

This text is the English version of chapter 6 of my book manuscript in progress which will be published by Löcker Verlag, Vienna (in German). A less extended development of the issues covered in this chapter will be published in English as ‘The International Labour Organization, transnational women’s networks, and the question of unpaid work in the interwar world’, in: Clare Midgley, Judith Carlier, and Alison Twells (eds) *Women in Transnational History: Gendering the Local and the Global* (Routledge, forthcoming 2016).

***Chapter abstract:***

Focusing on international labour policy, Chapter 6 addresses, from a global perspective, the complex relationship between ‘free’ and ‘unfree’ (wage) labour on the one hand, and (unpaid) labour for social reproduction on the other.

In the interwar period, within the ILO’s international policies of unpaid work, and the related transnational debate in which international women’s organisations played an important role, three elements can be identified: The first comprised the protection of motherhood at work – maternity policies directed at women workers prior to and after confinement. The second element addressed the question of material support for the (otherwise) unpaid care activities carried out by woman workers, by other women, or by families – family policies. These two elements belonged to the group of policies which emerged with reference to ‘free’ labour in the industrialized world; the related labour standards were framed in such a way that, in principle, they could also have been implemented in contexts where ‘unfree’ labour was employed. The third element concerned the regulation of the relationship between unpaid work within the ‘native’ community and paid ‘unfree’ work in non-self-governing territories – subsistence policies.

‘Thinking together’ as elements of a common global politics of unpaid labour these different standards and approaches touching on unpaid labour reveals otherwise invisible transnational connections that were constitutive of the emerging gendered global governance in the arena of labour policy. In addition, such ‘thinking together’ sheds new light on the precarious status of social reproduction in modern capitalist society and on its precarious relationship with both ‘free’ and ‘unfree’ labour.

**Ch. 6:**

**Mothers, families and communities in a divided world: the question of unpaid work <sup>1</sup>**

This chapter addresses the development of gendered international labour policy which touched upon the question of unpaid labour in the service of social reproduction. I explore how these international policies on unpaid work were developed by the International Labour Organization (ILO) with reference to broader transnational arguments and debates. Women’s committees and organisations were prominently represented in related transnational activism, and

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<sup>1</sup> I am grateful to Kathryn Kish Sklar and Clare Midgley for their comments on earlier versions of the present text. These conversations helped me make my argument clearer and more explicit. I am also grateful for Clare Midgley’s help in editing the related forthcoming book chapter in English; her many suggestions and interventions have proved helpful in finalizing the present text.

in the unfolding transnational argument on unpaid labour. The international and policies of unpaid work thus constituted were characterized by divergent standards and approaches as they related to two unequal worlds of paid work: to ‘free’ wage labour as originating in the industrial revolution in the Global North and increasingly spreading over the globe, and to ‘unfree’ labour in the Global South originating for the most part in the economic policies of the Western imperial powers. I argue that ‘thinking together’ as elements of a common global politics of unpaid labour these different standards and approaches reveals otherwise invisible transnational connections that were constitutive of the emerging gendered global governance in the arena of labour policy. In addition, such ‘thinking together’ sheds new light on the precarious status of social reproduction in modern capitalist society and on its precarious relationship with both ‘free’ and ‘unfree’ paid labour. My chapter, in other words, aims to develop a more inclusive framework for thinking about gendered global labour history by foregrounding the international policies of unpaid work as they related to different world regions and to free and unfree labour.

The ILO in the interwar period was strongly dominated by the major European powers, many of whom ruled over large overseas empires. The organisation pursued its policies on unpaid labour within the framework of two distinct sets of international labour standards. A first group of standards emerged in response to the conditions of free labour in the industrial and industrializing countries, still predominantly located in the Northern Hemisphere. In the period from the late 1920s to the outbreak of World War II, the ILO then developed a second set of international instruments aimed at restricting and regulating particularly oppressive forms of labour to which non-white populations in the Southern Hemisphere – including colonies, the mandates of the League of Nations and a number of ‘special’ countries – were subjected. These forms of labour, which involved forced and contract labour in particular, were commonly associated with the term ‘unfree’ labour performed by non-white workers, whereas the ILO throughout the interwar period addressed them as ‘native’ or ‘indigenous’ labour; the related standards were deemed as referring to ‘special’ circumstances.<sup>2</sup> ILO labour standards belonging to both of these sets of instruments were in principle conceived of as globally applicable, while

