governments. Former combatants, who had experienced all of the horrors of the trenches in Europe, were not only trained how to fight but also beginning to come to terms with the extraordinary sacrifices which they had made during the war and the little compensation that had been given to them upon their

return. Some of that anger was expressed at the Winnipeg General Strike of 1919, which involved 35,000 workers who walked off the job, virtually paralyzing the city (Canada's third largest at the time) for six weeks (Gibson, 2000, p. 120).

Following the war's end, the "problem of demobilization and its results, a proletariat trained to the use of arms and hardened to warfare" became a matter of paramount concern for British, French and Italian authorities (Shotwell, 1934, Vol. I, p. 207). This was one of the major reasons why they became the principal supporters of international labour standards. It is not a coincidence, therefore, that the countries with the largest and most powerful armies were also among the first to promote international agreement on labour standards.

3.4. Level Playing Field

The agitation of workers for higher wages and better working conditions and the competitive pressures employers faced in selling their commodities in international markets created a dilemma for capital: labour standards were required to sustain and placate the labour force but they also risked jeopardising the international economic position of business (Fontaine, 1920, p. 166).

The competitive advantages derived from non-existent, weak or unenforced national labour standards was seen as a competitive threat from the point of view of employers who had introduced protective legislation or were contemplating to do so. Trading with other national capitals meant that unregulated imported products could undermine regulated and therefore more expensive domestic products. This could result in a loss of competitive position for the country with standards. In this way, international competition was an obstacle to the establishment of standards at the national level. But at the same time, competition drove each industrial enterprise to subject its work force to notoriously exploitative conditions in order to raise output and gain an advantage. The inevitable consequence of this was the premature destruction and degradation of a large body of the population which formed the very condition for profit (Lowe, 1921, p. 5).

Only an international effort to establish minimum working conditions throughout all industrialised countries, while leaving alone the theory of comparative advantage, could address these problems (Van Daele, 2004, p. 48). In 1890, the German Emperor Kaiser William II acknowledged the need for international regulation in two imperial rescripts, which incidentally caused a decline on the Bourse (Johnson, 1892, p. 10).

The difficulties which oppose themselves to the betterment of the condition of our workers and which result from international competition can be, if not surmounted, at least diminished, in no other way than by the international agreement of the countries which dominate the international market. (cited in Lowe, 1921, p. 28; Shotwell, 1934, Vol. I, p. 469)

I have therefore asked the Chancellor of the Empire to suggest to the Governments of those countries whose industries are in competition with ours in the world market, the convocation of a Conference to endeavor to secure parallel international regulations setting the limits of the work which can be demanded of labor. (cited in Shotwell, 1934, Vol. I, p. 471)

The movement toward protecting labour at the international level was the unavoidable consequence and the essential condition of establishing national labour standards in each country. Hence the primary objective to “prevent a company from gaining an advantage from differences existing between countries with respect to the degree of union-organisation, union militancy, and union-strength, working conditions, wages or government policy” (Gallin, 1973, cited in van der Linden, 2003, p. 156) was trade driven and had more to do with ‘fair competition’ and industrial efficiency than a genuine interest in the well being of working people (Valticos, 1979, pp. 21-22).

By the end of the First World War, there was a consensus among advanced industries for increased regulation of labour conditions, particularly between British, French and German employers who complained that they were at a disadvantage in international competition with countries with fewer or no standards (Haworth & Hughes, 1997, p. 182; Mahaim, 1934, p. 14). European employers were beginning to recognise that their dominance over international trade markets was increasingly under attack and that the international regulation of labour conditions had become necessary in order to ease the pressure of competition from rapidly industrialising countries. It comes as no surprise, then, that the most developed and richest nations were among the first

advocates of international labour legislation (Hughes, 2002, p. 162; Engerman, 2003, p. 61; Wilson, 1934, p. 30).

3.5. Individual Efforts

Because workers in many industrialised countries had not won the right to organise and did not have the resources to pursue their class interests at the international level, individuals among the industrial bourgeoisie were among the first advocates of international labour standards in the nineteenth century (Van Daele, 2004, pp. 46-47).

Robert Owen, the 'father of the co-operative factories and stores', was one of the early supporters of international regulation. He was a factory owner himself and "not only made the factory system in practice the sole foundation of his experiments, but also declared that system to be theoretically the point of departure for the social revolution" (Marx, 1867/1977, p. 635). Owen believed international agreement was necessary in order to prevent any one country unilaterally setting standards for itself from paying higher costs than its competitors (Engerman, 2003, p. 37). While he did not offer any practical means to achieve this goal, he did, however, raise awareness concerning the exceptionally poor working conditions of children and even helped secure the passing of a British Bill in 1819 which limited the working hours of children in cotton textile factories (Hepple, 2005, p. 25).

Genuine interest in the long-term well being of the working class, however, was not always the concern. Fear of social unrest and the need to prevent social upheavals, which could erupt due to intolerable working conditions, convinced social reformers like Daniel Le Grand to promote international labour legislation (Van Daele, 2004, p. 46). Between 1840 and 1847, Le Grand met with several European politicians in an effort to convince them that "international law governing industrial activities" was the "only possible solution of the great social problem" (Le Grand cited in Ayusawa, 1920, p. 21). As a silk manufacturer himself, he believed international labour standards were the only way one country could regulate labour conditions at home without losing its competitive position in the international market (Hepple, 2005, p. 25). In his correspondence with

European officials, Le Grand argued that industrial working conditions not only harmed industry but also made the experience of working class life unbearable. He believed it was likely that a revolution would break out. Several living and working conditions were identified by Le Grand as uncondusive to social order, including: a) lack of education; b) employment of young persons in workshops; c) excessive working hours; d) night work; e) Sunday work followed by excessive labour on Monday; f) mingling of genders; g) holding workers in barracks, and h) neglecting the needs of older workers. To ameliorate some of these conditions, he proposed: a) prohibiting all work by male children under ten years old and by female children under 12; b) limiting the hours of working children to six hours until they are 13 years old; c) increasing the working day to ten hours once children reach the age of 14 and allowing them one hour of recess for lunch; d) prohibiting Sunday or night work for young persons under 18 and for girls and women of all ages; e) regulating unhealthy and dangerous occupations; f) limiting the working day of adults to 12 hours a day, beginning no earlier than 5:30 a.m. and ending no later than 8:30 p. m.; and g) requiring proof of age, school and employment records of young workers (Ayusawa, 1920, p. 22).

The Swiss banker Jacques Necker also advocated international labour standards on protectionist grounds. In 1788, for example, he argued that if France abolished the Sunday rest day then its competitive position in the international market would only improve if other countries did not do the same. He concluded that a rest day for workers in one country would not result in a loss of competitive advantage only if other countries implemented the same policy (Hepple, 2005, p. 26).

Charles Hindley, a British Member of Parliament also made arguments in favour of international labour regulation in 1833 (the same year Britain passed legislation to bring about the end of slavery in its colonies) on similar grounds. He argued that nations with relatively higher standards could grow economically only if other nations followed (Engerman, 2003, p. 37). Jerome Blanqui and Louis Wolkowski (both French economists) made similar propositions (Van Daele, 2004, p. 49).

The question of international labour regulation resurfaced in 1858 in Germany with the publication of John Caspar Bluntschli's *Dictionary of Political Science*. Other

German economists and social reformers contributed to the debate as well including Adolph Wagner, whose 1872 work *Rede über die sociale Frage* argued in favour of protecting working class interests through international agreements. In 1866 the French publicist Audiganne made a similar argument. In 1873 the liberal economist Louis Wolowski introduced what was arguably the first real piece of legislation on the subject in the French Parliament (Mahaim, 1934, p. 5). Christian Socialist Labor Party member Lujo Brentano also advocated several standards in *Handbuch der politischen Oekonomie*, including: the prohibition of work on Sundays; the suppression of factory work by minors and married women; setting limits on the amount of work expected from a labourer in a single day; protecting national labour; and the internationalisation of labour legislation (Ayusawa, 1920, pp. 25-26). In 'The International Regulation of Industry', Brentano argued that the degree of uniformity in labour regulation between different countries was possible only if diverse conditions of production within competing countries allowed it (Lowe, 1921, p. 24).

3.6. International Conferences and Governmental Agreements

In the second half of the nineteenth century, several international conferences were held in order to discuss the adoption of international standards on a wide range of subjects, including night work, industrial hygiene, legal working age, and the working conditions of young persons. These meetings took place around the same time that industrial powers were introducing their own national standards (Engerman, 2003, p. 60; Van Daele, 2004, p. 48). The most important conferences were the Brussels Congress of Benevolent Societies in 1856, the Congress of Frankfurt in 1857, and the more extensive Conference of Berlin in 1890, which 14 states attended, including the 'twelve chief industrial states of Europe' (Engerman, 2003, p. 37).

During the Berlin conference, international regulations concerning work in mines, Sunday rest, and the labour of children, women and young persons were discussed in some detail and a number of proposals were made. For regulations concerning *work in mines*, the conference adopted the following resolutions: 1) a) minimum age should be gradually raised to 14 years and in southern countries to 12 years; b) prohibit women

from working underground; 2) where working conditions are dangerous, hours should be limited via legislative means or by agreements between employers and workers; 3) a) health and safety of workers must be protected and supervised by the state; b) engineers responsible for directing works must be experienced and qualified, c) relations between miners and engineers must be built on respect and confidence; d) institutions must be organised in order to protect miners and their families against the effects of diseases, accidents, premature ill health, old age and death; e) to ensure the continuous supply of coal, measures should be taken to prevent strikes, e.g. voluntary agreements or arbitration. For *Sunday labour*, the conference recommended one day of rest for all protected persons and factory workers (although exceptions were allowed for certain industries). Concerning *child labour*, the resolutions wished to: 1) set the minimum working age at 12 years and in southern countries, to 10 years in all factories; 2) allow children to complete their primary education; 3) prohibit children below the age of 14 from working at night or on Sundays; 4) prohibit the daily working hours of children from exceeding 6 hours and allowing them breaks of at least 30 minutes; and 5) prohibit children from working in unhealthy and dangerous occupations or at the very least protect them with certain standards. Regarding the labour of *young persons*, it was recommended that: 1) those from 14 to 16 not be allowed to work at night or on Sundays; 2) limit working hours to 10 hours and allow 90 minutes' rest; 3) exceptions apply to certain works; 5) restrictions provided for unhealthy or dangerous occupations; 6) young men from 16 to 18 years be given protection concerning maximum working hours, night work, Sunday work, and their employment in dangerous occupations. Concerning *female labour*, the conference proposed the following standards: 1) girls and women from 16 to 21 years of age not be allowed to work at night; 2) working hours should not exceed 11 hours per day and rest should consist of at least 90 minutes; 3) exceptions applied to certain industries; 4) restrictions created for dangerous and unhealthy occupations; and 5) women after child birth should not be allowed to work for four weeks after delivery. 6) enforcement provisions (enforcement of the measures in each country to be supervised by government inspectors and for annual reports to be sent to other governments and for future conferences to take place to discuss the progress of labour legislation) (Périgord, 1926, pp. 63-64; for resolutions of the Berlin Conference, see: Lowe, 1921, pp. 244-247 and Shotwell, 1934, Vol. I, pp. 472-475).

While these resolutions became the basis of later developments, they were never really implemented by the industrial powers. This may have been largely because workers did not attend these conferences and without their active participation, employers and governments were not likely to give their consent freely and without pressure of any sort. In fact, governments had no intention of binding themselves to these proposed regulations so they invested their delegates with limited powers (Périgord, 1926, p. 64). On the other hand, these conferences were meaningful insofar as they represented the first practical steps taken toward the creation of an international labour standards regime, which implied that there was a high degree of similarity of working conditions in all industrial countries. The resolutions and standards that were drawn up during these conferences represented the first time that national governments worked together to create a comprehensive legal and political framework which would transcend national boundaries and advance the ascending interests of capital at the international level through internationally uniform labour legislation.

From 1904 to 1915, more than 20 bilateral labour agreements were signed by European countries, most of which covered the issue of providing insurance compensation for workers from one country who were injured in another (Hepple, 2005, pp. 28-29). Treaties that recognised the right of workers to the benefits of insurance and legal protection wherever they worked were signed between Italy and Switzerland (1904), Italy and France (1904), Italy and Germany (1904), Germany and Austria-Hungary (1905) and Belgium and Luxemburg (1905) (Aysuawa, 1920, p. 66). In 1912, Germany signed an accident insurance treaty with Belgium and another more comprehensive treaty with Italy, which covered issues such as invalidity, old age and survivors' insurance (Lowe, 1921, pp. 159-163, pp. 221-227). France and Denmark also signed a treaty in 1911, which dealt with a wide range of issues including trade and navigation, sanitary questions, white-slave trade, and the international protection of workers. It also included stipulations that were subject to compulsory arbitration by The Hague Tribunal (in the event no compromise could be reached between the two countries) (Lowe, 1921, p. 157).

3.7. Private and Semi-Official International Associations

To promote the adoption of international labour standards on a range of subjects, several international associations were formed in the late nineteenth and early twentieth centuries (Lowe, 1921, p. xv). In the decade between 1880 to 1890, these associations helped solidify international acceptance of five labour standards that were “constantly repeated in the various resolutions of the period.” They included such standards as: 1) 14 years as the minimum industrial working age for children; 2) a maximum work day of either 8 or 10 hours; 3) weekly rest; 4) the prohibition of night work for women; and 5) protection against the dangers of occupation (Lowe, 1921, p. 100). Between 1890 and 1920, which includes the short period the International Labour Organisation was established, the advocates of labour legislation promoted and brought into existence a number of international standards. These included: 8) protection against industrial poisons such as white lead and white phosphorus; 9) equal treatment of foreigners and citizens in the social insurance laws of all countries (especially accident insurance); 10) inspection and regulation of homework; 11) prohibiting night work of young persons; 12) limiting the day work of women and young persons; 13) problem of unemployment; 14) employment of women before and after childbirth; 15) protection of seamen; and 16) problem of sanctions (Lowe, 1921, p. 101). Two of these standards in particular (8 and 4) became multilateral treaties in the early twentieth century thanks to the efforts of the International Association for Labour Legislation, and other standards were adopted (but not ratified) as international labour conventions (namely points 2, 13, 14, 4, 1, and 11) during the International Labour Conference in Washington in 1919.

However, workers and employers, who were the parties most affected by regulations, usually did not participate in these associations and trade unions preferred to hold their own gatherings (U.S. Bureau of Labor Statistics, 1920, p. 83). As a result, very little progress was made towards establishing internationally uniform labour legislation although greater attention was paid to working conditions by governments and the public because of the promotional efforts of these associations. While many of these associations did not survive the first world war, some of their members went on to become technical advisors to the ILO.

The social reformers and public officials who represented these international networks argued that public opinion was the most effective sanction of international agreements and that any organisation that sought to promote standards would have to learn how to use public pressure to their advantage. While socialists and trade unions played the most important role in the struggle for international labour legislation, they were frequently criticised by reformers for not providing the means through which the public could help secure the adoption of such legislation (Lowe, 1921, p. 103). However, it is unclear what reformists meant by the 'public'. Capitalist society, as a whole, is sharply divided along class lines and depending on the particular interests of the class, it may or may not be in favour of labour legislation, especially if it stood to lose financially from their implementation. The attempt by reformists and public officials to turn a class issue such as labour standards, which necessarily implies divisions and conflicts between workers and employers over the total social product, into a non-class issue and 'public' matter, might have therefore been ideologically driven and less about strategic considerations.

3.7.1. International Federation for the Observance of Sunday (1876-1915)

The International Federation for the Observance of Sunday was established in 1876 by Alexander Lombard who was a Protestant banker (Wigley, 1980, p. 164). The federation's stated aim was to "further the principle of Sunday rest and the Christian use of Sunday in all cases except those of necessity or charity." It viewed Sunday rest as furthering "human dignity, civil order and the public good." The organisation also condemned all "unnecessary Sunday work, the opening of offices and stores on Sunday, and also breaking the Sabbath, the multiplicity of public festivals, academic and other instruction on Sunday, payment of workers on Saturday evening or Sunday, and Sunday military exercises or assemblages of public interests" (cited in U.S. Bureau of Labor Statistics, 1920, p. 104).

This religious association held 15 congresses in the period between 1876 and 1915 (Lowe, 1921, pp. xxviii). Its first congress in Geneva was attended by over 400 delegates from several countries, including: Switzerland, France, England, Germany, Austria-Hungary, Holland, Belgium, Italy, Norway, Spain, Romania, and the United

States. The congress was very well received by governments and businesses. William I sent his German ambassador and delegates from Europe's leading railway companies, chambers of commerce, philanthropic and labour organisations attended the meeting (Lowe, 1921, p. xxviii).

During each meeting of the association, proposals were made for the institutionalisation of Sunday rest. The fifth congress in 1889, for example, proposed the closure of railroad stations and offices on Sundays and the reduction of Sunday freight trains and the partial closing of post, telegraph and telephone offices. During the eleventh congress in 1906, Sunday rest was recommended for: post-office employees, telegraph, telephone and customs service employees, railway and merchant service workers as well as personnel in the army and navy (Lowe, 1921, pp. 54-56). The last congress in 1915 passed a resolution that urged China and Japan (two non-Christian nations) to introduce the observance of Sunday rest (U.S. Bureau of Labor Statistics, 1920, pp. 103-106). The resolution, however, may have been motivated more by protectionism than by genuine concern for the welfare of Chinese and Japanese workers.

While the International Federation for the Observance of Sunday raised some awareness around the need for weekly rest insofar as it organised congresses and held discussions about it for nearly three decades, it approached the issue of workers' rest exclusively from a religious point of view. It did not actually promote a labour standard for the sake of the working class, which would have raised the consciousness of workers regarding their needs, demands and rights in the workplace. Rather, the association tried to institutionalise a regularly scheduled 'holy day' in order to maintain and enhance the church's relevance and legitimacy in an industrial society that was increasingly hostile to religious beliefs and authority. Indeed, the religious network did not promote any other standards on working conditions, hours, social insurance or wages (it was even against workers receiving their earnings on weekends). It only promoted the religious observance of Sunday, which did not mean a whole day off for leisure, recreation and self development, but rather, a full day dedicated to the performance of religious duties, including attendance at church services.

3.7.2. Permanent International Committee on Social Insurance (1889-1912)

In the late nineteenth and early twentieth centuries, different countries began to express interest in social insurance systems. Accident insurance schemes were typically introduced first and unemployment insurance last. Indeed, many of the labour agreements that were signed during this period were related to accident insurance. For example, the treaties made between: Italy-Switzerland (1904), Italy-Germany (1904), Germany-Austria (1905), Belgium-Luxemburg (1906), Luxemburg-France (1906), Germany-Holland (1907), France-England (1909), Germany-Belgium (1912), Italy-Germany (1912), Spain-Germany (1912 & 1913), Italy-America (1913), Germany-Luxemburg (1905), France-Belgium (1906), and Belgium-Luxemburg (1906) (CGT, cited in Shotwell, 1934, Vol. II, p. 12). The introduction of workers' compensation before unemployment relief may be tentatively explained by

the degree to which the introduction of each system represented a break with the 'liberal ideas concerning the assignment of guilt and responsibility among liberals, groups, and the state. The introduction of accident insurance or workmen's compensation constituted the least radical break with liberalism since it could be rationalized by redefining the old idea of liability of individually caused damages Unemployment insurance was usually introduced last because the notion of state support for the 'undeserving poor' required the most radical break with liberal and patrimonial principles. (Flora & Alber, 1981, cited in van der Linden, 2003, p. 46)

Many employers may have viewed unemployment insurance as doing more harm than good because it would undermine the competitiveness of the labour market and decrease their control and discipline over workers. Those insured would have more time to carefully select a job whereas those without a social safety net could be much more easily coerced into accepting poor terms of employment out of economic necessity, which was to the employer's advantage.

Interest in social insurance also stemmed from others factors. Certainly recurrent market failures, high unemployment levels and political fears over social unrest would prompt greater interest in social assistance as a way to appease workers and integrate them within the institutional forms of the state. The staggering figures on occupational diseases and deaths also caused outrage among the public and trade unions so in the

face of criticisms some sort of extra-market relief would help render the system less inhuman. Moreover, these programs would ensure that an adequate supply of healthy workers was always available for industrial and military purposes.

In 1883 Germany became the first country to introduce compulsory insurance against disease, which required employees to meet two-thirds of the expenses and employers only one-third. Germany also introduced accident insurance in 1884-85, which required employers to become members of insurance associations and to pay the costs of all indemnities (Lowe, 1921, pp. 142-143). After these social insurance schemes were successfully implemented by the German authorities, several European nations expressed interest in the provision of state relief (for percentage of German, British, French, and Italian working populations covered by social insurance from 1885-1915, see van der Linden, 2003, p. 37).