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<sup>2</sup> The term ‘native’ was widely used by the ILO, but not in its international labour standards, among other reasons because ‘many peoples whose conditions of labour are analogous to those of “natives” are not usually termed “natives”, and indeed would resent the application of the term to themselves, and on the other hand, there are “natives” who enjoy superior conditions of labour not usually thought of when the term “native labour” is employed’. See International Labour Conference (hereafter ILC), *Twelfth Session Geneva 1929, Forced Labour, Report and Draft Questionnaire*, Geneva: ILO, 1929, p. 1. The ILO similarly avoided racialization in its legal language while it was clear that the organisation in this context dealt with deeply racialized labour relations, see footnote 92; for the introduction of the term ‘indigenous’ in the instruments on ‘native’ labour from 1936 onwards, see footnote 91. Reference to ‘special circumstances’ was made already in the Constitution of the ILO which originally formed a part of the Paris Peace Treaties of 1919. The Versailles Treaty, Part XIII ‘Labour’. Online. Available HTTP: <<http://avalon.law.yale.edu/imt/partxiii.asp>> (accessed 15 December 2014).

ILO Conventions became binding for a given territory only if the relevant authority decided to ratify them.

In this context, three elements of the international policies of unpaid work can be identified. The first comprised the protection of motherhood at work – maternity policies directed at women workers prior to and after confinement. The second element addressed the question of material support for the (otherwise) unpaid care activities carried out by woman workers, by other women, or by families – family policies. These two elements belonged to the group of policies which emerged with reference to free labour in the industrialized world; the related labour standards were deemed ‘universal’, and framed in such a way that, in principle, they could have also been implemented in contexts where unfree labour was put to use. The third element concerned the regulation of the relationship between unpaid work within the ‘native community’<sup>3</sup> and paid work in non-self-governing territories – subsistence policies. These formed part of the second set of ‘special’ standards, which addressed extremely oppressive labour relations to which non-white populations were frequently subjected.

My analysis of how the international policies of unpaid work related to free and unfree labour is inspired by the insight that labour for social reproduction has been the constitutive ‘other’ of paid labour, and thus of both free and unfree labour, in the modern world. However, the relationship between unpaid work and paid labour has been asymmetric, variegated, and fraught with tension, and these tensions have had an important impact on the shape and development of free and unfree labour. The involvement of individuals, many of them women, in unpaid work has served to construct them as unreliable, or not fully available workers, a fact that in turn has contributed to their precarious status in the world of paid work. In parallel, unpaid work has served as a means allowing employers and societies to keep the cost of social reproduction, and thus wages to be paid and social expenditure, low. Finally, involvement in paid labour has tended to result in tremendous pressure on the work performed in the sphere of social reproduction. In industrial countries, measures aimed at easing that squeeze as a rule implied costly transformations of women’s unpaid into paid care work. In regions with functioning subsistence agriculture, and thus a sphere of social reproduction relatively or partly independent from paid labour, the squeeze could also be eased by reducing the amount of paid work that was performed, a fact that in many cases has had visible repercussions in terms of particular forms of unfreedom in the world of paid work.

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<sup>3</sup> While this term did not appear in the legal language of the ILO, it was used in official publications of the International Labour Office, such as for example *ILC, Nineteenth Session Geneva 1935, The Recruiting of Labour in Colonies and in Other Territories with Analogous Labour Conditions, Report IV*, Geneva: ILO, 1935, p. 104.

This chapter will demonstrate how these tensions between paid and unpaid work lay at the core of the development, and the contention over, the international policies of unpaid work. Each of the following three sections is dedicated to one of the three core elements of these policies.

### **6.1. Motherhood at work: de/constructing the social meaning of maternity protection for the woman worker**

The *Convention concerning the Employment of Women before and after Childbirth* (the Maternity Protection Convention, or C3) was one of six international labour standards adopted by the first international conference of the newly established ILO in Washington in 1919. C3 belonged to the large group of ILO labour standards which, while conceived of or defined as universal, had their origins in labour conditions in the industrialised world. The Convention prescribed, for woman workers in all non-family businesses in both industry and commerce but not in agriculture: six weeks of compulsory leave after confinement; up to six weeks of leave before confinement upon production of a related medical certificate; medical care in confinement; dismissal protection during the period of leave; a minimum standard of compensation for the loss of earnings during the leave, to be paid from social security or public funds; and last but not least, breaks at work for nursing mothers.<sup>4</sup>

The first ILO instrument which negotiated the relationship between paid work and unpaid labour thus conceived of maternity as a sex-specific obstacle to, or handicap at, paid work. To protect the women concerned, C3 called for compulsory temporary exclusion of those woman workers facing the handicap of maternity from the active labour force, and their material support during this period. In confining the welfare aspect of its provisions to women engaged in paid employment, the Convention ensured that its focus, while construing work and care as mutually exclusive, was on paid work. This arrangement, by implication, contributed to keeping ‘all other forms of care ... invisible to industrial regulation’ on the international level<sup>5</sup>. In addition, C3 ruled out the option that decision-making in relation to maternity-related leaves of absence would be left to collective bargaining or the women themselves. While indeed state-centric in this regard,<sup>6</sup> C3 was indecisive as to the question whether employers would – for example through insurance

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<sup>4</sup> All ILO Conventions and Recommendations are available on ILO, NORMLEX. *Information System on International Labour Standards*. Online. Available HTTP: <<http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12000:0::NO::>>. All quotations from ILO instruments and factual information about the contents of these instruments are taken from this source.

<sup>5</sup> J. Murray, ‘The International Regulation of Maternity. Still Waiting for the Reconciliation of Work and Family Life’, *International Journal of Comparative Labour Law and Industrial Relations* 17, 2001, 1, 25-46, p. 29.

<sup>6</sup> Murray, ‘International Regulation’, pp. 28-9.

schemes – at least indirectly co-finance the maternity benefit or whether funding should come directly from the tax payers and thus from society at large, and through the state.

The International Labour Office conceived of the Maternity Protection Convention as a minimum standard and a core piece of its program of sex-specific labour protection for working women. For the Office and those others groupings within the ILO who supported the maternity policies enshrined in the Washington Convention it was out of the question, and unproblematic in principle, that there were ‘consequences in the field of labour of the physical differentiation between men and women.’<sup>7</sup> From their point of view, C3 simply acknowledged the inevitable social implications of this fact in the world of work, and sought to ease their consequences for the woman worker by creating a set of social circumstances which were favourable to her and eased the tension between childbirth and paid work.

For a long time, Albert Thomas, the Director of the International Labour Office, was convinced that C3 would not and could not ever be involved in the ongoing argument on special protection for women versus legal equality between the sexes in international labour law. This was so because C3 referred to maternity as a given based on sexual difference, and because the methods chosen in the Convention for dealing with the consequences of this difference in the world of paid work simply could not be subject to critical interrogation. Even ‘the partisans of absolute equality’, argued Thomas in his 1928 Report to the International Labour Conference, ‘are obliged to recognise ... that maternity is an inequality imposed by nature itself’ and that ‘the need of protecting motherhood is probably one of those questions on which everyone should easily agree. It would appear that this end could not be better served than by a Convention prohibiting work before and after childbirth’.<sup>8</sup>

Conceived of as one element of the emerging international politics of unpaid work, C3, while disentangling maternity from the continuum of unpaid work shouldered in a disproportionate manner by women, aimed to ease the tension between (this one element of) unpaid work and paid labour without calling into question the fundamental subordination in modern society of the necessities of care and subsistence-oriented work to the necessities of paid work.<sup>9</sup>

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<sup>7</sup> ILO, *Women's Work under Labour Law. A Survey of Protective Legislation* (Studies and Reports. Series I, no. 2), Geneva: ILO, 1932, p. 1. This statement was quoted and thus repeated, without any classification or comment, in ILO, *Law and Women's Work. A Contribution to the Study of the Status of Women* (Studies and Reports. Series I, no. 4), Geneva: ILO 1939, pp. IIX-IXX.

<sup>8</sup> League of Nations (hereafter LoN), *ILC, Eleventh Session Geneva 1928*, vol. 2, *Report of the Director Presented to the Conference*, Geneva: ILO, 1928, pp. 60, 147. See similarly LoN, *ILC, Seventh Session Geneva 1925, Report of the Director*, Geneva: ILO, 1925, p. 294.

<sup>9</sup> Various branches of feminist scholarship have contributed to making visible and critically interrogate this asymmetric relationship, including scholarship on the welfare state and maternalism, development studies, and the past and present of paid and unpaid care or subsistence work in various

Yet Thomas' hope that the ILO's maternity legislation could be kept out of the conflict over special labour protection for women was to be frustrated. From the late 1920s onwards the International Labour Office was confronted with mounting and increasingly internationally concerted and organized criticism of all elements of its sex-specific labour standards. The Open Door International (ODI, founded in 1929), backed by the Equal Rights International (ERI, 1930/1931) – an organisation which aimed to bring about an all-encompassing international equal rights treaty – pursued a politics of strict legal equality in labour law and was especially vocal in voicing this critique. The campaign for legal equality pursued by these new organisations contributed to the evolvment of an elaborate transnational argument on international labour law, which engaged the ILO and some of its close associates, and many international women's organisations and networks, including socialist and non-socialist groups. Within this context, the ILO's maternity policies, contrary to Albert Thomas' hopes, came under direct attack from 1930, when the Swedish government intervened with the Governing Body of the ILO so as to bring about revision of C3. The Governing Body at this time had to address the question whether or not revision of the Maternity Protection Convention should be contemplated. The related Swedish Memorandum which was laid before the Governing Body in fact challenged prohibition, preferring 'the principle of proving the necessity of the leave' by a doctor's certificate over a predetermined prohibition period before as well as after confinement: 'it should perhaps be incumbent upon the woman to show by a doctor's certificate that she is in need of the leave of absence applied for'.<sup>10</sup>