The shared interest among governments in social insurance led to the formation of the *Permanent International Committee on Social Insurance* in 1889. The committee was organised during the first International Congress on Labor Accidents in Paris. Some of its members went on to become technical advisors to the International Labour Organisation (Lengwiler, 2012, p. 83). Between 1891 and 1908, it held seven biennial congresses to discuss the principles and practice of social insurance. It first addressed issues related to industrial accidents, and later, sickness, unemployment and old age (Usui, 1994, p. 259).

The committee's congress in Rome in 1908 was attended by 1400 individuals and official delegates from over 25 countries, including: Argentina, Uruguay, United States, Australia, Austria, Belgium, Canada, Nicaragua, Guatemala, Holland, Hungary, Italy, Japan, Luxemburg, Greece, Norway, New Zealand, Portugal, Romania, Russia, Serbia, Spain, Sweden, Switzerland, China, Denmark, Finland, France, Germany and Great Britain. The impressive attendance by economies of varying sizes suggests that social insurance was an important issue for developed and developing countries alike. The standards that were considered during this conference must have had relevance to all countries, even ones with large agricultural populations. Such standards included: a) medical service related to social insurance; b) general education of physicians in relation

to social insurance; c) prevention of occupational diseases; d) maternity insurance; e) the relationship between sickness and disability; f) insurance of widows and orphans; and g) insurance against unemployment. A proposal was also made to establish national committees in order to give the organisation a more international character (U.S. Bureau of Labor Statistics, 1920, p. 107).

The committee met again in 1910 for the first International Conference on Social Insurance at The Hague. Discussions focused on two topics, namely the state's contribution to the establishment of old age pensions and relief funds, and the issue of medical service in social insurance. The second International Conference on Social Insurance was held in Dresden in 1911 and discussed various methods for the practical application of social insurance. The last meeting of the committee was held at Zurich in 1912 and included in its program the following subjects: 1) extension of social insurance to: high salaried employees, employees partly salaried and partly independent, and independent persons with small incomes; 2) organisation of joint stock companies (industrial life insurance), supplemented by compulsory annuities; 3) costs of social insurance and its effect: on the worker's budget, on industrial costs (price of production, price of sales), and on the public budget; 4) malingering and exaggeration of disability and slight accidents and their adjustments; and finally 5) gathering of international accident statistics (U.S. Bureau of Labor Statistics, 1920, pp. 108-109).

3.7.3. International Association for Labour Legislation (1900-1912)

In the late nineteenth century, the idea to establish a permanent international labour standards regime was thrown around several times. It had been considered, for example, by the Swiss Federal Council in 1889, the Berlin Conference in 1890 and the Congress of Zurich in 1897. In 1896, the Swiss government approached several European countries, including Austria, Belgium, France, Germany, Denmark, England, Italy, Holland, Norway, Russia, Sweden and Spain, about forming one with the result was that "two powers responded favorably, two thought the time inopportune, while others were either opposed or undecided" (Lowe, 1921, p. xxvi; Ayusawa, 1920, p. 47).

It was not until the Paris Exposition of 1900 that delegates from several countries (including the United States, England, Belgium, Germany, Denmark, Holland, Austria,

Switzerland, Hungary, New Zealand, Mexico, Russia, and Australia) attended the International Labour Congress of Paris and made preparations for the establishment and operation of a new international labour organisation called the 'International Association for the Legal Protection of Labour', also known as the *International Association for Labour Legislation* (IALL). As part of this new organisation, an 'International Labour Office' was established. The commission which brought the office into existence decided to make it private and not public. The reason, apparently, was that

while there was no question as to the desirability of an official coercive power vested in such a bureau, it was seriously apprehended at the same time that an office so constituted would be liable to be involved in political, commercial and other complications. The commission followed then the line of least resistance and made it a private bureau. (Ayusawa, 1920, p. 58)

The private labour office's chief function was to "collect all the statistics concerning social policy, social security, and the protection of workers and publish them in the three main languages" – English, French and German (cited in Dreyfus, 2000, p. 66-67; Thomas, 1931, p. 90). From the information collected on the legal and legislative status of labour in different countries, the IALL would consider the possibility of unifying legislation internationally (Ayusawa, 1920, pp. 56-58; Lowe, 1921, p. xxvi).

After the International Labour Office was set up, national sections were established in several countries including: Germany, Austria, Belgium, Denmark, Spain, America, Finland, France, Britain, Hungary, Italy, Norway, the Netherlands, Sweden, and Switzerland (for membership statistics of the IALL see Lowe, 1921, p. 65; Ayusawa, 1920, pp. 59-60). Each national section affiliated with the IALL was asked to regulate and improve its own country's working conditions while at the same time supporting the efforts of the IALL to unify labour legislation internationally (Lowe, 1921, p. xxvi).

The IALL's membership consisted of individuals and representatives of countries who adhered to the goals of the association and who paid the annual dues of 10 francs (\$1.93). The association was placed under the direction of a committee made up of members from the different countries that had been admitted. The bureau or governing board of the labour office, which consisted of a president, a vice president, and a general

secretary, was selected by the members of the association (U.S. Bureau of Labor Statistics, 1920, p. 90).

The IALL became responsible for promoting the protection of workers on an international scale. According to Article 2, Section 1-5 of its constitution, the IALL would serve as the world's central organisation for uniting all proponents of labour legislation in different industrial countries (Ayusawa, 1920, p. 59).

Before the IALL and its international labour office were established, governmental labour offices already existed in several countries. In 1869, for example, the state of Massachusetts formed the world's first governmental labour bureau, which studied working conditions and gathered statistics to present to legislative bodies. In 1884, the world's first permanent Bureau of Statistics of Labor was formed in the United States (called the Bureau of Labor) under the Department of Commerce. In 1888, an independent department called the Department of Labor was established. However, adequate labour laws and enforcement mechanisms did not exist in the United States like they did in some European countries (Lowe, 1921, p. 98). In Europe, an English labour statistics office was created in 1886 and a British Bureau of Labor was organised in 1893. In 1894, Spain included in its Department of the Interior a Labor Bureau. The French Superior Council of Commerce and Industry was established in 1881 and a French Labor Office was formed in 1891. A number of other countries established labour offices as well including Denmark in 1895, Holland in 1899, South Wales in 1892, New Zealand in 1891, and Canada in 1900 (Lowe, 1921, pp. 96-98). In Germany, before the Society for Reform was formed in 1901, several semi-public labour associations were created, including the Central Association for the Welfare of the Working Classes (1844), Public Health Association (1869), Association for Social Policy (1872), the National Association of Welfare and Charities (1880), and the Prussian Centre for Institutions for Workers' Welfare (1890) (Dickinson, 2008, p. 156).

Before the war broke out, the IALL held seven international meetings between 1900 and 1912. Its main contribution to the international protective movement, however, was laying the basis for the adoption of two uniform labour standards by several countries. The IALL held an important labour conference in Berne in two successive

stages (1905 and 1906) in order to help bring into existence the first international labour conventions. While the Berlin conference in 1890 showed that the formulation of uniform laws and international labour conventions was possible, the Berne conferences hosted by the IALL had demonstrated how international standards could be adopted and implemented by different countries (Shotwell, 1934, Vol. I, p. 9).

A preliminary meeting took place in Berne in 1905 (May 8-17) which involved technical experts (not plenipotentiaries) who laid down the bases for two conventions. These bases were then taken up again in 1906 (September 17-26) by professional diplomats who then drafted two final conventions. One convention dealt with the prohibition of the manufacture, sale, and importation of matches containing white phosphorous and the other convention placed limitations on the night work of women.

Phosphorus necrosis of the jaw (also known as phossy jaw) was a common condition among workers who dipped match sticks into white phosphorus paste. It affected the jawbones of victims, many of whom were children, causing severe pain and gradually disfiguring the victim. Surgery, which involved the removal of the jawbone and further disfigurement, was the only way to save the victim's life. Alice Hamilton who raised awareness concerning its disabling effects and has been called 'the mother of occupational medicine' (Friis, 2016, p. 15) described the lack of regulations in the U.S.

American medical authorities had never taken industrial diseases seriously, the American Medical Association had never held a meeting on the subject, and while European journals were full of articles on industrial poisonings, the number published in American medical journals up to 1910 could be counted on one's fingers... The employers could, if they wished, shut their eyes to the dangers their workmen faced, for nobody held them responsible, while workers accepted the risks with fatalistic submissiveness as part of the price one must pay for being poor. (Hamilton, 1943, pp. 3-4).

During the 1905 conference in Berne, which fifteen European states attended, several countries voiced concerns about Japan, which was a formidable competitor in the manufacture and sale of matches, not being present to sign the convention (Shotwell, 1934, Vol. I, p. 11). Both Japan and Russia were at war and did not participate. It was decided, however, that once Japan together with other nations that were present adhered to the convention by December 21, 1907, then it would become

universally unlawful to manufacture, import or sell matches containing white phosphorus (Ayusawa, 1920, p. 68). Eleven countries signed this anti-phosphorus pact in 1905, including: Austria, Belgium, France, Germany, Hungary, Italy, Holland, Luxemburg, Portugal, Spain and Switzerland (Ayusawa, 1920, p. 70; for the four draft articles of the 1905 agreement on phosphorus, see: Lowe, 1921, p. 174). Several countries, however, refrained from signing it, mainly because they did not want to sacrifice an important exporting industry. According to Shotwell, they were: Austria-Hungary, Belgium, Great Britain and Sweden (1934, Vol. I, p. 11). According to Ayusawa, it was only Great Britain and Norway that refused (1920, p. 70). And according to Lowe, Great Britain, Denmark, Norway and Sweden did not sign the 1905 agreement (1921, p. 114). By the time this conference had taken place, however, an efficient substitute for white phosphorus in the production of matches had already been discovered and several states had legislation to prevent the use of white phosphorus (Woolf, 1916, p. 299).

Night work, on the other hand, affected almost 1 million women in 12 European countries (Mahaim, 1934, p. 10). It caused severe changes in their biological rhythms, sleep patterns, safety habits, mental well being, morbidity, digestive, gastric and intestinal functions as well as their family and social life (Carpentier & Cazamian, 1977). The issue of night work for women, however, was somewhat more complicated because of the great dissimilarity among standards adopted by different countries at the time. For example, Spain had prohibited the night work of women under the age of 14 only; for Luxemburg and Hungary, it applied to those under 16 years of age; Denmark, Norway and Sweden under 18; and Portugal and Belgium under 21. Moreover, Great Britain, France and Holland prohibited the night work of women in large and small industries; while in Belgium the statutes forbade it to the young which was also the basis of prohibition in Spain and Luxemburg; in Denmark, Italy and Portugal the law applied to establishments employing over five workers or those that used power-driven machinery; in Austria and Hungary it applied to establishments with more than 20 workers and that used power-driven machinery; and in Germany, Norway and Sweden the laws applied more to large-scale industry (Lowe, 1921, pp. 114-115). The duration of nightly recess for women varied from country to country as well. For example, it was 9 hours in Austria; 8 hours in France; 9 hours in Germany, 12 hours in Great Britain; in Italy, 8 hours in the summer and 10 hours in the winter; 10 hours in the Netherlands; in Switzerland, 9 hours

in the summer and 10 hours in the winter; and no laws existed in Belgium, Greece, Hungary, Luxemburg, Portugal, Spain, and Sweden (Engerman, 2003, p. 53). The real difficulty, then, was bringing about “uniformity with a view to the equalization of costs of production, and also to standardize legislation on the subject, since the methods of applying the prohibition were widely different and the number and nature of the exceptions very various” (Shotwell, 1934, Vol. I, p. 10).

When Article I of the 1905 night-work agreement was drawn up, it indicated which enterprises the convention would apply to, namely industrial undertakings (e.g. mines, quarries and manufacturing establishments) that employed more than 10 workers (the only exception to the prohibition of night work was in cases where only the members of a family were employed). Article II set the minimum hours of night of rest for women at 11 consecutive hours, which included the hours between 10 p.m. and 5 a.m. (Lowe, 1921, pp. 115-116; Ayusawa, 1920, p. 85).

Countries that signed the 1905 women’s night work agreement included: Austria, Belgium, France, Germany, Hungary, Italy, Holland, Luxemburg, Portugal, Spain and Switzerland according to Ayusawa (1920, p. 70); or all of these countries plus Denmark and Norway according to Lowe (1921, p. 117). Several countries refused to sign this agreement, however, including: Great Britain, Denmark, Norway and Sweden according to Ayusawa (1920, p. 70); or Great Britain and Sweden according to Lowe (1921, p. 117). The United States did not attend the 1905 Berne conference (for the five draft articles of the 1905 convention on women’ night work, see Lowe, 1921, pp. 174-175).

During the diplomatic conference of Berne in 1906, which was attended by 14 nations, the first two international conventions in history were signed by the plenipotentiaries of the contracting states (for articles of the 1906 convention on phosphorus, see: Lowe, 1921, pp. 178-180 and for the articles of the 1906 convention on women’s night work, see: Lowe, pp. 175-178). While nothing discussed in the previous year was excluded from the 1906 convention, certain items were added, including a sanctioning procedure that required all signatories to enforce the convention through joint diplomatic efforts as well as the possibility of applying the convention to adopting nations’ colonies, possessions and protectorates. However, one article was

dropped, namely the enforcement of the phosphorus prohibition conditional upon the concurrence of all states represented including Japan (Lowe, 1921, p. 121).

Several countries signed the 1906 Berne Convention on the prohibition of the importation, manufacture, or sale of matches containing white (yellow) phosphorus. They were: Denmark, France, Italy (one of the largest producers of matches), Luxemburg, Germany, the Netherlands and Switzerland (Lowe, 1921, p. 121; Ayusawa, 1920, p. 72). Some of these countries, however, had previously passed national legislation prohibiting the use of white phosphorus. And five countries that had previously signed the 1905 agreement did not sign the 1906 convention on phosphorus, including: Austria and Hungary (because of the non-adhesion of Japan), Portugal (because in 1895 it had granted a match monopoly to last for three decades), and Belgium and Spain. Norway, Sweden and the United Kingdom (which would only sign if all other states did too) did not sign on both occasions (Lowe, 1921, p. 121). By 1916, Spain, Great Britain, India, and the majority of the British colonies and possessions as well as Norway, and Belgium had conformed to the provisions of the convention. Sweden and Japan, however, had not although it was hoped that the closing of markets in India and Australia would persuade Japan to sign it. While the constitution of the United States prevented it from conforming by federal legislation to the 1906 convention, by 1912 the United States placed a tax on the manufacture of white phosphorus matches and also prohibited their exportation and importation (Woolf, 1916, pp. 300-301).

When the 1906 convention prohibiting night work for women was drawn up at Berne, several countries immediately signed it, including: Austria, Belgium, Denmark, Hungary, Great Britain, France, Germany, Italy, Luxemburg, the Netherlands, Spain, Portugal, Sweden and Switzerland. However, an exception was made for Denmark which postponed ratification until it revised its 1901 Danish Factory Act in 1910 (Woolf, 1916, p. 298; Lowe, 1921, p. 119; Ayusawa, 1920, p. 72; CGT cited in Shotwell, 1934, Vol. II, p. 15). The United States, again, was not a signatory to this convention. Julie Arenhold, who was a representative of a Danish women's organisation (Dansk Kvindesamfund) and who later became a factory inspector in Denmark, spoke for equal protection at this conference and wanted protective measures for men as well (Wikander, 2010, pp. 72-73). A few women associations argued that women required

more support in the labour market, and not more barriers to their entry (Wikander, p. 87). Many workers also expressed their sympathy with the aims of the Berne conference but they felt that its resolutions “should not be made for them but with their collaboration and thus savour less philanthropy.” They would have preferred a code of workers’ rights, which would be enforced by a system of supervision and sanctions (Albert Thomas, First Director of the ILO, 1931, p. 25).

During the Berne Conference of 1913, the IALL also proposed two subjects or drafts of international standards, including one on the prohibition of night work for workers under 16 and another on a maximum working day of 10 hours for women and children. The countries that signed these two draft conventions were: Austria, Hungary, France, Germany, Belgium, Great Britain, Italy, Holland, Norway, Portugal, Sweden and Switzerland according to Ayusawa (1920, pp. 84-86) or all of these countries plus Spain according to Lowe (1921, p. 132) (Fontaine, 1920, p. 185-186). Due to the outbreak of the war, however, the convention never came into effect.

By the time governments took substantial action against the use of phosphorus, many workers had already died and many more had suffered appalling injuries and diseases. Employers had also already made their profits from the lack of regulations. Years later, however, the 1906 Berne Convention came to serve as a model for the International Labour Organisation whose acting director Edward J. Phelan (1941-1948) acknowledged that his organisation “may in one sense be traced to the Berne Convention of 1906 for the prohibition of the use of white phosphorus” (ILO, 2009, p. 17). The IALL also helped breakdown some of the protectionism that followed the economic crises of the late nineteenth century. It relied on the International Labour Office to educate the public, government officials, and employers on how much they would benefit from a new international labour standards regime. In doing so, the IALL helped form an international rather than a national public opinion on labour legislation (Woolf, 1916, p. 303). Moreover, reformists viewed the IALL as an effective channel for the expression of public opinion and the most efficient organisation in obtaining official adoption of international labour standards. Through its International Labour Office and the national sections of the Association, proponents argued that the IALL kept individuals and institutions in many parts of the world in touch with important labour

issues, laws and events and brought pressure upon officials and governments (Lowe, 1921, p. 103).

However, little had been accomplished by the IALL beyond two treaties signed by more than two governments and two international conventions (Périgord, 1926, p. 71). The IALL's membership base was also seen as problematic from the perspective of employers. Employers, who were most significantly affected financially by the IALL's treaties, viewed it with suspicion. They were against international labour regulation, especially when their voice and class interests were not even taken into account or represented during the IALL's meetings.

It would not be unfair to say that within the Association the impetus comes mainly from peoples who can be described as "social reformers" and secondly from Labour. The capitalist and employing interest is hardly represented at all. This can best be shown by a consideration of the membership of the British Section. It will be found that the individual members are almost all social reformers, while the affiliated societies consist of nearly thirty labour organizations, nearly ten societies of which the object is some kind of social reform, and only one association of employers. The result is that at a general meeting of the International Committee you do not find the great captains of industry present or the national federations of capitalists and employers represented, and the conferences are composed of the delegates of Governments, social reformers, representatives of organized labour, and a very few of the more enlightened employers.

It cannot claim that *all* the most important group interests involved are in agreement. The capitalist and employing interests and groups have not been represented, and are not in agreement; and those groups...have the greatest control over the different national governments, and have succeeded in inducing the popular belief that their interests are peculiarly national interests. This is the misfortune, not the fault, of the Labor Association: it would probably be quite impossible to get into one Association the two groups of employers and employed, and even if you did, you would not get them to agree upon Labor legislation. That is because we are here dealing with group interests which, unlike national interests, are really in conflict in modern society. The real cleavage here is between employer and employed, not between German employer and British employer, or between German worker and British worker. The vital interests follow, in fact, international, not national, lines. If the German and British employer can compete on an equality against one another when both are at liberty to work women ten hours a day, neither of them will be in a worse or a better position as against the other if British and German Labor laws reduce the legal day for women from ten hours to eight. International legal limitation of hours thus does not alter the

relations between national groups, but it does very materially alter the relations between the international groups, Capital and Labor. That is why both the German and the British employer will be found to resist such limitation, and why neither enters the International Labor Association. (Woolf, 1916, pp. 294-296)

When the First World War interrupted the activities of the IALL, the “protection and privileges which years of struggle had secured for labor were set aside for the manufacture of munitions” (Ayusawa, 1920, p. 87). The war prolonged the hours of work, deteriorated working conditions and led to a dramatic increase in the prevalence of fatigue, sickness and accidents. The conditions of working people deteriorated to such an extent that governments began collecting statistics on the health of their working populations. In Britain, for example, the Minister of Munitions appointed a British Health of Munition Workers Committee during the war in order to “consider and advise on questions of industrial fatigue, hours of labor and other matters affecting the personal health and physical efficiency of workers in munition factories and workshops” (cited in Ayusawa, 1920, p. 93). The committee reported on the following conditions: a) continuation of Sunday work; b) average 65 to 67 hour work weeks; c) work continuing through the night; and d) vast increase of women employed in factories and munition plants. Regarding female employment, the report stated that in July, 1914, the total number of female workers employed was around 5 million but by April, 1916, this figure had increased to almost 5.5 million; the rate of increase during the 21 months of war compared with the peace time being to five to one. The committee described the effects of war time working conditions on women as resulting in “disturbances of digestion, due to unsuitable food, irregular and hurried meals or fatigue, anemia with possibly associated disease of the heart and circulatory system, headache, nervous exhaustion, muscular pain and weakness, flat foot and derangement of special physiological functions” (cited in Ayusawa, 1920, p. 94). In France, there were 17,731 women reportedly employed in the metal industry before the war (out of the 316,071 workers), but by January, 1918, this figure had increased to 132,012 workers. In the United States, several states introduced legislation to suspend protective laws that limited the hours of work for women and children. Several labour organisations, including the New York Consumers’ League protested but the New York Association of Employing Printers and other employer associations supported such measures. Strikes or lockouts in factories and munition plants were also prohibited and children were relieved from school

attendance, especially those that were engaged in agricultural work (Ayusawa, 1920, p. 96). Importantly, the war foreclosed the adoption of more draft conventions which demonstrated that peace was a prerequisite for the proper functioning of labour institutions and the implementation and enforcement of national and international labour laws (Lowe, 1921, p. 104).

3.7.4. International Congress on Occupational Diseases (1906-1910)

In the nineteenth and twentieth centuries, extraordinary high rates of occupational diseases and a lower life expectancy among workers (especially in the building trades) attracted the attention of reformists, the public and trade unions. For many of the first occupational diseases that were identified, however, women made up the majority of the victims. Indeed, women filled many physically taxing and injurious jobs. Many female match makers, for example, contracted phossy jaw because of their exposure to white phosphorus. Radium poisoning was also quite common among watch dial painters (which led to the coinage of the term 'Radium Girls' in the United States). Many women suffered illnesses such as colic, constipation, violent diarrhoea, delirium paralysis, anemia, blindness and sometimes even death, due to their exposure to white lead in workplaces that they called 'white cemeteries.' Seamstresses and laundresses were also very prone to pelvic injuries due to foot powdered treadles and irons. Domestic servants, who worked 15 hour shifts 7 days a week, frequently complained about painful feet, sore ankles, weak knees, chronic back injuries, dry hands and shortness of breath and on top of suffering physical pain, there was humiliation itself – from cleaning toilets, cleaning up after others and restocking refrigerators while constantly reminded that household foods and items were for family consumption and use only. Employers advertised many of these occupations as involving 'light' work, which offered women 'opportunities' to avoid household labour. Because women were viewed as docile, dexterous and unlikely to organise by male owners and managers, they were seen as a very attractive workforce (Rose, 2007, p. 1537-1538). The recognition of many occupational diseases and their relation to working conditions and toxic substances may have been delayed due to gender bias and the fact that it was women doing the work (Wolkowitz, 2006, p. 104).

Occupational diseases became a major concern for the state during the First World War. Britain's empire, for example, required expansion and guarding during the conflict but due to the "gradual deterioration of the physique of the working classes, from whom the bulk of the recruits must always be drawn", authorities experienced many difficulties finding soldiers who measured up to the army's physical standards (Inspector-General of Recruiting, 1902, cited in Kuczynski, 1942, p. 59). Each capitalist state required an effective military force to protect and advance the interests of its own national capital vis-à-vis other states and their respective national industries. But increasing numbers of diseases, injuries, mental disorders and deaths, which stemmed from the physical conditions of work and exposure to dangerous substances, radiation, excessive noise, chemicals, gases, dusts, etc., threatened to undermine the military power of the state and the long term growth of its national capital.

As occupational complaints, diseases and deaths increased, more and more workers began demanding higher wages, better working conditions and shorter working hours. Occupational health problems were also directly related to lower productivity, extended absences from work and even occupational changes. There was also public outrage and demands for changes in the methods of production as a clearer picture of the large extent of diseases emerged after the introduction of inspection and health services by the government and the release of official statistics on occupational diseases (Kuczynski, 1942, p. 138). Capitalist states and employers, therefore, faced a crisis of legitimacy and accumulation from different fronts.

To address the growing problem, an International Congress on Occupational Diseases was held in 1906 in Milan where the *Permanent International Commission for the Study of Occupational Diseases* (now called the International Commission on Occupational Health) was created. The stated purpose of the new association was to

hold international and national congresses for the study of occupational diseases; to study and assemble material on industrial and social hygiene; to institute at Milan a bibliographical service for the use of all interested in the study of occupational diseases; to publish a bibliographical magazine in French; to call the attention of authorities to the results of researches in industrial hygiene; and to make recommendations to learned societies thereon; and to bring to the public

attention of governments, universities, hospitals, etc., the efforts being made in this connection. (cited in Lowe, 1921, p. xxix)

Industrial disease was an important issue affecting all countries. Several national committees immediately formed in Switzerland, Austria, France, Holland, Hungary, United States, Bulgaria, Canada, Spain, Great Britain, Greece and Italy.

The commission on occupational diseases held its second congress in Brussels in 1910. A large number of scholars, factory inspectors, trade unionists, and physicians from around the world attended the meeting. Twenty governments also sent delegates, including: Germany, Austria, Hungary, Belgium, Bulgaria, China, Spain, United States, France, Luxemburg, Great Britain, Greece, Guatemala, Italy, Russia, Salvador, Sweden, Turkey, Uruguay, and Venezuela (U.S. Bureau of Labor Statistics, 1920, pp. 109-110).

The association tried, with limited success before the end of the war, to lower the rate of many occupational diseases such as colic, anaemia, wrist drop, convulsions and loss of eye sight through various preventative measures and periodical medical examinations. In a British government report covering the period 1900 to 1918, for example, reported cases of lead, mercury, phosphorus and arsenic coupled with cases of anthrax and toxic jaundice decreased due to the efforts of the International Commission for the Study of Occupational Diseases (for men: 909 individuals affected with 38 deaths went down to 184 affected with 19 deaths and for women: 165 affected with 7 deaths dropped to 66 affected with 10 deaths) (Ayusawa, 1920, pp. 168-169).

3.7.5. International Association on Unemployment (1906-1913)

Economic downturns and chronic levels of unemployment of varying lengths have characterised capitalism throughout its history. Even in the 'land of opportunity' unemployment reached staggering levels, sometimes even surpassing other countries. The percentage of unemployed Americans in 1916, for example, was three times as high as it was in Germany or England. In the American iron and steel industry alone, unemployment levels reached as high as 40 percent (Ayusawa, 1920, p. 159). In Britain, shipbuilders and engineers experienced unemployment rates of 20 percent or higher between 1886 and 1896 (Price, 1990, p. 12). In the Netherlands, high unemployment

caused many women (who constituted 18-19 percent of the total working population from 1860-1914) to never enter the labour market (Buiting, 1990, p. 76). In Bulgaria, mass unemployment as high as 14,000 was revealed by an inquiry of the General Workers' Trade Union Federation in 1914 (Damianova, 1990, p. 401). In Australia, unemployment reached 30 percent in the 1890s (Markey, 1990, p. 584) and in New Zealand, unemployment was so high that 20,000 people emigrated from 1886 to 1891 alone (Olssen, 1990, p. 611). Throughout the nineteenth and early twentieth centuries, unemployment reached epic proportions largely because the

masses of the population remained as yet unabsorbed by the new industries or cities as a permanent substratum of the pauperized and helpless, and even great masses were periodically hurled into unemployment by crises which were barely yet recognized as being temporary as well as recurrent. Two-thirds of the textile workers in Bolton (1842) or Roubaix (1847) would be thrown totally out of work by such a slump. Twenty percent of Nottingham, one third of Paisley might be actually destitute. A movement like Chartism in Britain would collapse, time and again, under its political weakness. Time and again sheer hunger – the intolerable burden which rested on millions of the labouring poor – would revive it. (Hobsbawm, 1996, p. 207)

The incomes of workers and their families were reduced by other factors as well, including the death of a breadwinner, retirement, temporary or fatal sickness, accidental injury and even disability (van der Linden, 2008, p. 109). While friendly societies offered their members sickness insurance, medical aid, travelling allowances for those seeking work, and sometimes burial insurance, they were unable for the most part to provide other forms of social security such as unemployment relief and old age pensions (van der Linden, 1996, p. 28; Neave, 1996, p. 55).

The problem of unemployment was so widespread that many observers viewed its causes – cyclical depressions, seasonal fluctuations, displacement of workers due to changes in the methods of production, etc. – as natural features of the system. Criticisms against capitalist production and the wage relation, therefore, not only came from workers and trade unions but governments as well. During the 1919 International Labour Conference, for example, French officials commented that “the character of the problem of unemployment is such that it cannot be viewed in isolation from the wage system as a whole and the social and industrial organisation at the moment prevalent in

most countries” (cited in Ayusawa, 1920, pp. 157-158). Similar concerns were raised by other officials who argued that unemployment in each country caused “poverty, overcrowding, disease, incompetence and lack of energy, expense to the State and unrest” (cited in Ayusawa, 1920, p. 157). Indeed, a general consensus among many governments emerged that “unrest, lawlessness, crime and revolution all seem to be in close propinquity to the phenomenon of unemployment. The nature of the problem lends itself most strongly to the plea for revolutionary schemes of social reform” (Ayusawa, 1920, p. 157). Some governments complained that internationally, “the results of unemployment in each country diminish the market for foreign goods in that country and weaken the power from every country in which unemployment is serious.” They argued that high unemployment resulted in tariffs and protectionism in order combat and prevent imports which in turn created more unemployment abroad (Reports of the Organising Committee for the International Labour Conference at Washington, 1919, cited in Ayusawa, 1920, p. 157).

The first step toward finding a temporary solution was taken in 1906 when an international congress on unemployment was held in Milan. The aim of the conference was not to coordinate efforts to eliminate unemployment in all countries but rather to reduce unemployment levels and its adverse effects on the working population by setting up a method of prevention at the international level (Ayusawa, 1920, p. 158). As a result, none of the meeting’s resolutions addressed the main causes of unemployment, which were seen by governments as permanent features of the system. Instead, delegates discussed potential policies that could mitigate the effects of high unemployment levels. These policies included: “regulate hours of work, wages, and contracts of labor; the more equitable distribution of labor within different groups, greater co-operation among all forms of labor; and the application of the doctrine of intervention by state and local authorities” (Lowe, 1921, pp. 53-54). The conference also adopted other recommendations that , including: the collection of periodic statistical reports concerning work and unemployment in all industries; the formation an international employment bureau and the establishment of free public employment agencies in every centre of the population; the provision of either optional or compulsory insurance against unemployment, financed by the state, employers and workers; granting workers ready access to credit, particularly for the co-operative acquisition of land; and to furnish,

through local government branches, subsidies to employment bureaus established by workers themselves (Lowe, 1921, p. 54).

The meeting in 1906 eventually paved the way for the establishment of the *International Association on Unemployment* in Paris in 1910. The congress in Paris was attended by 600 delegates who represented 22 different countries, including: Argentina, Australia, Austria, Belgium, Canada, Chile, Denmark, France, Great Britain, Italy, Luxemburg, Mexico, Norway, Romania, Serbia, Sweden, and the United States (U.S. Bureau of Labor Statistics, 1920, p. 111). The association was set up to decrease unemployment levels in all industrialised countries through the following measures:

- (1) The organization of a permanent national office to centralize, classify, and hold at the disposition of those interested the documents relating to the various aspects of the struggle against unemployment in different countries;
- (2) the organization of periodical international meetings, either public or private;
- (3) the organization of special studies on certain aspects of the problem of unemployment and the answering of inquiries on these matters;
- (4) the publication of essays and of a journal on unemployment;
- (5) negotiations with private institutions or the public authorities of each country with the object of advancing legislation on unemployment and obtaining comparable statistics and possibly agreements or treaties concerning matters of unemployment. (cited in Lowe, 1921, p. xxx)

Between the years 1910 and 1914, the membership of the International Association on Unemployment reached 1,100 from 31 different countries. National sections were also established in 17 countries (U.S. Bureau of Labor Statistics, 1920, p. 112). Before the war began, a few governments offered minimum unemployment insurance benefits to their workers. In 1912, for example, England introduced the first national system of compulsory insurance against unemployment (Hobsbawm, 1989, p. 103). Norway and Denmark also had national laws regulating voluntary insurance, while voluntary unemployment insurance offered by workmen's societies with public subsidy but without legal regulation existed by 1914 in France, Belgium, Luxemburg, Holland, Switzerland and Italy. There were also systems of communal unemployment insurance with subsidies for industry and social organisations in Germany (Lowe, 1921, p. 99).

The International Association on Unemployment also attempted to create a system of international labour exchanges in order to regulate migrations of unemployed

populations in every part of the world. Combined with a system of unemployment insurance, the regulation of unemployment through a state system of labour exchanges was seen as one way to provide relief and reduce unemployment internationally (Ayusawa, 1920, pp. 160-161).

3.7.6. International Home Work Organization (1910-1912)

Before the war, a number of 'homework exhibits' were organised in Berlin, London, Frankfurt, Zurich, Amsterdam and Brussels by unions, consumers' leagues, and academics in order to show the diversity of homework, the way it was organised, and above all, to raise consciousness regarding the low wages of homeworkers. The exhibits were designed to show the 'evils' of homework and the sense that protective legislation was necessary. The exhibits were effective and attracted international attention. The German empress, for example, was moved to tears when she visited the 1904 exhibit in Berlin. During the exhibit in London in 1906, there was an 'explosion of pity' which resulted in the formation of the Anti-Sweating League (Prügl, 1999, p. 34).

During the 1910 world exhibit in Brussels, the first International Homework Congress was organised in order to address the working conditions of home workers in different countries and to discuss the possibility of introducing protective legislation for them. It was attended by 250 delegates from nine countries (U.S. Bureau of Labor Statistics, 1920, p. 113). The congress expressed interest in establishing an international Homework Office and its resolutions contained several proposals, including: a) compulsory registration by employers of all home workers with details of their wages and job description, and to keep documents for labour inspectors; b) setting minimum wages for all homeworkers; c) minimum health standards to be established in the different trades; and d) the prohibition of child labour under 14 years of age and instruction of children up to that age (Lowe, 1921, pp. xxx-xxx).

The IALL held negotiations with the advocates of homework legislation which led to an agreement to allow the IALL's Belgian affiliate to become the leader of the International Homework Office. The International Homework Office, along with various Consumers' Leagues in both Europe and North America, organised many congresses

and brought together many of the same people who were in favour of regulating home work (Prügl, 1999, p. 33).

During the second International Congress on Home Work in 1912, a proposal was made to regulate paid homework by putting it up for legislative adoption in several countries, including the United States, Italy, Belgium, France, Sweden, Japan, Luxemburg, Holland, Norway, Portugal, Hungary, Romania, Saxony, Denmark, Chile, and Russia (Lowe, 1921, p. xxxi). The proposal contained the following standards: a) protection from industrial poisons; b) prohibition of manufacture of foodstuffs and tobacco; c) compulsory notification of contagious diseases and necessary health and safety provisions to prevent them; d) a special inspection system for homework; e) wage rates to be fixed through special wage boards or existing industrial councils; f) strengthening of the trade union movement among home workers in order to secure enforced home work laws; and g) use of consumers' leagues to promote the interests of home workers among the public (Lowe, 1921, p. xxxi; U.S. Bureau of Labor Statistics, 1920, pp. 114-115).

Many members in reformist, trade union and socialist groups tended to favour state regulation of homework because they wanted to preserve a patriarchal social order that privileged males as workers and the sole breadwinners. They viewed state regulation as a way to eliminate the female occupation altogether since they reasoned that expensive regulation would make homework unattractive to employers and the practice would die out as a result (Prügl, 1999, p. 39). Arguments were regularly made that homeworkers undermined factory legislation and collective bargaining agreements and that homeworkers were ignorant about their own interests and incapable of securing jobs that paid decent wages. At the International Congress of Homework, one activist expressed the anxiety men felt over losing their primary breadwinner status

In a family where the husband earns two francs and the wife one franc, there will be three francs to live off and the husband will worry no longer about gaining a higher salary. By suppressing the miserable salary of one franc that the woman earns, you will see the husband demand a supplement of his own salary. Thus, in order to ameliorate the salary of men, we need to abolish the small earnings of wives. (cited in Prügl, 1999, p. 40)

3.8. International Trade Unionism

The international labour market and the practice of importing cheap labour and/or goods produced by cheap labour undermined the economic position of workers who had achieved better terms of employment (Van Goethem, 2006, p. 287; Woolf, 1916, p. 339). Employers would frequently use the international labour market to play off workers in different countries against each other. Since there was no international system of regulation that could ensure a degree of security and protection for workers, organised labour was forced to coordinate its activities across borders to safeguard its interests. The International Federation of Transport Workers, for example, was established when British dockers were threatened by competition from elsewhere in Europe and responded by organising chapters in Rotterdam and Antwerp (van der Linden, 2003, p. 155). This need to form international relations in order to counter the international reach of capital was summarised in an address entitled 'To the workmen of France from the working men of England' which was published in the *Beehive* in 1863:

A fraternity of peoples is highly necessary for the cause of labour, for we find that whenever we attempt to better our social condition by reducing the hours of toil, or by raising the price of labour, our employers threaten us with bringing over Frenchmen, Germans, Belgians, and others to do our work at a reduced rate of wages; and we are sorry to say that this has been done, though not from any desire on the part of our continental brethren to injure us, but through a want of regular and systematic communication between the industrious classes of all countries...[who] play us off one against the other, and so drag us down to the lowest possible condition, suitable to their avaricious bargaining. (cited in van der Linden, 1988, p. 331)

Through international organisation, workers in different countries also sought to unify their demands in order to make it easier to promote and establish internationally uniform labour standards (Lowe, 1921, p. xxii), which was very difficult given the divergent living and working conditions in different countries. To do this end, trade unions organised internationally in two ways: by trades/crafts/industries (cross-national cooperation between workers in the same line of work) and by central federations (joint efforts of national trade union organisations and centres) (van der Linden, 2003, pp. 157-158; Lowe, 1921, p. xxii).

Established in 1889, the Second International helped the trade union movement move little by little out of the framework of national frontiers by leading efforts to create and bring together specific occupational trade union organisations in different countries. (Dreyfus, 2000, p. 41). These single crafts or trades were organised under international trade secretariats (ITSs). They were the first organised form of international trade union solidarity and they provided the working class with an important platform to promote international labour legislation (Van Daele, 2004, p. 50).

In the beginning, the ITSs focused mostly on international solidarity and the exchange of information (tariffs, rates, wages, etc.) related to their trade or craft. Nearly all of them, however, were concerned with the problem of international blacklegging or the practice of breaking strikes and driving down standards by importing foreign workers, especially in countries where trade union organisation was highly developed. The ITSs, therefore, tried to get workers, who had left their country to find work in another country (either temporarily or permanently) to “immediately enter the local union of the latter, and [therefore] not be left to become the tool of the employer against trade union conditions” (Woolf, 1916, p. 338). They established systems whereby union members affiliated to a federation and who had gone abroad for work, could join local affiliated unions without paying entrance fees, which made it easier and more attractive for prospective members to join. In this way, the ITSs became “organs for establishing something like an international trade union standard” (Woolf, 1916, p. 339). Some ITSs also organised social services such as unemployment, sickness and viaticum (travel money) that extended beyond one country (Dreyfus, 2000, p. 36).

The ITSs would try to pool together strike funds to counter the threat of competition from foreign replacement labour. Many of the unions affiliated to the ITSs, however, could not afford to pay subscriptions. As a result, the ITSs remained financially weak and support for a strike out of their funds was not always possible. In certain cases, however, international appeals managed to bring in considerable sums. In 1909, for example, the great Swedish General Strike, which cost the workers 39 million crowns, led to an international appeal for financial support that resulted in 2 million crowns being levied and subscribed, with over 1 million crowns coming from Germany alone (Woolf, 1916, p. 341).

The second form of international trade union activity emerged at a conference in Copenhagen in 1901 when the International Secretariat of the National Trade Union Centres (ISNTUC) (also called the International Secretariat or IS) was formed. The ISNTUC was centred on the idea that nationality (rather than occupation) should form the basis of an international trade union movement. The ISNTUC, therefore, became one single international umbrella organisation of national federations (Van Goethem, 2006, pp. 283-284).

One of the main aims of the ISNTUC was the prevention of international blacklegging and the promotion of international labour legislation (Van Goethem, 2006, p. 169). However, most of its activities were limited to collecting and publishing statistics and information on trade union struggles. For example, the ISNTUC published an International News Letter that contained notices of strikes and foreign workers were warned in these notices to keep away from areas where strikes were active (Woolf, 1916, p. 342).

The ISNTUC held ten international congresses. During the second conference in Stuttgart in 1902, which 11 countries attended, delegates discussed the following issues: the “establishment of an international office; days of strikes, publication of statistics on the position of the Federations in each country, and publication of labour laws with a report on their publication” (cited in Dreyfus, 2000, pp. 45). At the end of the meeting, delegates unanimously adopted several resolutions, including: the collection of trade union statistics; an inquiry into achieving more solidarity with organisations on strike; and the exchange of information regarding the status of the labour movement and labour legislation in each country (Dreyfus, 2000, p. 46). The fourth conference, which was held in Amsterdam in 1905, set out to

deliberate on the means of achieving a strong coalition of trade unionists from every country, to achieve harmonization of statistics, to arrange mutual support for trade unions in economic struggles and finally ... to examine all the questions relating to the trade union organization of the workers. (cited in Dreyfus, 2000, p. 48)

Eighteen countries attended the sixth conference in 1909, which requested that

the national centres in all countries examine the question of an international labour federation without affecting the independence of the labour movement in each country. The aim of this federation will be to defend and safeguard the rights and interests of workers in every country and the establishment of brotherhood and international solidarity. (cited in Dreyfus, 2000, p. 56)

During the congress in Zurich in 1913, the ISNTUC transformed into the International Federation of Trade Unions (IFTU). It set forth its objective as the “protection and extension of the rights and interests of employees from every country and the achievement of fraternity and international solidarity” (cited in Dreyfus, 2000, p. 61).

Before the war, trade unions organised several labour conferences to voice their demands for international labour legislation. Representatives of trade unionists and socialists held congresses in 1883 and 1886 in Paris (where demands were made for international factory legislation) and again in 1888 in London. Then in 1897, the Swiss Workingmen’s Society helped organise the International Conference for Labor Protection in Zurich, which was the first important international meeting of unionists. Fourteen nations attended, including: Switzerland, Sweden, Holland, Spain, Luxemburg, Russia, Poland, Germany, England, Austria-Hungary, Belgium, Italy, France and the United States (who was “recognised for the first time as one of the powers represented”). During the Zurich congress, numerous labour standards concerning Sunday work, the labour of children and young persons, work of women and adults, and regulatory instruments were discussed. More specifically, the conference considered a) Sunday rest; b) 15 years as the minimum age for entry into employment; c) a work day of 8 hours or a work week of 44 hours for women as well as an 8 hour work day for all adults; d) for occupations employing women, the appointment of women inspectors; e) special inspection corps for agricultural occupations employing machinery; f) official recognition of the offices of labour organisations; g) respecting the right of all male and female workers to organise and for any violations to be subject to punishment; h) the introduction of universal suffrage in order to promote the political interests of labour; and i) promotion of labour’s interests via conferences, publications, journals, parliamentary action, etc.; and j) organisation of periodic international conferences The congress also

asked the Swiss Federal Council to continue its efforts to introduce international legislation and organise an international labour office (Ayusawa, 1920, pp. 47-49; Lowe, 1921, p. 35).

In 1900, another international meeting of unionists was organised in Paris. The possibility of establishing an international secretariat was discussed and a resolution calling for the shortening of the working day was unanimously adopted (Lowe, 1921, p. xxi). In 1911, the Central American Labor Congress was held in San Salvador. In 1914, the American Federation of Labor proposed to hold an international labour conference at the same time and place as the post-war Peace Conference, which was an idea favoured by the Canadian Trades Union Congress as well as the CGT. When the conference was finally held in 1916, it called for the creation of an international commission to supervise legislation on labour immigration, occupational health and safety, working hours, and social insurance. The same demands were made at other international labour conferences, including the International Conference of Labour Unions (in Berne, October 1918), the Congress of Christian Professional Unions of Belgium (Le Havre, June 1918), the International Congress of Trade Unions (Berne, February 1919), Congress of Christian Syndicates (Paris, March 1919), as well as the Conference of Interallied Socialists (London, September 1919) (Périgord, 1926, pp. 77-81). In 1918, the American Federation of Labor, several Mexican trade unions and representatives from Columbia, Guatemala, Costa Rica and El Salvador met in Texas for the first Pan-American Labor Conference. The purpose of the Pan-American Federation of Labor was the “establishment of better conditions for the working people who emigrate from one country to another” and to use “every lawful and honorable means for the purpose of cultivating the most favorable and friendly relationship between the labor movements and the peoples of the Pan-American Republics” (cited in Lowe, 1921, p. xxiv).

It was not until the end of the First War, however, that the international efforts of trade unions (and socialists) for “international labour legislation and for the incorporation in the Peace Treaty of guarantees for the maintenance of proper labor standards became more pronounced than that of any other groups” (Lowe, 1921, p. xv).

3.9. Spectre of Socialism or Communism

While the long term goal of many socialists and communists has always been the abolition of corporate private property, in the more immediate term, reducing the dependency and powerlessness of workers has been equally important. Gracchus Babeuf, the 'grand-father of all modern socialists' (Buonarroti, 1828), for example, had advocated as early as the late eighteenth century a new social order based on collective ownership of property, which he termed 'true equality' or 'common happiness'. Babeuf, however, recognised that the road to socialism was long, difficult and unclear and that the struggle for the immediate needs and demands of people was still urgently present. He found that the dominant ideology of his day profoundly warped people and prevented them from assuming the task of creating a new society. The power of ideology raised crucial problems about the transition to a new society and this led Babeuf to look for a "means to bridge the gap between the two, demands which would fit the immediate experience of the Paris poor, but would lead them forward logically to 'common happiness', what in the twentieth century have been known as 'transitional demands' (Birchall, 1997, pp. 152-153; Riddell, 2015, pp. 436-442, pp. 935-939).

The struggle to address the needs and demands of workers continued to preoccupy socialists and communists after Babeuf. Many believed, for example, that it was through the struggle for immediate reforms like daily bread, shorter working days, or higher wages that the working class could become conscious of its own position and the conditions under which it could win its freedom (Engels cited in Lozovsky, 1935, p. 13; Marx, 1867/1977; Luxemburg, 1970). In this way, workers would gradually come to understand the need for a fundamental change in the present social order through economic and political struggles. These struggles were brought to the foreground by different socialist and communist groups in anticipation and in preparation of the ultimate goal (Devreese, 1988, p. 298). As Marx pointed out: "The Communists fight for the attainment of the immediate aims, for the enforcement of the momentary interests of the working class, but in the movement of the present they also represent and take care of the future of that movement" (cited in Lozovsky, 1935, p. 119). For this reason, socialist and communist movements became the organised expression of the immediate interests, needs and demands of the working masses (Hobsbawm, 1988, p. 11).

A heightening awareness of the issue of how to link the immediate day to day struggles of labour (demands tied to the practical needs of workers who have no source of income but their ability to work) to socialism's long term objective (abolition of class society) is clearly reflected in a series of demands that were laid out in the *Communist Manifesto*. While Marx and Engels did not view all of these demands as attainable under capitalism (for example, the demand for the abolition of property in land and the abolition of all rights of inheritance), the authors believed that in seeking to achieve them, workers would gradually weaken the system and the pave the way for a socialist transition. Thus the revolutionary program outlined in the *Manifesto* was not only intended to “formulate proposals that would make sense to the working class but would lead them to undermine the system while struggling to obtain what appeared to be intelligent and reasonable proposals” (Friedland et al., 1982, p. 116).

The International Working Men's Association (IWMA), now better known as the 'First International', also viewed working class demands for immediate relief from the predations of capital as an important factor in the struggle to overthrow capitalism. This position was rooted in the idea that “the condition of the working class is the real basis and point of departure of all social movements” (Engels, 1845/2009, p. 12; Lozovsky, 1935, p. 112). The IWMA's success and influence came from two factors in particular: in principle the organisation offered a vision of a classless society in the future and in practice it regulated the supply of labour-power at the international level by assisting trade union struggles (especially strikes) for higher wages and shorter hours. These two objectives (regulating the international supply of labour-power and abolishing the wage system) were connected with the general principle that the emancipation of workers had to be their own work (Devreese, 1988, p. 286). In this connection, the IWMA under Marx's guidance instructed the international trade union movement to act as a “lever for the financial emancipation of the working class” (cited in Knudsen, 1988, p. 320).

On the whole, the international trade union movement developed alongside the international socialist/communist movement and together they represented two phases of the same struggle for international labour legislation (National Industrial Conference Board, 1922, p. 123; Lowe, 1921, pp. xxi-xxii). Unlike bourgeois and democratic-radical national movements, however, socialist/communist movements were international in

scope from their inception so it was not unusual for them to view labour legislation as an international issue rather than a national one (Wilson, 1934, p. 30). It should come as no surprise, then, that the impact that socialist/communist movements had on the development of international labour standards outweighed that of all other groups (Lowe, 1921, p. xv).

The widespread appeal of socialism was largely a product of the promotional efforts and activities of socialist parties, which formed in seventeen European countries between 1874 and 1903 (Dreyfus, 1996, p. 678). Workers around the world, who were well versed in socialist thought, viewed socialism as a humanely attractive alternative to the existing capitalist system. The appearance of workers' states and the history of workers' attempts at taking power, for example, in Europe in 1848 and Paris in 1871 reinforced the widespread belief among working people that alternative paths to capitalism were in fact available (Teeple, 2000, pp. 12-13). This belief reached its peak during the First World War which not only brought the threat of collapse in every European country but also produced the first government that had "set out, deliberately and systematically, to turn this collapse into the global overthrow of capitalism. This was the Bolshevik regime brought to power in Russia by the collapse of tsarism" (Hobsbawm, 1989, p. 330). The Russian Revolution became in many ways "the central event in twentieth-century world politics, as the French Revolution had been the central event of nineteenth-century politics" (Hobsbawm, 1989, p. 300). After all Russia formerly ruled as a great power and had one of the largest home territories and populations in the world as well as plenty of resources. A revolution in the name of workers in such an important country made it by far the most internationally significant event in the early twentieth century.

The October Revolution and the Soviet state it brought into being was admired by millions of workers around the world as a model of workers' power, control and democracy. It was followed by the formation of particularly strong communist parties in France, Germany and Italy. Revolutions also broke out in Austria and Germany in 1918 and Hungary in the following year, where social democrats and communists came into power. In Northern Italy, there were land seizures and factory occupations from 1919-21 (Geary, 2008, p. 260). In Canada, 218 strikes involving more than 50,000 workers took

place in 1917 and union membership exploded between 1915 and 1919 (with 140,000 members in 1915, 205,000 in 1917, 250,000 in 1918 and 378,000 by 1919) (Heron, 1998, p. 269). The year 1917 also inspired workers' collective action in regions geographically close to Russia, including the North and Northwest of Iran where trade unions expanded rapidly due to their close proximity to a workers' state (Ladjevardi, 1985). Japanese workers also took part in strikes in record numbers from 1917 to 1919 (Garon, 2000, p. 205) and the first African trade unions formed and expanded during this period (with nearly 40,000 members in 1917 and over 135,000 by 1920) (van Duin, 1990, p. 640).

The emergence of a workers' state and the formation the Communist International (Comintern) and the Red International of Labour Unions (Profintern) shaped the future politics of labour reforms for most of the twentieth century. For the ruling elites, anything was better than Bolshevism. After 1917, the extensive debates on "how much of the economies were to be socialized, how they were to be socialized, and how much was to be conceded to the new powers of the proletariats were not purely tactical manoeuvres to gain time" (Hobsbawm, 1989, p. 331). While the United States was geographically isolated from the socialist threat emanating from Europe, it was still concerned about "the chances for success of the left within the US and throughout Latin America where the US had vital economic, political and strategic interests" (Busch, 1983, p. 34). During the 'Red scare', for example, the American administration was so paranoid about the influence of socialism within its borders that it drastically restricted European emigration in order to produce "a more stable labour-force even as the cost of training workers rose" (Gambino & Sacchetto, 2014, p. 106). Perhaps not coincidentally, Britain created a Ministry of Labour in 1917 as a gesture of good will toward its working population (Price, 1990, p. 23) while universal suffrage for men was introduced in the same year in the Netherlands after massive demonstrations called 'Red Tuesdays' in 1911 and 1912 (Buiting, 1990, p. 74).

As for those who took a harsher stance against reforms and advocated repressive violence in response to working class agitation, they were reminded by reformers that "after the Bolshevistic experiment in Russia, a social upheaval can no longer be looked upon as an idle dream" (Périgord, 1926, p. 22). The ruling elites were

well aware that Bolshevism had “become an active and dangerous factor of social unrest throughout the world” (Solano, British Minister of Labour and a Deputy-Director of Labour Supply, 1920, p. lvi). In this regard, authorities made great efforts to persuade employers and other opponents of social reform that legislative concessions were necessary in order to win over a radicalised labour force. The case of Russia served as a powerful reminder to the capitalist powers, who feared a Bolshevik-style revolution was on their hands, to grant substantial protections to their populations if they wanted to avoid the same fate as the Russian tsar (Van Goethem, 2006, p. 19).

At the end of the First World War, a great wave of popular sentiment for international labour legislation imposed itself on governments and employers around the world. The overthrow of autocratic regimes, the sacrifices of workers during the war, the efforts of labour politicians, and the shortage of labour-power at the end of the war all led to the “greatest upsurge in working-class industrial militancy and political radicalism” (Geary, 2008, p. 260). By 1917, the restlessness of workers and soldiers led to more strikes in Britain and France as well as to more riots among French and Russian troops (Campbell, 2003, p. 103). These events (along with the entrance of the United States in the war) served to empower the labour movement on the international stage (Van Goethem, 2000, p. 76; van der Linden, 2008, p. 376). Indeed, working class movements were enormously strengthened after 1914 (Hobsbawm, 1989, p. 331; Mann, 1995) and were beginning to act more aggressively in pursuit of their interests, even demanding a role in the peace settlement. As one of the future Director Generals of the International Labour Organisation remarked at the time: “the labor movement was well aware that it was in a position of peculiar strength, and it was therefore to be expected that it would press with all its influence in order to secure that its demands should be given full and complete satisfaction” (Phelan, 1934, Vol. I, p. 108-109). At all the international labour conferences, trade unions and socialists demanded a new status in society for workers. In its report to the 1916 Leeds Conference, for example, the CGT declared: “The Revolution of 1789 defined and established the ‘rights of the man and the citizen.’ The present war must result in proclaiming ‘the national and international rights of Labour”” (Léon Jouhaux, cited in Shotwell, 1934, Vol. II, p. 22). This vision remained attractive to sympathetic observers following the war’s end, with one British legal expert even anticipating dramatic changes in international law: “The nineteenth century was the age

of Commercial Treaties; the twentieth may be that of Labour Conventions” (MacDonnell, 1921, p. 191).

Heightened fears of political instability, impending violence and social unrest ensured that the key capitalist powers (Great Britain, the United States and France) would waste no time in leading efforts to appease workers’ demands at the Peace Conference. It took the working class more than a century of struggles to arrive at a point where its interests had finally achieved an international legitimacy that could no longer be ignored or denied by ruling elites. The decision to create an international organisation bearing the name of labour, which would study and coordinate the development of post-war labour legislation, was in many ways a direct acknowledgement of the power of organised labour and the fear that socialism, if left unchecked, might rapidly spread to the more advanced capitalist countries of Europe (Teeple, 2000, p. 53; Hughes, 2002, p. 158; Vandaele, 2004, p. 53; van der Linden, 2008, p. 263; Standing, 2008, p. 356).

Chapter 4.

A World Organisation for Labour Standards

Faced with a world crisis, Europe's ruling elites knew they had to quickly transform the system into something entirely different from what it had been in 1914 in order to save it from collapse. Immediately after the war, they set about democratising their political systems in order to convince their respective populations that revolution was not necessary and that reforms could be easily obtained within the legal and constitutional forms of the state. As discontent spread and public pressure mounted, liberalism thus transformed itself to something like the "non-Bolshevik, non-revolutionary, 'reformist' social democratic parties which actually emerged in western Europe as the chief guarantors of social and political continuity after 1917, and consequently turned from parties of opposition into parties of potential or actual government" (Hobsbawm, 1989, p. 332). After reorganising national politics around reformist principles to better accommodate the demands and aspirations of working people, Europe's ruling elites along with the United States (the rising imperial power then) shifted their attention to the international economy. The Europeans tried to establish a new security regime called the League of Nations in order to ease the struggle between hostile empires and replace the old era of inter-imperialist rivalries with financial and political stability. Importantly, they institutionalised stable and permanent structures of class compromise between workers, employers and governments by espousing a particular form of production relations known as tripartism. Postwar tensions and conflicts were to be regulated and moderated through collective bargaining and similar mechanisms (Cox, 1977, p. 407). Indeed, government authorities had pinned their hopes that tripartite cooperation at the national and international level would stem the tide of revolutionary sentiment and help provide a compelling reformist alternative to Bolshevism. Hence, when the ILO was conceived

the revolutionary movement triumphant in Russia, was threatening to overwhelm the whole tottering fabric of the state system of Europe. The preliminary discussions on it were begun in Paris when there was fighting in the streets of Berlin, Vienna, and Budapest. No one could foretell what might be in store for the rest of Europe. There were millions of soldiers

still to be demobilized. In England and elsewhere the promises which had been given them could not be realized. Under these conditions it was doubly important to have a labor section of the treaty offer something real. (Shotwell, 1934, Vol. I, p. xxi)

While many governments, liberal and conservative alike, expressed their willingness to participate in the founding conferences planned for the ILO, agreement on internationally uniform labour standards still required the cooperation of organised labour and employers (Hughes, 2002, p. 160). American business, however, refused to participate at first because it complained there was very little difference between the revolutionary (communist) international and the ILO structure set up at Paris in 1919. Even the ILO's title, which contained two words – 'international' and 'labour' – put American capital on guard (Shotwell, 1934, Vol. I, p. xxi). At the same time, conservative sections of the American labour movement protested against some of the political programs of European labour parties because they felt such programs would "commit them to the tenets of socialism and to the policy of separate political action, to which the American trade unions were traditionally opposed" (Magnusson, 1934, p. 99). Industrial business owners also feared that they would lose out to competitors if they adopted protective legislation (Phelan, 1934, Vol. I, p. 109). The architects of the ILO, therefore, had to convince critics and skeptics that the negotiations in Paris offered a unique opportunity to 'straighten out' the capital-labour relationship by giving

a new meaning or at least a new function to both these terms; that labor had declared its readiness to cooperate with capital in a new enterprise on a world-wide basis, and in a way which promised advantage to capital as well through the elimination of unfair competition and the increased buying power of backward nations. So far as membership goes the [ILO's] title was a misnomer. What was created was an international economic organization to deal with labor problems. The purpose of the organization was accurately set forth by the Commission of the Peace Conference which created it when it presented its work on the Plenary Session as a "Draft Convention creating a Permanent Organization for the Promotion of the International Regulation of Labor Conditions." It is no wonder, however, that this clumsy title should have been shortened by the lawyers who drafted the final text of the Treaty of Peace to the short but ambiguous and even misleading title, "Organization of Labor." As a matter of fact it is an organization in which employers have equal part with labor, and governments hold the balance between them. (Shotwell, 1934, Vol. I, pp. xxi-xxii)

The subsumption of labour's interests to those of capital (with the help of the state) was assumed to be beneficial for not only workers but employers as well because it would maximise productivity and the competitiveness of national capital (Teeple, 2000, p. 38). As an interstate communication system, the ILO would also allow authorities to capture and take over some of the functions, power and influence of working class internationals whose activities and demands were increasingly challenging state power both within and across borders. Once properly set up, the ILO would perform the same functions and embody the same relations as the nation state. It would define, enforce, control and direct corporate private property relations in such a way as to maintain and advance the conditions necessary for capital accumulation to occur at both the national and international levels.

While certain sections of the international working class movement viewed the ILO as an instrument of class collaboration and refused to lend it legitimacy by participating in its activities, other sections thought the ILO's establishment marked the beginning of a transformation of capitalist society. The International Federation of Trade Unions (IFTU), for example, supported the ILO and tried to play an active part in its operations by promoting socialist-inspired reforms. The IFTU aspired to act as the "voice of the international socialist trade union movement on the international stage" (Van Goethem, 2000, p. 161) and wanted to use the ILO as a vehicle to push through international labour legislation as quickly as possible. The ILO presented a historical opportunity to balance the power between labour and capital at the international level. For the IFTU, this potential "Equality of rights between workers and employers" signalled a "new phase in the war against Capitalism" (IFTU, cited in Van Goethem, 2000, pp. 93-94). Many other trade unions shared the IFTU's position. They viewed the ILO as their own brainchild for they understood that "more than any other group, the workers were instrumental in hastening it" (Périgord, 1926, p. 72; Wilson, 1934, p. 31).

Thus, the demands of labour for itself, (especially aims which workers had put forth at different times in the latter stages of the war), and the nervousness of governments in the face of "rising industrial unrest, with unknown Bolshevistic possibilities" ultimately persuaded the key capitalist powers to hold preliminary

discussions regarding the possibility and desirability of constructing a permanent organisation for dealing with international labour issues (Shotwell, 1920, pp. 43-46).

4.1. 'Creating a Permanent Organisation for the Promotion of International Regulation of Labour Conditions'

The impetus to create a permanent international labour standards regime had mostly been the preference of the British government (Shotwell, 1920, p. 49). The same country that introduced the world's first labour standards in order to address class contradictions and tensions at the national level also led efforts to introduce the same standards on an international scale, but on a more formal and permanent basis.

When the Bulgarian Armistice was signed on September 29, 1918, the Intelligence Division of the Ministry of Labour was tasked with the preparation of 'British plans' for the 1919 Versailles (Paris) Peace Conference. As part of its work, the Division attended the different trade union meetings of Allied countries as well as those in Germany and countries associated with it. The Division found that international labour standards were part of the program of organised labour in all countries. The resolutions of different national and international union organisations had also made it clear that working people were no longer satisfied with the proposal to carry on the Berne series of conferences or any other similar system that left the question of international labour protection up to the initiative of private associations like the IALL. This time organised labour demanded an immediate official agreement by the Peace Conference on a number of specific demands, which later became known as the 'Labour Charter' (Phelan, 1934, Vol. I, pp. 108-109).

The Division examined two different ways of establishing a permanent international labour standards regime in order to determine which one could be submitted to the Peace Conference for consideration. One method involved inserting a set of principles into the Peace Treaty such as the 8 hour working day or a minimum age of entry into employment, which would then be left to the discretion of governments to work out their actual application. Several trade unions had expressed interest in this option in their resolutions (Phelan, Vol. I, p. 108). The other method involved securing

from the Peace Conference a permanent international organisation, which would have the necessary capacity and funds to draw up international labour standards and enough power to convince different countries to adopt them immediately (Phelan, p. 109). The British government expressed interest in the second method, that is, the creation of a new international body that would deal specifically with labour issues. This 'Permanent International Labour Organisation' would involve the participation of workers, employers and governments in its decision making processes, hold periodical meetings, publish periodical reports, as well as allow workers' organisations to draw attention to cases of non-observance (Phelan, p. 110). The British presented these preliminary plans to the Commission on International Labour Legislation at the Paris Peace Conference, which formally brought the ILO into existence.

4.1.1. Commission on International Labour Legislation

The Labour Commission was the product of a resolution adopted at the Peace Conference on January 31, 1919, which was approved by the 'Council of Ten' (the Prime Ministers and Foreign Ministers of the U.S., Britain, France, Italy and Japan) (Phelan, 1934, Vol. I, p. 125). The resolution stipulated that two representatives from each of the five great powers (the United States, Great Britain, France, Italy, and Japan) would participate in the Commission. Five other representatives (two were from Belgium, one from Cuba, one from Poland and one from Czechoslovakia) participated as well (Phelan, pp. 128-129).

The Commission met thirty-five times in 1919 and drew up its conclusions in two parts. The first part was an International 'Draft Convention', which contained provisions for the creation of a permanent organisation for international labour legislation (ILO). The Conference eventually adopted the convention and incorporated it into the Peace Treaty (Articles 387-426). The second part was an International 'Labour Charter', which contained declarations of 'General Principles' concerning a number of labour issues. These clauses became part of the Treaty as well (Article 427) (Périgord, 1926, pp. 83-84).

The Commission met eighteen times between the 1st and 28th of February, 1919 for the 'first reading' of the British plans. Delegates then discussed the results of the first

round of sittings with their respective governments during a recess. The Commission met 17 more times from March 11th to March 24th for the 'second reading' and considered amendments put forward by different delegations (Phelan, 1934, Vol. I, p. 130). Both before and after the recess, delegates discussed and voted on each of the articles contained in the British proposals. After several readings and discussions, the Commission produced the final form of the ILO's Constitution (Part XIII of the Treaty of Versailles), which was largely based on drafts and proposals prepared by the British government. In fact, at the end of the Commission's work, the ILO's Draft Convention was called 'the child' of the British delegation (Shotwell, 1934, Vol. II, p. 322). The first complete British draft (of January 26, 1919), however, was largely based on documents that were prepared in London and Paris before the meeting of the Commission in February (see 'Memorandum on the Machinery and Procedure Required for the International Regulation of Industrial Conditions', Phelan, 1934, Vol. II, pp. 117-125).

4.1.2. Framing the International Labour Convention

In order to prepare the International 'Draft Convention' for submission to the Peace Conference, the Commission reviewed the proposals of different delegations. The British proposal, however, was taken as the basis of discussion. While other delegations had the right to bring forward their own plans, none of them were discussed in the same way as the British draft. Throughout the discussions, then, it was clear that the proposals of other delegations were actually amendments to the British plans rather than alternative schemes (Phelan, 1934, Vol. I, p. 131; for French proposals, see Picquenard, 1934, pp. 83-97; for American preparations, which were quite limited, see Magnusson, 1934, pp. 97-105; for German preparations and proposals, see Kuttig, 1934, pp. 221-234). The British plan, which was submitted to the Commission on February 2, 1919 for review, contained the following Preamble

Whereas the League of Nations has for its object the establishment of universal, peace, and such peace can be established only if it is based upon the prosperity and contentment of all classes in all nations;
And whereas conditions of labour exist which involve injustice, hardship, and privation to large numbers of people, and which are productive of unrest which is a menace to the peace and harmony of the world; and an improvement of those conditions is urgently required: as, for example, by the regulation of the hours of work, the prevention of unemployment, the

provision of a living wage, the protection of the worker against sickness, disease, and injury arising out of his employment, the protection of child and female labour, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of freedom of association, and other measures. (Shotwell, 1934, Vol. I, p. 372)

After discussing its contents, a number of changes were made to the details of the Preamble. For example, after the second reading by the drafting committee on March 10, 1919, the statement “peace can be established only if it is based upon the prosperity and contentment of all classes in all nations” (which was part of the British drafts of January 26 and February 2) was effectively changed to “peace can be established only if it is based upon social justice”. Records show that it was Samuel Gompers, the American delegate, who objected to the original phrasing. Gompers, who was the president of the American Federation of Labor and the leading voice of established craft unions in the United States, was personally appointed to the Commission by American president Woodrow Wilson. He argued that it was less about achieving contentment among all workers and more about guaranteeing progress and defending industrial justice (Shotwell, 1934, Vol. II, p. 156). The American objection to the British phrasing, however, may have been ideologically driven. To confirm the existence of different ‘classes in all nations’ and imply that workers were not prosperous or content in such an important document may have been a radical idea that put the American delegation on guard. This may be especially so given how the language of ‘classes’ has always figured so prominently in the development of socialist vocabularies, which British ruling elites, unlike their American counterparts, were much more willing to tolerate. After this minor but potentially significant change, the French delegate Arthur Fontaine (Director of Labour) (unsuccessfully) proposed a few additions to the document. Fontaine wanted to mention in the second half of the Preamble the ‘problem of recruitment of labour’ as well as the issue of social insurance. He even suggested enumerating all forms of social insurance instead of only listing ‘old age and injury’ like the original Preamble had done (Shotwell, Vol. II, p. 220). However, these changes were never made. But the Commission did add the following principles to the final version of the Preamble: a) the establishment of a maximum working day and week; b) the regulation of the labour supply, c) the protection of young persons (in addition to children

and women); and d) the recognition of the organisation of technical and vocational education (Shotwell, 1934, Vol. I, p. 373).

The Commission then moved on to discuss some of the other articles in the British proposal. Articles 3 and 4, which dealt with the proportional representation of governments, employers and workers and their respective voting powers at the ILO's Conferences, gave rise to a series of debates. The British delegation envisioned that each country would be represented by one government delegate, one employer delegate and one worker delegate (Article 3). However, the government delegate would receive two votes while the worker and employer delegations would receive only one (Article 4). This became known as the '2:1:1' system. The Belgian delegation supported the British plan while the Italian and American delegations were opposed to it (the French delegation was divided on the issue, one supported the proposal and the other opposed it). It was argued that the British proposal risked disillusioning and angering workers, the very class of people the Commission was responsible for appeasing. Gompers, in particular, could not understand how British trade unionists and socialists could possibly agree to such a system (Shotwell, Vol. II, p. 159). Others raised the concern that governments would most likely represent the interests of capital. But the British argued that governments would refuse to participate in the ILO if they did not have more voting powers than employers and workers. When the British proposal was eventually put to a vote, it was accepted, largely because of the support of the Polish and Czechoslovak delegates who changed their minds at the last minute (Phelan, 1934, Vol. I, pp. 138-139; for the final text of these Articles which appear as Articles 389 and 390 in Part XIII of the Treaty of Versailles, see Shotwell, 1934, Vol. I, pp. 426-428). This finally settled one of the most controversial aspects of the Commission's work.

The decision to grant greater voting powers to governments was condemned by some of the major labour organisations. After the CGT learned about Article 4, for example, it protested to the International Labour Commission at its 13th meeting by issuing the following statement: "this system of representation has aroused among the working classes an opposition of the most legitimate kind and, moreover, it is in profound opposition to the traditions of equality of the French people..." (cited in Phelan, 1934, Vol. I, p. 139). The IFTU and the leaders of the Chicago Federation of Labor (CFL)

voiced similar concerns. The CFL believed that tripartite wartime commissions were ineffective in solving industrial disputes and that they were largely designed to give “employers a decided advantage and be used to destroy and obstruct organized labor” (cited in McKillen, 2010, p. 48). The early Chicago Labor Party wanted labour to be represented in all future government agencies but only “in proportion to its voting strength.” Its leadership argued that workers should be represented on the peace commissions and in future ‘international tribunals’ in proportion to their “numbers in the armies, navies, and workshops of the world” (cited in McKillin, 2010, p. 49). They also wanted a separate worker supplement to the League of Nations.

Article 18 of the British plan dealt with the legislative powers of the Labour Conference vis-à-vis the national laws of member states. It gave rise to a very long debate. During discussions, three tendencies quickly developed among the different delegations. The first tendency was displayed by the Italian and French delegations who wanted to give the Conference broader powers by giving its decisions, especially those concerning labour conventions, binding force, with the possibility of referring certain issues to the Executive Council of the League of Nations. They argued that such a scheme would appeal to workers who were clearly on the verge of insurrection in some countries, including their own. In fact, at the time of the meeting

the trade union movements in France and Italy showed signs of becoming more and more extremist; millions of men, trained in the use of arms, to whom extravagant promises had been freely made were about to be demobilised...How gravely the situation was viewed may be indicated by the fact that during the Peace Conference itself, Clemenceau moved many thousands of troops into Paris as a precaution against rioting in the streets. (Phelan, 1949, cited in ILO, 2009, p. 5)

For this reason, the Italian and French delegations wanted to create an ‘International Parliament of Labour’ of some sort. However, the British government wanted to give the Conference enough powers to formulate international labour conventions. These conventions would come into effect within one year in each member state unless they were rejected by national legislatures. The British delegation proposed a compromise between giving the Conference mandatory powers and giving it merely a consultative role. This was the second tendency, which was criticised by some delegations for not being radical enough. Some of the delegates pointed out that

workers' demands made it clear that they wanted effective action immediately. This position was shared by the European trade union movement and Léon Jouhaux (General Secretary of the CGT) who wanted an international organisation with real supranational powers and for labour conventions to have an automatic and binding character. The third tendency was displayed by the American delegation, which was against compulsory international labour legislation altogether. The American delegates wanted the Conference to formulate resolutions that would not become binding until they were formally ratified by the legislatures of respective member states (Périgord, 1926, pp. 97-98). They pointed out that the proposals of other delegations contradicted the Constitution of the United States (Phelan, 1934, Vol. I, p. 146). For the AFL and Gompers, eroding the sovereignty of the United States with automatic applicable labour conventions was not up for discussion (Van Goethem, 2000, p. 81). In fact, the idea that its sovereignty would be subordinated to international agreements ensured that "one of the major sponsors of the League of Nations and the ILO, the United States, refused to join either organization in 1919" (Van Goethem, 2000, p. 87; U.S. accepted full membership in the ILO only in June, 1934). In the end, a compromise was made between the British and American positions. The ILO would present its conclusions to participating governments in the form of conventions and recommendations for certain labour standards, rather than as treaties to be adopted by them (Shotwell, 1920, p. 62; for the final text of Article 405 in Part XIII of the Treaty of Versailles, see Shotwell, 1934, Vol. I, pp. 434-437).

Years later a member of the British delegation and one of the drafters of the ILO's Constitution noted that it may have been difficult for some of the great powers to "imagine a scheme which would give to an international conference real legislative powers as other than fantastic and impractical" but at the time of the Bolshevik revolution and the First World War "revolutionary ideas seemed less startling, and not wholly incapable of realization" (Phelan, 1934, p. 113).

In the British draft of February 2, Article 38 dealt with the first meeting of the International Labour Conference (ILC). It was implied the ILC would not be held until after the Peace Treaty had been signed (which happened on June 28, 1919). The Belgian delegation, however, pointed out that French and Belgian workers' organisations

wanted the meeting to take place before the conclusion of the Treaty. The British delegation changed its position and modified the article so that the conference would be held in October 1919 in Washington. The reasons behind these measures were the same as those that led to the Peace Conference itself

Labour everywhere was expecting and demanding reforms of a far-reaching character in the industrial-world. It had claimed that these should form part of the conditions of the Treaty of Peace...the fears of possible labor troubles and disturbances made [governments] ready to treat the matter as one of urgency. (Delevingne, British delegate, 1934, p. 286)

The Commission adopted the new British proposal and moved on to discuss the agenda of the Washington Conference (Articles 424-426 and Annex of Peace Treaty). The British wanted to include only three issues on the agenda, namely: 1) the principle of an 8 hours' day or 48 hours' week; 2) the principle that every worker is entitled to either employment or support during unemployment or to consider the issue of preventing or providing against unemployment; and 3) the issue of women's employment including a) before and after childbirth, b) during the night, and c) in unhealthy industries (Shotwell, 1934, Vol. II, pp. 241-242). After some discussion, the Commission chose to include the following list of points in the agenda of the Washington Conference

- (1) Application of the principle of the 8-hours day or of the 48-hours week.
- (2) Question of preventing or providing against unemployment.
- (3) Women's employment:
 - (a.) Before and after child-birth, including the question of maternity benefit.
 - (b.) During the night.
 - (c.) In unhealthy processes
- (4) Employment of children:
 - (a.) Minimum age of employment.
 - (b.) During the night.
 - (c.) In unhealthy processes.
- (5) Extension and application of the International Conventions adopted at Berne in 1906 on the prohibition of night work for women employed in industry and the prohibition of the use of white phosphorus in the manufacture of matches. (Shotwell, 1934, Vol. I, pp. 445-447)

Delegation of Internationally Organised Women

On March 14, members of the Commission received a letter from the Secretary General of the Peace Conference, which informed them of the Supreme Allied Council's

decision to allow some women's organisations to present information about different labour issues that were affecting women to the Commission. Thus an entire session (on March 18, 1919) was devoted to a presentation by the 'Women's Delegation', which consisted of European and American women associations that were interested in the Labour Commission's work and the ILO's activities (Wikander, 2010, pp. 74-76).

Six women associations attended the session, including two of the best known, namely the International Women's Council and Conference of Allied Women Suffragists. While the women representatives were disappointed that not a single woman was on the Labour Commission, they still felt their delegation's presence at the Commission marked a significant moment in the history of the feminist movement (Shotwell, Vol. II, pp. 273-275).

On behalf of the *International Women's Council*, Avril de Sainte Croix presented the following demands to the Commission: 1) wherever work was open to women, women should have the same opportunities obtaining the same positions as men; 2) the age of apprentices leaving school should be fixed at 15, and that from 15 to 18 years of age, apprentices should continue their vocational education and follow technical and supplementary courses; 3) working week should be limited to 44 hours; 4) night work should be suppressed without negatively affecting women; 5) for there to be equal pay for equal work for both men and women; 6) a) severe measures be taken in order to regulate home work and b) a minimum wage should be established for home work; 7) a) women should be invited to participate in the deliberations of all international commissions that deal with labour issues and that b) women's labour commissions should be set up in every country; these commissions would consist of representatives of governments, trade unions, and scientific women (cited in Shotwell, Vol. II, p. 275). The International Women's Council argued that these resolutions were very similar to the Labour Charter that the Commission was working on.

Speaking on behalf of the *Conference of Allied Women Suffragists*, the French delegate Brunschvig demanded the establishment of female labour committees, which would consist of women alone (representatives of governments, trade unions, associations, scientific women, women doctors, etc.) in all countries. These committees

would be consulted on all legislative matters concerning women so that the Commission would “hear the views of authorised women before taking special decisions concerning women workers” (Shotwell, Vol. II, p. 276). The reason for such a proposal was that governments took certain measures, supposedly in the interests of women that had a negative consequence on them. For example, certain industrial processes were prohibited for women, they also happened to be less dangerous and better paid than other processes that were not prohibited. Brunshvig also suggested replacing the words “...the protection of child and female labour, provision for old age and injury...” in the second paragraph of the Preamble with the following: “the protection of maternity and childhood, the protection of young people in work, insurance against unemployment, accident, illness, invalidity, old age, and generally all forms of social insurance” (cited in Shotwell, Vol. II, p. 276).

The Belgian delegate Van den Plas suggested inserting in the Agenda of the Washington Conference the principle of half-time work for married women so that a married woman could leave work without abandoning her household and her children and without receiving low wages. The British delegate Corbett Ashby argued the state should make a payment to women during the period they are unable to work, both before and after childbirth, in the interests of maternity (Shotwell, Vol. II, p. 279). The American delegate Borden Harriman stressed the right of women to enter all professions and industries and for girls to have the same facilities for vocational training as boys. Brunshvig asked for point 3 (c) of the Washington Conference’s agenda, which concerned women’s employment, be changed from ‘unhealthy industries’ to ‘unhealthy processes.’ As for night work, she asked for its abolition for not only women but men as well. She said when a father worked at night and slept during the day, there could be no family life (Shotwell, Vol. II, p. 280).

Another women’s association, *syndicats ouvriers confédérés*, asked to insert in the Treaty the 44 hour work week. They also wanted to create a system of full social insurance, not only against risk of sickness and disease but also unemployment for women (p. 279). The *Office des Intérêts féminin* asked for there to be a fixed minimum wage, which would take into account equal pay for men and women. However, the

minimum wage would have to be sufficient for the material, moral, intellectual and social needs of a woman (p. 277).

The *La Ligue française du Droit des Femmes* (French League for the Rights of Women) asked for the insertion of economic clauses in the Peace Treaty. These clauses “*should be clearly stated that protective measures taken in regard to workers are applicable without distinction both to men and women*” (cited in Shotwell, Vol. II, p. 278). The League presented several other proposals including: a) maximum 8 hour working day; b) fixing a minimum wage in proportion to the cost of living in each country; c) equal pay for both sexes; d) suppressing night work as much as possible; e) women be given a period of rest before and after childbirth, with full payment of wages via insurance systems; and f) prohibiting the employment of children under the age of 15 in factories (cited in Shotwell, Vol. II, pp. 278-279).

Near the end of the session, the Women’s Delegation handed the Commission a detailed report containing a series of resolutions that their members adopted during their meetings. The report, which covered the issues of work hours, unemployment, hygiene, and child labour, contained several proposals (see Shotwell, Vol. II, pp. 280-293). A discussion took place over these resolutions. The Commission, however, only agreed to make two amendments to the agenda of the first ILC. One was to mention “explicitly payment of maternity benefit to be made during the period for which work might be prohibited on account of child birth” and another was to mention “not ‘unhealthy industries’ in general, but more precisely ‘unhealthy industries’.” The Commission also considered an amendment to add four other items to the Washington agenda. These included: a) “equal opportunity for women to enter all industries and professions” (which Gompers opposed); b) “application of the principle of equal pay for equal work”; c) “organisation of half-time work for married women when they desire it”; d) “equal provision as regards technical education for girls and boys.” The Commission, however, did not include these items on the agenda. It offered to bring them to the attention of the Governing Body, which could choose to discuss them during subsequent Conferences (Shotwell, Vol. II, pp. 292-293).

4.1.3. International Labour Charter

After the Commission prepared the International Draft Convention for submission to the Peace Conference, it considered the possibility of drawing up a “real labour charter, which would become as historical a document as the American Declaration of Independence and the Declaration of the Rights of Man” (cited in Shotwell, Vol. II, p. 271). To this end, five delegations, including the Italian, French, American, Belgian and British, put forward proposals of their own and each one contained a list of labour declarations that could be incorporated into the Treaty (Article 427) (Shotwell, Vol. II, p. 378). A ‘Sub-Commission’ consisting of six members from the Italian, Belgian, French, Japanese and American delegations was formed in order to examine and compare all of the proposals submitted (Shotwell, Vol. I, p. 186).

In the end, the subcommittee selected 19 clauses from various proposals (and other drafts) and set out the clauses in the order of support that they had received (for clauses suggested by British, American, Italian, Belgian and French delegations, see Shotwell, Vol. II, pp. 349-356). The subcommittee had ruled out any clauses that were “outside the terms of reference of the Commission” and when two proposals on the same subject existed, it chose the one that “seemed to it to be the best” (cited in Shotwell, Vol. II, p. 250).

The subcommittee compiled the following 19 clauses:

1. The principle of the limitation of the hours of work in industry on the basis of the eight-hours a day or forty-eight-hours a week, subject to an exception for those countries in Asia and Africa where, owing to climate conditions, general physique of the industrial population, the imperfect development of industrial organisation or other special circumstances, the industrial efficiency of the workers is substantially inferior to the efficiency of the workers in other countries. For such countries a basis shall be adopted which shall be recommended by the International Labour Conference as fairly equivalent to the said basis of eight hours a day or forty-eight a week.
2. The principle that no child should be permitted to be employed below the age of fourteen years in order that every child may be ensured a minimum amount of education necessary. The principle that between the years of fourteen and eighteen young persons of either sex may only be employed on condition that their technical or general education is continued.

3. The principle that employers and workers should be allowed the right of association and combination for all purposes, subject only to such restrictions as are essential for safeguarding the national interests.
4. The principle that every worker has a right to a wage sufficient to maintain a reasonable standard of life, having regard to the circumstances of time and place. Alternative: The principle that a reasonable wage should be paid for all work performed, based on a standard of life corresponding to the degree of civilisation attained at the period in question.
5. The principle of the weekly rest or its equivalent for all workers, which should include Sunday wherever possible.
6. The principle that in all matters concerning the rights of workpeople, working conditions and social insurance, foreign workmen and their families should be treated on the same footing as the nationals of the country in which they reside, and that they may not be subjected as such to any special taxation.
7. The principle that equal pay should be given to women and to men for equal work.
8. The principle that maximum weekly hours of work should be fixed by the national legislation of each of the High Contracting Parties for wage earners in agriculture.
9. The principle that the various States should establish a system of inspection of working conditions in industry, commerce and agriculture, with which representatives of the workers should be associated.
10. The principle of freedom of migration subject to the consent of the Governments and trade unions of the countries directly concerned.
11. The principle that the provisions of the various States concerning health and safety as well as those concerning social insurance should be compared, with a view to standardising as far as possible the different national regulations on the basis most conducive to securing the health and safety of the workers.
12. The principle that it is incumbent on the Government of every State to take all possible measures to prevent unemployment, and to ensure provision for the unemployed worker during any period of involuntary unemployment.
13. The principle that in right and in fact the labor of a human being cannot be treated as merchandise or an article of commerce.
14. The principle that no condition of involuntary servitude may exist except in punishment of a crime of which the person concerned has been duly proved guilty.
15. The principle that seamen of the mercantile marine should have the right of leaving their ships while they are in port.
16. The principle that no article or commodity may be carried or delivered in international commerce if prison labour contributed to its manufacture.
17. The principle that the sale or use for commercial purposes of all articles produced by home work should be prohibited.
18. The principle that any State shall have the right to send special officials to assist in any way and to protect its own emigrant workpeople, and that any State to which they have migrated shall be obliged to admit

such officials and to assist them in the performance of their duties.

19. The principle that reciprocity of action should be established between voluntary organisations recognised by their Governments for the purpose of the assistance and protection of workpeople. (Shotwell, Vol. II, pp. 297-298)

Each clause, however, required a two-thirds majority vote before it could be submitted to the Peace Conference for insertion in the Treaty and accordingly made binding on all signatories (Vol. II, p. 271). Out of the 19 clauses above, the Commission adopted only nine of them, namely clauses 1, 2, 3, 4, 5, 6, 7, 9 and 13. However, some of minor changes to them were made. For example, the 8 hour day appeared as the very first clause in the long list compiled by the subcommittee as well as in the proposals of the British and Italian delegations, but when the nine clauses were adopted, the 8 hours' clause appeared as number seven (in the American proposal, the 8 hour day happened to be the seventh clause as well). Moreover, the word 'cannot' in the thirteenth clause was replaced with the words 'should not.' Importantly, clauses 8, 14, 15, 16 and 17 in the subcommittee's list failed to secure the necessary two-thirds majority and were subsequently rejected. And clauses 10, 11, 12, 18 and 19 were withdrawn from their original proposers (the Italian delegation withdrew the points that dealt with migration issues, namely clauses 10, 18 and 19). A long debate also ensued over clause 15, which dealt with securing sailors the right of leaving their ships after arriving in port (Shotwell, Vol. I, p. 191). Another proposal to extend protective labour legislation to agriculture was rejected because it failed to secure a two-thirds majority vote. However, since it received a simple majority, it was included in the 'Report of the Commission on International Labour Legislation', which was sent to the Peace Conference for review on March 24, 1919 (Shotwell, Vol. II, p. 321).

The British delegation initially objected to the inclusion of so many clauses in the Labour Charter. It argued that each clause would constitute a 'treaty in itself.' The British delegates favoured the adoption of fewer clauses because these would prepare the public for subsequent reforms, create the necessary moral environment within which reforms could actually be achieved and face less opposition during the Conference (Shotwell, 1934, Vol. II, p. 299).

4.1.4. International Labour Code

The international movement to protect labour, led first and foremost by the working classes themselves, ultimately culminated in the establishment of the ILO, which consisted of the International Labour Office and the International Labour Conference. Willingly or begrudgingly, the capitalist classes and their political representatives were forced to formally recognise the interests of a class that had made its presence known all around the world and whose collective voice had previously been stifled in the sound and fury of international competition, trade and war. Governments and employers suddenly found themselves sitting face to face with workers in an official international organisation, which would ameliorate the conditions under which labour-power was reproduced and discuss the distribution of the costs of that reproduction. Indeed, for the

first time in the history of international law it was proposed to permit unofficial delegates, mere citizens of different countries representing home interests in labor...to vote with similar representative citizens of other countries, independently of the action of the representatives of their governments and so to help actually to bind those governments towards certain international policies and treaties. (Shotwell, 1920, p. 50)

The tripartite constituents of the ILO (representatives of governments, employers and workers), whose interests were by no means equal, were expected to cooperate with each other in order to reach a mutually acceptable agreement on the formulation and implementation of international labour standards, which would take the form of 'conventions' and 'recommendations' on specific subjects. Conventions referred to legally binding international treaties that member states could ratify and adopt through their national legislative frameworks and recommendations referred to non-binding guidelines, which would either be linked to a particular convention or not related to one at all. The ILC was responsible for determining whether a particular proposal would take the form of a convention (the typical instrument of international labour legislation) or a recommendation (to meet the special circumstances where the subject or any aspect of it dealt with issues not suitable or appropriate for a convention at the time). These conventions and recommendations were to make up the 'International Labour Code.' During the Peace Conference discussions in 1919, conventions were the only type of instrument envisaged whereas recommendations were introduced later on, mainly as a

way of meeting the objections of the United States (Valticos, 1979, p. 55). The decision to place a particular convention or recommendation on the agenda of the ILC, however, rested with the Governing Body of the ILO. If a particular convention was adopted at the ILC, then member states were bound by the provisions of the ILO Constitution to submit it to their respective legislatures for consideration and ratification. Each convention typically came into force one year after its ratification. Ratifying countries were expected to apply the convention in national policy, legislation and practice and they were also responsible for reporting on its application at certain intervals.

In the first two decades, conventions were successfully adopted (despite organised resistance from the employers' group) on a wide range of issues, including: hours of work, unemployment, maternity protection, night work of women and young persons, minimum age, right of association (in agriculture), workmen's compensation for accidents and occupational diseases, weekly rest, medical examination, sickness insurance, minimum wage, equality of treatment for national and foreign workers, old age insurance, invalidity insurance, survivors' insurance, holidays with pay, safety provisions, employment of indigenous workers, migrant labour, among many others.

The ILO drafted almost 70 international labour conventions and recommendations between 1919 and 1939 but because of several factors, including post war reconstruction, a nearly worldwide economic depression, international competition, and general opposition from employers, a large proportion of member states were not prepared to ratify or implement them, especially the 8 hour day convention. The workers' group repeatedly brought up the issue of non-ratification during the ILO's annual labour conferences. In 1929, for example, a labour representative complained that "in respect of 26 conventions, 342 ratifications have been registered; that is an average of 13 ratifications per Convention; in other words, one quarter of the States which are Members of the Organisation have ratified and three-quarters have not" (ILO, 1929, p. 237). Even when countries ratified certain conventions, there was still no mechanism in place to ensure that they were interpreted and implemented correctly. Moreover, the diversity of conditions (economic, political and social) prevailing in different countries posed a number of problems. The Constitution of the ILO stated specifically that

in framing any Convention or Recommendation of general application, the Conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organization, or other special circumstances make the industrial conditions substantially different and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries. (cited in Valticos, 1979, p. 89)

Because of this provision, some of the conventions adopted in 1919 allowed 'less developed' countries to follow a level of standard that was lower than the one recommended by the ILO. However, these types of clauses were eventually replaced by other ones. In their place, different types of flexibility clauses were introduced, which gave member states the option of selecting the extent of their obligations at the time of ratification. Under such a scheme, ratifying states would have the option of accepting only one or a minimum number of items in a convention. The proposed standards were also flexible enough to give ratifying states a certain degree of latitude when it came to their implementation (especially with respect to coverage of persons or regions where the convention would apply). In some cases, governments were allowed to choose the scope of the standard or to exclude certain categories of persons or undertakings. The use of general terms such as 'appropriate measures', 'adequate protection', 'sufficient number', and 'appropriate arrangements' in the conventions also made it easier for some countries to evade their application, especially when there was no system of supervision (Valticos, 1979, pp. 49-55). Between 1919 and the end of the Second World War, these standards therefore offered very little in the way of economic and social benefits to workers.

Within a relatively short period, the balance of power in the ILO tilted in favour of employer and government interests as the influence of organised labour waned due to the Great Depression and mass unemployment. Rather than make conventions a reality for their respective populations, countries erected trade barriers to protect their national industries and promoted domestic nationalism in response to the economic crisis (Hughes, 2002, p. 164).

At the same time, however, new fears of worker radicalisation and social unrest spread throughout the industrialised world as the economic crisis engulfed all manufacturing countries as well as producers of food and raw materials. Workers were

well aware of the fact that employers and governments perceived mass unemployment (especially in the period 1929-32) as a major threat to their security (Mandel, 1995, p. 57). There was a widespread perception among the ruling establishment that unemployment served as a breeding ground for revolutionary politics and that the economic crisis had made communist and fascist alternatives more appealing among those disillusioned with the system. Politicians often made speeches on the crisis with references to the 'communist threat' (while ignoring the growth of Nazism) and the expansion of communist parties which drew their members from the unemployed (Hughes & Haworth, 2009, p. 4). At the ILO's conferences, the workers' group would play on this threat by referring to the 'dangers of unemployment' and a 'long suffering and revengeful proletariat' in order to pressure governments and employers into action

either you act in peoples' interest or the workers, unemployed, and others who are only getting a mere subsistence in this life, will organise and abolish your system of society regardless of consequences...Do not forget also that Russia is a real danger to the maintenance of your power, and if you desire to remain the dominant class in society you must deliver the goods. You must seriously set yourselves to deal with the question of the starvation of the masses, and not merely talk about it year in and year out, and go away from here and come back next year in the same position. (ILO, 1931, p. 95)

Sensing the growing threat of labour unrest and the spread of socialist sentiments, some governments adopted measures to placate worker opposition but only in limited and temporary ways. The French Minister of Labour, for example, at one point acknowledged the "suffering caused by the depression which led in June 1936 to a great outburst of social unrest, certainly one of the greatest social movements of modern times." He publicly stated that it was only "the voting of the 40-hour week Act" by parliament that "contributed so largely to the rapid restoration of order" (ILO, 1938, p. 161).

During the interwar period, the threat of social unrest and revolution was not always enough to convince most countries to adopt or extend protective measures. However, class tensions were one factor that gave rise to greater government interest in the ILO's work, which ranged from research for reducing unemployment (through public works) or dealing with its consequences (by introducing unemployment insurance) to economic and financial policies and their impact on economic activity and employment

levels (Van Daele, 2009, pp. 172-178). Indeed, it was within this context that the United States decided to join the ILO in 1934 in the first place. By the end of 1933, one out of every four American workers was unemployed, which intensified fears of domestic Bolshevism and radicalism. The National Industrial Recovery Act introduced the 40 hour work week and led to some relief by giving jobs to idle workers but once the Supreme Court had ruled that the Act was unconstitutional, many jobs were lost again. Already high unemployment levels were made worse by the introduction of labour saving devices and the application of speed up systems by employers. The result was that corporate profits soared, sometimes even by 100 or 200 percent according to financial publications like the Wall Street Journal and Commercial and Financial Chronicle (ILO, 1938, p. 347). At the other end, there was colossal poverty and unending misery for the masses of unemployed people. During an ILC, the American workers' delegation exposed the bleak conditions people experienced on a daily basis

visit our mining towns or our industrial cities and you will see millions of underfed, ill-clad children; you will see large families crowded into quarters that...are unfit for human habitation; you will see poverty and squalor; you will see parents starving themselves to keep their children alive, and young men and young women plodding the streets despondently and forced to obtain sustenance by any means their disheartened conditions may suggest. (ILO, 1938, p. 347)

The Roosevelt administration viewed the ILO as a key asset in promoting and advancing New Deal economic reform programs in social security, agrarian subsidies and employment, which were designed to deal with the Great Depression and mass unemployment (Van Daele, 2010, pp. 20-21; Kliman, 2011, p. 201). The Works Progress Administration and the Public Works Administration, for example, hired tens of thousands of jobless workers in the 1930s alone (O'Connor, 1973, p. 166). The Southern states, however, opposed welfare and employment policies on the grounds that it would raise labour costs and emancipate the Black population (Esping-Andersen, 1990, p. 166). The economic costs of social reforms and their negative impact on the American trade position was also a decisive factor in the U.S. decision to join the ILO. The U.S. realised that ensuring a level and competitive playing field internationally was in its best national interests (Hughes & Haworth, 2009, p. 16; Hughes, 2002, p. 162).

However, the Second World War disrupted the activities of the ILO just as the First World War had cut short the activities of the IALL. No new conventions were adopted by the ILC during the war and even earlier conventions were not implemented or ratified by member states. The League of Nations also reduced the ILO's budget by three times in 1939, which made it almost impossible for the organisation to function properly (Van Goethem, 2010, p. 319). Employers began attacking the ILO and questioning its *raison d'être*, with some even arguing that it should become a research centre instead. Another issue was the common threat posed by Germany and Japan. Both countries were ruthlessly repressing independent trade unions. They also drastically cut back their labour standards and began to speed up their arms race, which caused other powers to do the same (Van Goethem, 2000, p. 128). All capitalist countries eventually placed their resources (both industrial and human) towards the war effort. Workers were forced to sacrifice their rights and protections as a result. This included the right to strike and the freedom to change jobs as well as the acceptance of unfavourable terms of employment, including wartime working conditions, mandatory overtime shifts and wage caps. This is because every war requires a certain degree of class compromise in the national interest, especially since "no nation can successfully fight international military and domestic class wars simultaneously" (Campbell, 2003, p. 102). For sections of the population that did not serve, however, the war temporarily created favourable conditions: labour supply dropped, unemployment fell and demand increased because countries, which needed to support millions of unproductive combatants, required increased production of war materials. The mobilisation for war, then, temporarily created 'full employment' in the most developed nations (Van Daele, 2009, p. 178). As the war dragged on, however, conditions rapidly changed: patriotism wore off, working conditions deteriorated, real wages fell, food supplies decreased, casualties increased, and morale fell. The vulnerable state found itself in the middle of alarming developments. Worried about restlessness among workers and soldiers, holding off the socialist challenge and a powerful labour movement governments made promises about postwar social, economic and political changes. These promises came to fruition in the succeeding decades when workers made considerable gains in the workplace and the labour market.

Chapter 5.

The 'Golden Age' of Labour Standards

5.1. Rationale for Expanding the Scope of Protection

In the first decades after the Second World War, which was the highpoint of social reformism in developed countries, labour standards reached their most coherent and comprehensive form. While new standards continued to be adopted and revisions were certainly carried out in the post war period, the fundamental work in terms of drawing up basic protective principles in writing had been more or less accomplished by 1945. What existed merely on paper before the Second World War, then, became a reality for many working people in the immediate postwar years. The specific blend of policies and their application varied from country to country but the end result in the most developed capitalist nations (Western Europe, North America, Japan and Australasia) was the same: an unprecedented rise in employment and living standards (Albrecht, 1995).

The necessity and possibility of expanding labour legislation in the postwar decades was predicated on and the product of several historical conditions. First, there was a need to address the suffering endured by millions of unemployed workers during the Great Depression, a notorious recruiting ground of communists and communist sympathisers. Second, there was a need to compensate the working classes for their tremendous sacrifices during two world wars, especially disgruntled ex-combatants who were unhappy about the demobilisation process because of the bleak prospects of unemployment and poverty that they faced back home (Campbell, 2003). Third, fear of social unrest and a stark rise in industrial militancy created strong incentives for remedial measures to appease and pacify a hostile labour force. Fourth, the popularisation of revolutionary ideas, the labour standards that workers in Comecon countries had gained during the Cold War period and the widespread appeal of socialism (given the Soviet Union, revolutions in China, Korea, Vietnam, Cuba, and struggles in Africa, Asia and Latin America, Western European Communist Parties and militant trade unions) created

a sense of urgency and reinforced the need to provide capitalism with a less inhuman face. In fact, it is quite likely that without the threat of revolutionary violence or mass based workers' movements

there would not have been factory laws in the nineteenth century, that without the October Revolution of 1917 there would not have been the 1919 international conference in Washington that resolved to make the shift to the eight-hour working day, that without the attempts to build socialism in the USSR the reforms of F.D. Roosevelt would not have taken place, and that without mass strikes and political agitation none of the humane and democratic features of which modern capitalist society in its most developed countries is so proud would have come to exist. (Buzgalin & Kolganov, 1992, cited in Kagarlitsky, 1999, p. 149)

Fifth, the extension of universal suffrage and limited access to political power gave the working classes some control over public policy, which reinforced the belief that capitalism was democratic and that the best way workers could seek to realise their expectations and achieve a materially better life for themselves was through the institutional forms of the state. Lastly, postwar economic developments such as new technology, growing productivity, labour demand, and expanded domestic and foreign markets ushered in a period of rapid capital accumulation, which provided the financial basis for labour standards, without encroaching on the privileges and interests of the corporate class (Teeple, 2014). As long as these conditions remained, a compromise between the organised working classes, national corporations and governments was both necessary and desirable. This compromise took the form of the Keynesian welfare state, the crowning achievement of labour in the western world, which ushered in the 'golden age' of labour standards.

5.2. Labour Standards of Welfare States

The welfare state was a major peace formula and political solution to class contradictions (Offe, 1985). It arrived (albeit in different forms and to different degrees in the advanced capitalist nations) when class tensions reached a crisis point where they threatened the viability of the system and had to be institutionalised within the legal framework of industrial relations. As such, welfare reforms were a political and economic response aimed at mediating social conflict and maintaining social order. It is no

coincidence, then, that the period of welfare expansion followed the Great Depression, the ravages of two world wars and decades of class struggles (Teeple, 2000, pp. 16-17).

The expansion of social reforms mirrored the golden era of growth and consolidation for organised labour in the Western world (Korpi, 1983). But it was the long boom of the 1950s and 60s (made possible by advances in science and technology and their subordination to capital) that vastly increased the demand for labour, which in turn strengthened the bargaining position of workers and led to wage increases. Indeed, there was an international convergence of full employment in the postwar period when unemployment hit record lows in several countries (4.5 percent in the United States, 4.6 in Germany, 4.3 in Denmark, 2.0 in Norway and 1.8 in Sweden) (Esping-Anderson, 1990, p. 170). Total employment increased by 30 percent from 1950 and 1970 and the formal role afforded to trade unions (both in collective bargaining and the development of public policy) and the extension of union rights all greatly contributed to the growth of working class strength and prosperity in the immediate postwar decades (Munck, 2002, p. 29). For the well organised sections of the labour force, capitalism seemed like the best of all possible systems in this period of continuous economic growth when the organic composition of capital was steady and accumulation was growing. Indeed, income levels had soared, agricultural employment declined as both men and women moved into better paid jobs in industry and services, differentials narrowed, workers gained representation, working hours decreased and consumerism blossomed (Glyn, 2006, p. 126).

Another important feature of the postwar period was the “building up and expansion of a sizable public sector as the cornerstone of a social order that was materialized in more decent and dignified conditions of work and life” (Breman & van der Linden, 2014, p. 921). Large investments were made in the public economy in the late nineteenth and early twentieth centuries when a number of public institutions, public spaces and public agencies were created in order to cater to the needs of workers and capital (Teeple, 2000, p. 96). For example, governments set up municipal utility corporations for water, gas and electricity and for garbage, sewage disposal and sanitation. Many of these services, which provided employment for large numbers of working people, were expanded after the war. Indeed, the emergence of the welfare

state was closely tied to the creation of state properties before the war (Breman & van der Linden, 2014, p. 921).

In the immediate postwar decades there was a proliferation of government welfare measures in the advanced capitalist countries, although in Germany and Japan where the postwar boom was “premised upon the suppression of labour and its consequent acceptance of low and (relative to productivity growth) slowly increasing wages” (Brenner, 1998, cited in Munck, 2002, p. 31) concessions did not always come easy. Most countries, however, witnessed a dramatic rise in public expenditure as a share of GDP as well as a rise in social expenditure as a share of public expenditure (Gough, 1979, p. 79). This was particularly the case in places with powerful trade unions and social democratic parties (Stephens, 1979; Castles, 1982; Myles, 1989). For the first time in history, the working classes had secured for themselves a level of retirement income, which allowed them to enjoy old age in leisure without worrying too much about dependency, poverty or the compulsion to work (Esping-Andersen, 1990, p. 88). Indeed, social security emerged as a major institutionalised means of retirement for many working people in the postwar period. This impressive achievement was largely the result of working class power (labour movements were at the center of political decision making) and rising productivity, which also decreased the need for aged workers (Esping-Andersen, p. 96).

By the end of the 1960s, the working class had not only achieved a wide range of programs, services, and protections, including free primary and secondary education, health care, child care, food and shelter subsidies, income guarantees, unemployment insurance and pensions (Teeple, 2010, p. 99) but also considerable material gains. In West Germany, for example, almost every home had a refrigerator by 1968. In Britain, where consumer spending increased by 4-5 percent between 1952 and 1964, working class house and car ownership expanded dramatically. Almost everywhere modest working class gains like the radio, which by 1950 had become popular, and the television followed by video and home computers, raised the possibilities of private leisure for people and their families (Geary, 2008, p. 285).

The legislative victories of workers varied from country to country but they all provided the working classes with a decent standard of living and minimal level of social protection. In Britain, for example, the coalition government under Churchill in 1944 committed itself to full employment policies and introduced Butler's Education Act which produced universal, free primary and secondary education (Gough, 1991, p. 134). The Labour Party successfully formed a government (Clement Attlee) that "nationalized key industries, created a free national health service, massively expanded welfare services and presided over a series of national industrial deals, in which employers recognized trade unions and agreed to a series of restrictions on their powers to control the labour process" (Geary, 2008, p. 284). The National Insurance Scheme introduced by the Atlee Labour government covered retirement, widowhood, sickness and unemployment (among other contingencies) and also abolished the remaining Poor Laws from the statute books. There was also the Social Security Act of 1975 which introduced a state earnings pension program (Gough, 1991, p. 135). National wage bargaining systems and decreasing differentials between skilled and unskilled workers also helped create a British working class that was economically united during the postwar period (Geary, 2008, p. 263). Also, the cost of public services (housing, social security, health, and education) in Britain as a share of GNP increased from 4 per cent before World War I to 29 percent in 1975 (Gough, 1979, p. 77).

In the United States, unions were able to win wage and cost of living increases, health and pension benefit programs and just cause dismissal protection for their members (Stone, 2000, p. 371). Trade unions also created in-plant legal regimes (or private arbitration) to enforce their newly won labour rights. The Johnson administration inaugurated Keynesian stimulus policies like the 1964 tax cut, passed Medicaid/Medicare, liberalised eligibility requirements, and expanded social security benefits twice (in 1965 and 1967). Johnson's Great Society programme made government transfers an important source of income for many Americans, including the elderly, many of whom were living on social security. From 1969 to 1972, the Nixon administration increased social security benefits, introduced indexation, significantly extended coverage, increased social security benefits and passed the guaranteed pension (SSI) (Esping-Andersen, 1990, p. 175). However, there were significant differences in benefits between the various American states as the U.S. welfare state

was organised along federal lines. The legal rights of workers vis-à-vis their employers were also extended with the Civil Rights Act of 1964, the Occupational Safety and Health Act of 1970, and the Employee Retirement Income Security Act of 1974. Generally, in the United States (as well as in Japan) bargained (fringe) benefits arranged with employers were the substitute of legislated entitlements that were more common in European welfare states. However, access to these benefits largely depended on the worker's position and labour market conditions (Pfaller, 1991, pp. 86-88).

The German government passed the Employment Promotion Act and legislation on wage continuation during illness (a major demand of German unions) in 1969. Significant welfare state improvements also came in 1972 in the shape of pension hikes, a guaranteed minimum pension, and liberalised access to early retirement (Esping-Andersen, 1990, p. 176).

From 1947 to 1974, Japan introduced a number of labour laws, which provided employment security, unemployment insurance, disabled persons' employment promotion, employment measures, human resources development promotion, stabilisation of employment of older persons as well as employment insurance (Standing, 2009, p. 40).

In the 1945-1946 elections, the Communist/Socialist/Christian Democrat coalitions came to power in France, Italy, Belgium, and the Netherlands and tried to establish planned economies and a comprehensive welfare system to combat unemployment and provide extra-market relief (Geary, 2008, p. 284). While France was still predominantly an agricultural country, between 1945 and 1948, an insurance system was extended, main industries were nationalised and new social regulations were introduced. For the next three decades, welfare programs and services were gradually extended to people who were not employed in industrial and service sectors (Grefe, 1991, pp. 174-175). Also, 20,353 collective agreements and codicils were signed between 1950 and 1971 and the French government introduced flexible and early retirement programs in 1970 (Olszak, 2000, p. 152).

In Sweden, where social democrats ruled continuously from 1932 to 1976, the government introduced a national wages policy and universal welfare entitlement

(Geary, 2008, p. 284). Swedish unions also agreed to moderate wage claims in exchange for the abolition of employee pension contributions in 1973 (Esping-Andersen, 1990, p. 175). In Norway, where labour parties dominated politically, the government made a binding commitment to full employment and welfare state reforms (Esping-Anderson, 1990, p. 168). In Denmark, the labour movement was side tracked in the immediate post war years but welfare reforms and full employment policies eventually came into effect in the late 1950s (Esping-Andersen, 1990, p. 167). By the early 1970s, pensions were upgraded and unemployment and sickness cash benefit programs were vastly improved (p. 175). Industrial democracy legislation was introduced to promote workers' participation in enterprise decision making in the early 1970s in Norway, Sweden and to a lesser degree Denmark. In Sweden, workers were given representation on company boards, job tenure rights, significant control over safety and health conditions as well as over technology decisions (Esping-Andersen, 1990, p. 176).

5.3. Expansion of ILO Standards

In 1944, the Governing Body of the ILO held a conference in Philadelphia. The purpose of the conference was to redefine the ILO's mandate in the context of a rapidly changing international order. The United States had emerged as the dominant postwar economic, political and military power and wanted to play a much larger role in the ILO. The U.S. viewed ILO standards as a useful instrument of international social policy so it "took the lead in shaping the hegemonic consensus in the ILO" (Cox, 1977, p. 387). At the same time, however, the U.S. was engaged in a Cold War with the Soviet Union and the heightened tension between the two major superpowers conditioned and structured the ILO's activities. The ILO's relationship with the Soviet Union had profound implications for social policy both within and beyond nation-state jurisdictions.

The Soviet Union did not attend the 1944 Philadelphia Conference and had refused all invitations to renew its ILO membership, which had been inactive since 1939 (Maul, 2010, p. 366). According to the British embassy in Moscow, the Soviets remained hostile to the ILO because they considered the organisation to be "hopelessly committed to social democratic theories and practice and to the principle of cooperation between owners and workers, which is held to be a characteristic of Fascism" (cited in Van

Goethem, 2010, p. 331). Soviet diplomats and the Russian media accused the ILO of being undemocratic. The newspaper outlet Izvestia even proposed changing the tripartite structure of the ILO so that workers would have greater decision-making powers within the organisation. The proposal was intended “to make the Soviet participation desired by the West as expensive as possible” (Van Goethem, p. 331).

The role of the ILO in the new international order dominated by the U.S. was clearly spelled out in the Philadelphia Declaration of 1944. In a document entitled the *Declaration concerning the Aims and Purposes of the International Labour Organisation*, which was subsequently incorporated into the ILO’s Constitution, a number of ‘fundamental principles’ were laid out, including: 1) labour is not a commodity (as opposed to the less strongly worded statement “labour should not be regarded merely as a commodity” found in the original 1919 Constitution); 2) freedom of expression and of association; 3) poverty anywhere is a threat to prosperity everywhere; 4) war against want must be fought out in every country and through international tripartite cooperation; and 5) all human beings have a right, regardless of their race, creed or sex, to pursue their “material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity” (ILO, 1944, pp. 621-622).

The Philadelphia Declaration also recognised and affirmed the commitment of the ILO to policies and regulations that would help its member state states achieve the following goals: a) full employment and higher standards of living; b) increased job satisfaction; c) provision of training facilities and transfer of labour, including migration for employment and settlement; d) improved wages, earnings, hours and other work conditions that will ensure a fair share of the fruits of progress to all and a minimum living wage to those employed and in need of this protection; e) recognition of the right of collective bargaining, cooperation between labour and management for the purpose of improving productive efficiency and collaboration between workers and employers for the purpose of social and economic measures; f) extension of social security to provide a basic income to those in need and comprehensive medical care; g) adequate protection for the life and health of workers in every occupation; h) child welfare and maternity protection; i) adequate nutrition, housing and facilities for recreation and culture; and j) equality of educational and vocational opportunity (pp. 622-623).

Once the General Council of the United Nations approved the motion (Soviet Union abstained) on 14 December, 1946, the ILO became the specialised agency of the UN system (Van Goethem, 2010, p. 337). Under the auspices of the UN, ILO constituents accelerated progress towards the adoption of more comprehensive conventions. In this period, the coverage of standards expanded beyond the international level to include “all nations, developed as well as less developed, with worldwide coverage, including former colonies as well as independent nations” (Engerman, 2003, p. 36). The ILO had become a truly transnational organisation and no labour movement that was serious about its country's labour laws could afford to ignore its prevailing influence.

Despite opposition from the employers' group, the ILO adopted almost 80 labour conventions in the immediate postwar decades on a wide range of subjects, including (among others): labour inspection, freedom of association, right to organise and collective bargaining, migration for employment, equal remuneration, social security, abolition of forced labour, discrimination in employment and a number of other conventions dealing with employment conditions, industrial relations, protection of young persons, special categories of workers and labour administration. By 1973, the ILO adopted close to 145 conventions and 150 recommendations. However, there were great disparities across countries in the world, with some making significantly more progress than others in ratifying and implementing ILO standards.

As domestic labour struggles intensified in the United States and the threat of ‘creeping socialism’ lingered on during the Cold War, American employers became increasingly hostile to the ILO's activities, which they viewed as promoting ‘socialist tendencies’. The American corporate sector felt particularly threatened when the ILO adopted the convention on freedom of association and protection of the right to organise in 1948. It expressed dissatisfaction again when the ILO adopted the convention on the right of workers to organise without employer interference and to bargain collectively in 1949. American business complained that these conventions were designed to undermine American capitalism and override the restrictive provisions of the Taft-Hartley Act which forbade workers from acting as a class. When the ILO adopted the convention

on minimum standards of social insurance in 1952, the American employer delegation made the following comment in its report

It becomes clearer that the effort of the present ILO government-labor majority to impose centralized government control is being allowed to take precedence over its primary goal of raising standards of living. The goal of providing greater opportunity for the individual is being replaced by a passion for imposing government-dictated 'welfare' upon the people. (cited in Galenson, 1981, pp. 27-28)

Even the convention on forced labour (adopted by the ILO in 1957 by a vote of 240-0) was opposed by the American employer delegate who abstained. Due to employer opposition and the Senate's reluctance to ratify international conventions, the United States only ratified seven ILO conventions by 1979 (six conventions concerned maritime labour and one related to a technical subject), which made it the lowest number for any developed country (the average was 33 per member state) (Galenson, 1981, p. 198).

In general, ILO standards, which have their own history, continue to evolve because their definitions, interpretations and application are subject to continual rethinking. The conventions on social security that were adopted before the Second World War, for example, underwent significant revisions and were superseded by more comprehensive conventions. In the years following the establishment of the ILO, very little by way of complete social insurance schemes existed in the advanced capitalist countries. By 1946, however, every aspect of social security was gradually covered and regulated, although only for selected groups within specific categories and eligibility was determined by a series of qualifiers (Otting, 1993, p. 164).

The ILO's postwar social security conventions were influenced by ideas and concepts that were developed in the 1940s in a report entitled *Social Insurance and Allied Services*, which was written by William Beveridge and actively discussed and elaborated by the ILO. The 'Beveridge Report' (1942), which was published in the same year as Leonard Marsh's *Social Security for Canada* report, proposed a feasible doctrine to achieve what wartime leaders Churchill and Roosevelt had proclaimed in the Atlantic Charter of 1941, namely 'freedom from fear and want.' The report introduced the notion of social security (somewhat different from the notion of social insurance which prevailed before the Second World War), which referred to some level of protection in areas not

covered by social insurance. In general, two main areas of protection were addressed: guaranteed income security and medical care. The report advocated universal and comprehensive coverage (in contrast to prewar schemes which only covered specific risks and groups). Ultimately, these proposals led the ILO to adopt two recommendations on income security and medical care in 1944 during the Philadelphia Conference. And these two recommendations, in turn, helped pave the way for the adoption of the Social Security (Minimum Standards) Convention in 1952. In the same year, the Second Labour Conference of American States in Havana passed a resolution that adopted the doctrine of compulsory social insurance for the main areas of protection (Otting, 1993, pp. 165-166).

The Social Security convention marked a new stage in the development of labour standards at the transnational level by introducing the notion that a basic level of social security should be available everywhere, regardless of the country's level of economic development. It also differed from prewar conventions due to its comprehensiveness, flexibility and aims. The convention defined nine branches of social security, including: medical care, incapacity for work due to sickness, unemployment, old age, employment injury, child maintenance, maternity, invalidity and the death of a bread winner. The convention required the protection of a certain percentage of the population. For most of the matters or contingencies, the percentage could either be 50 percent of all employees or 20 percent of the population. However, the ratifying member state would not be forced to accept all parts of the convention. It could confine ratification to just three of the nine branches of social security so long as at least one of the following was included: unemployment, employment injury, old age, invalidity or survivor's benefit (Article 2). The convention also allowed temporary exceptions for states with economies and medical facilities that were 'insufficiently developed' (Otting, 1993, pp. 166-167).

The 1952 Social Security convention did little to address economic inequality or the working class's absolute dependence on employment for survival. It also had to be financed by deferred or diverted parts of wage income, which required wages to be high enough to allow for deductions (Teeple, 2000, p. 48). The ILO's social security program, moreover, could only be maintained during a period of high employment and low underemployment which meant it had a limited life span given the extremes of business

cycles. The convention was also vividly sexist as it assumed a world made up of male breadwinners and female homemakers. For example, the standard beneficiary was defined as a 'man with wife and two children.' The convention also contained certain eligibility requirements that were somewhat stigmatising, arbitrary and even humiliating. For example, for medical care, sickness, unemployment and maternity benefits, the convention recommended a qualifying period (of contribution, or employment or residence or any combination thereof) as it 'may be considered necessary to preclude abuse.' A 'minimum duration of the marriage' was also recommended in order for widows to qualify for survivors' benefits (Standing, 2009, p. 48; ILO, 1952, pp. 594-632). Despite these shortcomings, the ILO social security convention counted as a major victory and positive gain for some sections of the working class. This achievement was facilitated by the ILO's decision to devote a number of its conferences to social insurance policy. Between 1919 and 1969, for example, the ILO organised 16 conferences on social insurance (the average attendance of 18 industrial countries was 14.3 meetings) (Kasza, 2006, p. 176).

After the Second World War, the ILO's social insurance, income security and medical care schemes had emerged as the main elements of the structure of the postwar Keynesian welfare state. These three areas of protection constituted the main components of social rights and the main aspects of decommodification. Indeed, in line with the Philadelphia Declaration's principle that 'labour is not a commodity', the ILO depicted its postwar conventions as reducing the commodity nature of wage-labour. While decommodification is always a matter of degree under capitalism, not all of the ILO's conventions promoted the principle of non-reliance on market forces and mechanisms. In fact, some conventions made it clear that social rights could only be granted to people on the condition that they participate in the labour market and obtain dependent and stable forms of paid employment.

By making people around the world more dependent on the employing enterprise for their survival and welfare, some ILO conventions promoted, legitimised and spread 'industrial citizenship' or 'fictitious commodification' (Standing, 2007, p. 70; Standing, 2008, p. 358; Standing, 2009). The Employment Policy convention of 1964, which asked member states to "promote full, productive and freely chosen employment" can be seen

in this light. Somewhat different from earlier standards that proclaimed the 'rights of labour', the 1964 convention demanded the right *to* labour, that is, the right to alienate labour power and have it appropriated by a profit seeking entity. It was a "peculiar sort of right, to ask to be put in a subordinated position and to have one's work dictated by another." The ILO, however, never grasped these contradictions in some of its conventions. Nevertheless, the 1964 standard went a long way towards addressing the serious problem of unemployment and impoverishment, which had spread (along with the appeal of socialism) during the Great Depression (Standing, 2009, pp. 39-40).

The ILO model of international labour standards was largely based on the system of national welfare capitalism – industrial labour and organised collective bargaining between employers and trade unions oriented in large-scale workplaces mediated by government institutions. Other forms of employment, regarded as 'non-regular' labour, were ignored (particularly care work), even when it came to the collection of labour statistics (Standing, 2009, pp. 34-35). This fact was acknowledged by the International Institute for Labour Studies which was founded within the framework of the ILO in 1960. In 1970, a study was carried out on the future prospects in industrial relations. The study concluded that the "structures favored by the ILO, those characterised by collective bargaining, covered only some nine percent of the world labour force, while other structures more or less screened out of the ILO's official consciousness governed the vast majority of the world's workers". While this study was a step in the right direction because it tried to broaden the notion of industrial relations, it was interrupted and discontinued in 1972 (Cox, 1977, p. 411).

In 1972, the ILO Governing Body undertook an in-depth review of the organisation's activities on labour practices. It found that "new trends in systems of remuneration and other conditions of work have received only cursory attention, and the larger problem of the humanisation of work virtually none." In the developing countries, the report also discovered that "standards on hours of work, holidays, welfare and minimum wages have little meaning." The report concluded that the ILO's work was fragmented, uncoordinated and only reached a small percentage of the working population (cited in Van Daele, 2009, pp. 99-100).

The Director General's Report to the 1975 ILC, which was entitled 'Making work more human', called for work that respected the life and health of workers, gave them more disposable time for rest and leisure, and allowed them to serve society and achieve self-fulfillment (Van Daele, 2009, p. 100). Although the recommendations tended to be positive, they were revealing in terms of what they conveyed about the nature of the system.

The report asks policy makers and employers to create jobs that will allow workers to lead a more humane, meaningful and collective existence, which is really an admission that working life in capitalist society is inhumane, stressful, and self-serving. What is also rather less clear is how calculating individuals who view and treat each other in a manner incompatible with real human relations could ever 'serve society' or work towards achieving collective goals and the common good. If the individual in a marketplace society is defined as a mere embodiment of private property, one who has mutually exclusive and competitive interests and whose interdependence with other people is first and foremost guided by the principles of commercial exchange (Marx, 1867/1977, p. 280), then it is difficult to imagine how the same individual could possibly be defined as a social being, as a member of the collectivity; one who realises goals set by the collectivity and in cooperation with other human beings. The recommendations assume other things as well. For one, they imply that work in capitalist society does not have to be subordinated to the requirements of profit and can therefore be reorganised to better address human needs and potentials. In other words, the assumption is made that better working conditions, shorter working hours and an increasing amount of free time for rest and leisure are compatible with the overall *raison d'être* of the business enterprise – profit maximisation. But the financial benefits reaped by employers are made possible at the expense of working people, through different mechanisms including the discipline and time management of workers, the intensification of the labour process, the deterioration of costly employment conditions, the prolongation of working hours, and so on. The ILO's recommendations, therefore, ask for the impossible under capitalism. They want to create a more humane work environment, win more free time for the enjoyment and self-development of the working class and contribute to society and help people live fulfilling lives but without the means of getting there, that is, without

abolishing the very relations of production that created the need for such recommendations in the first place.

5.4. International Class Rights Documents: ICCPR and ICESCR (1976)

The first supranational labour standards came in the form of treaties and agreements signed by two or more nations in the second half of the nineteenth and early twentieth centuries. The second supranational labour standards came in the shape of ILO conventions and recommendations, which stretch back almost 100 years. The third supranational form of recognition of labour standards came through the inclusion of labour related rights in the Universal Declaration of Human Rights (UDHR) in 1948. In the UDHR, the following labour standards were affirmed: freedom from slavery and servitude (Article 4); the right not to be discriminated and to equal protection of the law (Art. 7); the right to bargain collectively is not explicitly referred to but the right to freedom of association is (Art. 20); the right to social security (Art. 22); the right to work, to freely choose employment, to just and favourable conditions of work as well as protection against unemployment; the right to equal pay for equal work; the right to form and to join trade unions for protection (Art. 23); and the right to reasonable limitation of working hours (Art. 24) (cited in Alston, 2005, p. 2). The UDHR, however, was merely a document. It declared certain goals and aspirations but it did not create binding obligations on states under international law. However, the labour principles in the UDHR did eventually become a subset of 'human rights' (along with civil and political rights) and gradually gained binding character as customary law through numerous treaties, accords and agreements overseen and monitored by UN institutions (Macklem, 2005, p. 71). The UN adopted two covenants or treaties in particular that became associated with the UDHR, namely the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). By ratifying one or both covenants, countries were bound to implement and enforce the rights contained within them. Both the ICCPR and ICESCR were formally adopted in 1966 and came into force in 1976 (after receiving sufficient number of

ratifications) and along with the UDHR, they make up what is collectively referred to as the 'International Bill of Human Rights.'

The ICESCR broadly covers social or collective rights and consists of 31 articles while the ICCPR consists of 53 articles and refers mostly to private individual rights (although, to confuse the picture, Article 22 of the ICCPR does recognise "the right to freedom of association with others, including the right to form and join trade unions"). Importantly, the ICCPR has an Optional Protocol (complaint mechanism), which was adopted in 1966 and came into force in 1976. The Optional Protocol allows an individual or the individual's representative to make representations to the Human Rights Committee, which has the power to decide on individual complaints about potential violations of one or more of the listed civil or political rights contained within the terms of the ICCPR. The ability of an individual to bring forth such a complaint, however, depends on whether or not the country alleged to have violated the individual's civil or political rights is a state party to the individual complaint mechanism (Harrington, 2012, p. 157). The ICESCR, on the other hand, did not have provisions or a protocol creating a complaint mechanism for violations of economic, social or cultural rights. In fact, the creation of a similar body for the supervision of the implementation of the ICESCR was denied at first. An Optional Protocol to the ICESCR was finally adopted by the UN in 2008 and it only came into force in 2013 (35 years after the ICESCR 'entered into force' in 1976). Moreover, while the ICCPR requires countries to realise their obligations under the treaty immediately, the ICESCR, on the other hand

resorts to the language of gradualism, asking each state to 'take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum extent of its available resources, with a view to realizing progressively the full realizations' of the rights in the Covenant. This vague and permissive language has only served as an excuse for governments that are all too eager to avoid their obligations under the ICESCR. (Trebilcock & Howse, 2005, p. 582)

Because of their collective and social nature, labour rights do not "always sit easily with the individualist interpretations dominant in the human rights field" (Alston, 2005, p. 14). Indeed, the history of labour rights in all countries reveals a conflict or tension between "civil rights such as the freedom of property and the freedom of contract and social rights, such as the right to bargain collectively and to strike, which

threaten the operation of free individualised markets” (Hepple, 2000, p. 431). This tension or incompatibility between the two sets of rights can be seen in the UDHR itself. Although it contains private individual rights (in the shape of civil and political rights) and collective or social rights (in the form of labour rights), the UDHR is a declaration and not a practical document. The practical side of the UDHR only came in 1976 with the two protocols – two because one protocol (the ICCPR) contained the set of (bourgeois) private individual rights and the other protocol (ICESCR) contained the set of (workers’) collective rights. The UN may have decided to create and develop two separate covenants for the two competing rights and interests arguably because they could not coexist in the same document. But even after the ICESCR was published as a separate document, many governments and human rights organisations in the Western world became unsympathetic and even hostile to the idea that economic and social rights counted as ‘rights’ as such. Instead, they argued economic and social rights were ‘equities’ or ‘concerns’ which unlike civil and political rights were not justiciable in courts of law (Trebilcock & Howse, 2005, p. 582). Indeed, for historical and ideological reasons, the ICCPR has received far more recognition, legitimacy and promotion than the ICESCR has.

Chapter 6.

The Decline and Fall of Labour Standards

The history of labour standards is, at one and the same time, the history of the formation and struggles of the working class. However, in every phase of this long struggle there were at least two opposite tendencies displayed. On the one hand, there were periods when corporations enjoyed overwhelming bargaining power and workers were left without jobs or not enough work, or subject to poverty wages, dangerous working conditions, speed ups, long working hours, and so forth. On the other hand, there were times when the most organised sections of the working class were able to extract concessions from the state for themselves and their families in order to compensate for market failures and an authoritative workplace. Indeed, while workers led lives continually checkered with difficulties and disappointments, defeats and setbacks, there were also many victories and gains made along the way in the course of their struggles, which is evidenced by a long history of labour laws and legislation in each developed country. These achievements, however, were always reversible so long as workers could not defend them and/or the conditions of accumulation demanded their retrenchment.

By the end of the 1960s, it was becoming increasingly clear that full employment, rising wages and the wide range of labour standards (particularly collective bargaining rights) were creating inflationary pressures, straining profits rates and acting as barriers to further accumulation in the developed countries (Marglin, 1990, p. 19; Glyn, 2006, p. 7). In fact, the profit rates in Western Europe, the United States and Japan (where standards were highly developed) were down one-third between 1968 and 1973 (Munck, 2002, p. 45). Different policies were devised in order to deal with the problem of diminishing profitability but many of them proved to be counterproductive and unsustainable. Attempts at orchestrating wage restraints (in the hopes that they would be accompanied by investments), for example, resulted in labour unrest and equity conflicts in the labour market, especially when restraints coincided with profit booms (Esping-Andersen, 1990, p. 173).

In the postwar period, reforms had formed an “essential part of that *quid pro quo* which facilitated a relatively smooth, frictionless social process of production” and were financially feasible so long as “economic growth itself paid for the welfare-state guarantees” (Pfaller & Gough, 1991, p. 42). Indeed, in times of growing economic prosperity the costs of reforms were outweighed by their benefits (the alternative was disruptive class conflict). But as soon as the postwar economic boom came to an end, welfare entitlements become too heavy a burden for the state to expand let alone maintain. They had to be defended more and more in spite of market mechanisms and at the expense of the continued accumulation of capital. Indeed, redistribution programs were undermining economic performance, resulting in a competitive disadvantage for capitalist countries (Pfaller & Gough, 1991, p. 40). As such, they were no longer seen as compatible with the rationality of profit maximisation, investment, competitiveness and growth (Wood, 1995, p. 287). It thus became clear that the welfare state and its accompanying social services and programs had allowed the working class to get more than the system could possibly sustain (Clarke, 1988, p. 6), as one major element causing stagflation. This, in turn, necessitated a response from the corporate sector to “restrain them in order to stop the process from going beyond the bounds of the permissible” and to annul the results of these reforms as soon as possible so as to restore growth and profitability (Kagarlitsky, 1999, p. 36).

The vast welfare state owed its existence to economic and technological conditions that were already beginning to change by the early 1970s (Clarke, 1990, p. 5). The Fordist mode of production entered a crisis of productivity and profitability while the application of computers increased in all realms of production, distribution and communication (Teeple, 2014). Global production chains and markets expanded while structural unemployment increased, high wages declined, and the deferred social wage system faced problems, partly due to corporate opposition to tax increases for reasons of competitiveness and labour’s opposition to tax increases for collective bargaining reasons (Esping-Andersen, 1990, p. 187). The confluence of these developments served to further weaken workers at the collective bargaining table.

In the immediate postwar decades, agricultural employment declined and a large proportion of workers entered the service and industrial sectors as rapid capital

accumulation increased the demand for labour. In this period, the urban population expanded, trade union membership grew exponentially (especially in the public sector) and industrial conflicts spread, which brought legislative concessions in favour of labour's bargaining position. But by the end of the 1970s, unionisation rates fell and organised labour lost a significant amount of its power and influence over national policy (Glyn, 2006, pp. 121-126). The political defeat of the working class was preceded by an economic defeat, due to several factors, including: a renewed emphasis on profit maximisation, rising long term structural unemployment, rising competition through trade liberalisation, pressures to privatise and deregulate, the introduction of labour displacing technologies, the shift to a service economy, mass employment in low skill jobs, growing segmentation of production through global outsourcing, and the legal suppression of union rights and activities (Bieler & Lindberg, 2011; Gall, Wilkinson & Hurd, 2011; Thornley, Jefferys & Appay, 2010; Munck, 2002; Teeple, 2000; Rifkin, 1995; Aronowitz & DiFazio, 1994). These pressures made it difficult if not impossible for trade unions to thrive let alone maintain and defend their postwar gains. A compromise with them was therefore no longer necessary (Pfaller, 1991, p. 66). Thus, after being fought for and won by trade unions over the course of almost two centuries, labour standards began a long gradual decline as new conditions and new forms of struggle took the place of old ones in the last third of the twentieth century.

By 1980, the class struggle became a conscious concerted act on the part of the corporate sector to reverse what labour had won in the previous decades (Harvey, 2005, p. 201). So began a series of legislative attacks on working class rights (and public sector workers in particular) under the pretense of state 'affordability', 'market efficiency' and 'labour flexibility.' It was a class war waged from above and the assault took the form of neoliberal policies then labelled as Thatcherism (in the United Kingdom), Reaganism (in the United States), and neo-conservatism, which later became official government discourse in many other developed countries (Lee & McBride, 2007, p. 4). Neoliberalism, the "hallmark of the transition between two eras" (Teeple, 2000, p. 2), signalled a great shift in the balance of power away from labour and toward capital. This political project was clearly designed to move the economy into the realm where much more would be determined by the marketplace than by the state. This is because all of the functions that existed under the aegis of the welfare state, including pension

schemes, workers' compensation, and unemployment insurance as well as public education, medical care, and housing, laid outside of the realm of private exploitation and therefore outside of the realm of exclusive corporate accumulation. Many of the welfare state's social benefits, programs and services were 'collectively owned' and used in ways that did not allow corporations to have exclusive and self-interested rights over their disposal (Teeple, 2005, p. 162). The corporate sector saw in these redistributive policies the diversion of a significant portion of the national product away from the 'productive' economy' (Teeple, 2000, p. 96). Financed by revenues from wages and profits, they were forms of social surplus that were kept partly out of private hands. They were seen as barriers to the continuous accumulation of capital by the private sector and for this reason they had to be systemically 'opened up' as new arenas for profitable investment (Breman & van der Linden, 2014, p. 930).

In countries where substantial retrenchment and welfare state restructuring occurred, it was often accomplished through legislative revisions and incremental changes to policies and programs. In 1975-76, for example, the British Labour government drew up plans to cut certain items of social spending. The promise to maintain full employment gradually disappeared and unemployment rose in the 1980s (in 1975 unemployment was over one million, from 1979-1981 it increased to three million, and by 1986 it reached almost 4 million). The 1979 election brought a government in power that was fully committed to scaling back the welfare state. First it acted to cut and retrench public housing, some social benefits, taxation and governmental local powers (Gough, 1991, pp. 135-136). The conservative government cut benefit replacement rates directly and changed the indexation mechanism, which in 1982 generated savings of more than 6 billion Euro. Benefits for the unemployed and sick were retrenched during the 1980s. There was also a temporary suspension of benefit indexation around the same time. The earnings related supplements for unemployment and sickness was abolished and the government decided to make unemployment benefit taxable. Eligibility criteria were increased and the reduced unemployment insurance benefit rate for individuals with incomplete contributory records was done away with, which made them totally dependent on social assistance benefits (Starke, 2008, p. 180).

In France, income growth slowed between the years 1974 and 1970 and then came to a halt in 1983 when wage increases were strictly controlled. Income tax burdens increased starting in the 1970s (from 5.8 percent in 1974, to 7.5 percent in 1970 and to 9.1 percent in 1985). In 1984, the government stopped a state programme that addressed rising levels of unemployment by creating state activities and jobs. In the same year, a law was passed that allowed the reduction of working hours to vary according to sectors, enterprises, qualifications, and so on. In this period, many part time, temporary and poorly paid jobs became available. Restrictions were also put in place for both main unemployment benefits and the 'end of rights benefit' which was provided to unemployed individuals who were no longer eligible for the main benefits. The rate of compensation (or the ratio between the amount of benefits and the amount of the average wage) was lowered, from 80 percent of the average wage in 1978 to 58 percent in 1985. Social insurance was also reduced even though demand for it increased sharply (40 percent of unemployed individuals had no benefit). Due to the weakness of French trade unions and competitive pressures, many of the powers granted by the Auroux Laws (1982), which were designed to improve the rights of workers and trade unions, were never really implemented (Grefe, 1991, p. 175-181).

In the United States, declining growth meant that rising wages and employment security gradually disappeared which resulted in an "escalation of labour-capital antagonism with decreasing work performance (including absenteeism and even sabotage) on the side and increasing anti-union tendencies on the other" (Pfaller, 1991, p. 66). In the 1980s, the corporate sector's bargaining power over labour significantly increased and businesses were successful in cutting back many of labour's previous bargaining victories (Pfaller, p. 72). The decline in unionisation, which dropped from 33 percent in 1954 to 19 percent in 1985, and pressures to reduce production costs in order to become competitive in international markets, meant that labour had to agree to more wage cuts and lowered fringe benefits as well as to more flexible working patterns (p. 73). While the Carter administration placed limits on the further expansion of the welfare state, the Reagan administration proposed effective welfare state cuts, particularly to services and programs for employment, health, training and education. During this period, social security was cut by 4.6 percent, Medicare health insurance by 6.8 percent, unemployment insurance by 17 percent (and the coverage quota was brought down as

well), employment and training by 67 percent, work incentive programme by 35 percent, and health services (outside of Medicare and Medicaid schemes) by 33 percent (p. 87). Occupational welfare declined dramatically for a large section of the working population as stable blue collar union jobs were gradually replaced with insecure, temporary and flexible jobs in the services sectors. In 1982, for example, 11 million workers were deprived of their health insurance because they lost their jobs (Root, 1985, cited in Pfaller, p. 88).

In Germany, many welfare programs were retrenched after the stagflation of the mid 1970s (Reintsma, 2007, p. 24). In the late 1970s and early 1980s, the government made moderate cuts by restructuring its pension formula and by delaying and lowering the annual pension adjustment. The value of unemployment benefits and unemployment assistance was reduced along with universal child benefits, social assistance and housing benefits (Starke, 2008, p. 159).

All of these legislative attacks and cuts took place at a time when corporate profits were rising steadily, due in large part to globalisation – the ‘second bourgeois revolution’ (Teeple, 2000, pp. 155-164) – which significantly limited the state’s authority over national policy, altered the structure of the working class and redefined the possibilities of working class resistance. While the corporate sector began to confidently assert its interests across the globe with the help of an ‘enabling framework’ consisting of supranational agencies and institutions like the World Bank, International Monetary Fund and World Trade Organization, an increasingly disorganised working class was left to wallow in the memories of the Keynesian postwar era (Clarke, 1990, p. 2). In this supranational space where the rights of capital were being codified, monitored and enforced, the rights of labour had no significant practical meaning. Capital had both a national and supranational regulatory framework, while organised labour had only the national and even that was in decline. As the embodiments of national property relations, trade unions were unable to move beyond the limits of the national forms in which they had developed, leaving them with no formal institutional mechanism for representation and expression to challenge a system of production and distribution that transcended national borders (Teeple, 2000, p. 199). The limits of the national form of trade unions, then, ensures that their actions stay confined within the limits of global capital.

The dismantling of the welfare state and the retrenchment of collective bargaining and national labour laws also corresponded with the ILO's waning influence, legitimacy and authority. The ILO's standard setting activities and efforts to update conventions stalled as it was confronted by a hostile economic, political and legal environment that was no longer conducive to maintaining let alone expanding labour rights. The declining power of organised labour (the main driving force behind the formulation and adoption of ILO standards in the interwar and postwar periods) meant that the workers' group had no further bargaining leverage and therefore was in no position to affect a return to some form of the post war accord. It also did not help the workers' group that socialist and communist ideas were being systematically demonised by the corporate media and state officials who associated them with "corrupted state-capitalist regimes whose record on social welfare, workers' rights, political accessibility, civil liberties and pollution compares badly with the liberal-democratic, capitalist regimes of the West" (Teeple, 2000, p. 150). Indeed, by the end of the 1980s, the theory and practice of socialism had lost much of its appeal as an alternative to capitalism for the working class and therefore ceased to be a significant motivating factor in labour reform politics (Teeple, 2005, p. 119). The workers' group had no coherent response to these problems and signs of its declining power were increasingly evident everywhere, even in the ILO's administrative body which was facing a budgetary crisis of its own and desperately trying to attract funds from the World Bank, an institution that was committed to undermining the power of organised labour via structural adjustment programs. And while in the postwar decades the ILO promoted social rights that required the transfer of income from capital to labour (since the former would pay for benefits through insurance contributions and taxes), these standards were no longer financially or politically feasible in a "globally organized and managed free trade/free enterprise economy pursued by a largely unaccountable political and economic elite" (McMichael, 2008, p. 338). A growing section of the working class did not have the kind of employment that provided such benefits and the ILO could not recommend any other alternative mechanisms (Standing, 2009, pp. 91-92).

The coming of globalisation and the triumph of pro market forces over politics points to the need to re-examine the nature of countervailing demands and the means available to the working class to struggle for and achieve them in a world that is starkly

different from the one that existed immediately after the war. The emergence of new corporate forms, the changing structure of the world's wage-earning working class and the declining power of organised labour means that resistance in all its forms needs to be rethought and restrategised for a new age (Teeple, 2000, p. 199).

Nowhere has this been more apparent than in the case of the international trade union movement. Since the 1960s, international trade unionism has been confronted by new challenges which have forced it to review its aims and activities. Some of the more significant ones include: the process of decolonisation, the new global division of labour, the emergence of supranational trading blocs (e.g. European Union, NAFTA, ASEAN, and Mercosur), the collapse of 'actually existing socialism', the rise of feminist movements, the growing number of 'new workers' in the periphery and semi-periphery (many in forms of self-employment, precarious jobs or debt bondage), the electronics revolution, the growth of foreign direct investment in the developed and less developed countries, the increasing role and activities of non-governmental organisations in labour affairs (e.g. regulation of child labour), establishing relations with the All China Federation of Trade Unions, and mobilising a large membership base with limited financial resources (van der Linden, 2008, pp. 278-282). Effective resistance on the part of the international trade union movement can only be mounted on the basis of an understanding of these challenges and conditions.

While the means of struggle for labour have significantly changed since the 1970s, the reason for the struggle, however, remains very much the same. Because the root of the conflict stems from contradictory demands and rights, there can be no permanent solution without doing away with the classes that assert, consolidate, defend and extend them. In this society, there can only be the domination of the many by the few, with the possibility of time limited reforms. This was the case with the achievement of the Keynesian welfare state, which "represented a passing historical appeasement in the contest between conflicting rights" (Teeple, 2005, p. 164). While various groups and movements have stepped up to question and challenge the neoliberal agenda and workers continue to have some capacity to organise dissent and try out new solutions, attempts to re-establish the post-WWII accord between labour and capital seem unlikely to succeed. The preconditions that made the welfare state possible in the industrial

centres of the world have been in decline for several decades and as long as the global economy is driven by the activities of global corporations and overseen by a supranational regulatory framework that plays a salient role in articulating and enforcing the rights of capital accumulation beyond national boundaries, national working classes will continue to face huge obstacles in achieving, defending and extending their rights.

Resistance, however, will always be present whenever there are unequal power relations. Since the 1980s, we have witnessed significant resistance to the assertion of global corporate rights by different classes, groups and strata in almost every part of the world. At the same time that transnational corporations assert and consolidate their rights, there are demands and protests against them by democratic forces. The possibilities to protest, resist and mitigate exploitation, therefore, coexist with exploitative production relations (Offe, 1985, p. 152). The class struggle from above, then, has not gone on uncontested; the transgression and negation of working class rights have not escaped public debate; neoliberalism has encountered some forms of popular resistance (even in the form of less explicit and direct action) which can interrupt or slow their implementation; and progressive policies are sometimes enacted in order to ameliorate the worst effects of unbridled markets (Pineault, 2014, p. 99).

Legislative measures to restrict and eliminate the labour standards that were won in the postwar era were rationalised as inevitable; 'there is no alternative' the working classes were told, as if they would passively accept the dictates of capital. It is no surprise that the imposition of neoliberal austerity policies continues to spark widespread resistance and popular mobilisation against the state apparatus and corporate power. The working classes too have no alternative but to resist and fight as the history of the last two centuries clearly shows.

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