Albert Thomas, at the meeting of the Governing Body, made clear that for the International Labour Office, contemplating revision of the Maternity Protection Convention was

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contexts. Examples of informative discussion are N. Kabeer, *Reversed Realities: Gender Hierarchies in Development Thought*, London: Verso, 1994; E. Boris, C. Herbst Lewis, 'Caregiving and Wage-Earning. A Historical Perspective on Work and Family', in M. Pitt-Catsouphes, E. Ernst Kossek and S. Sweet (eds) *The Work and Family Handbook. Multi-disciplinary Perspectives, Methods, and Approaches*, Mahwah, London: Lawrence Erlbaum Associates Publishers, 2006, 73-97; 'Editors' Introduction', in G. Bock and P. Thane (eds) *Maternity and Gender Policies. Women and the Rise of the European Welfare States, 1880s-1950s*, London, New York: Routledge, 1991, 1-20; S. Michel, 'Maternalism and Beyond', in M. van der Klein, R. Jo Plant, N. Sanders and L. R. Weintrob (eds) *Maternalism Reconsidered. Motherhood, Welfare and Social Policy in the Twentieth Century*, New York, Oxford: Berghahn Books, 2012, 22-37. Global perspectives, which systematically think-together divergent constellations of paid and unpaid labour in an unequally developing world, and include a gender perspective, are less frequent. Examples include V. Spike Peterson, *A Critical Rewriting of Global Political Economy: Integrating Reproductive, Productive and Virtual Economics*, London, New York: Routledge, 2003; V. Bennholdt-Thomsen and M. Mies, *The Subsistence Perspective. Beyond the Globalised Economy*, London, New York: ZedBooks, 1999; A. Komlosy, *Arbeit. Eine globalhistorische Perspektive, 13. bis 21. Jahrhundert*, Vienna: Promedia, 2014.

<sup>10</sup> *Minutes of the 49<sup>th</sup> Session of the Governing Body of the International Labour Office, Geneva, June 1930*, Geneva: no publisher given, 1930, p. 103. It was laid down in C3 that the Governing Body of the International Labour Office had to report at least once in ten years on the working of the Convention and consider whether or not it should come up for revision. LoN, ILC, *Fifteenth Session Geneva 1931, Report of the Governing Body of the International Labour Office upon the working of [C3]*, Geneva: ILO, 1930, p. 4.

simply 'impossible'. In his view 'differences of opinion on the principle' could not exist in the case of the Maternity Protection Convention. With implicit reference to the parallel struggle over the Night Work (Women) Convention he also argued that no difficulties of interpretation had occurred. Last but not least, Thomas added that contemplating revision at this point would possibly 'compromise the whole work of ratification'. By 12 votes to five the Governing Body decided not to place revision of the Maternity Protection Convention on the agenda of the International Labour Conference.<sup>11</sup>

The initiative of the Swedish government was not to be the only challenge to the Maternity Protection Convention. This initiative had aimed to individualize and make more flexible the protection measures contained in the Convention, and thus had been dismissed especially by the workers' representatives as simply weakening the existing standard.<sup>12</sup> The Open Door International came up with a more definite and far-reaching alternative to the ILO's maternity policies. One element of this alternative had already been brought to the attention of the International Labour Office in the 1920s. The Office was closely involved in 1928 in an argument amongst British women's organisations about protective labour legislation. The Open Door Council, a British organisation founded in 1926, had made plain in this context that it was 'opposed to that part of the Washington Maternity Convention which forbids a woman to decide for herself whether or not she shall engage in paid work. We would not be opposed to a provision which gave her maintenance, subject to her deciding to give up her paid work. Such a provision would recognize a woman's inherent human right to decide for herself.'<sup>13</sup> In this perspective any benefit aimed at enabling full-time care had to be conditional on the woman worker's own decision to withdraw temporarily from the workforce. Only in 1935, after repeated alterations and conflicts, did the ODI manage to arrive at a definitive statement of its maternity policy, described as 'the result of years of long and careful thought'.<sup>14</sup> This script went further in terms of equalizing the status of male and female workers within the world of paid work. The assumption 'that nothing could help the mother as a worker, vis-à-vis the employer, which put

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<sup>11</sup> *Minutes 49<sup>th</sup> Session Governing Body June 1930*, pp. 495-500.

<sup>12</sup> *Minutes 49<sup>th</sup> Session Governing Body June 1930*, pp. 495, 499.

<sup>13</sup> Restrictive Legislation and the Industrial Woman Worker. A Reply by the Open Door Council to the Statement by the Standing Joint Committee of Women's Industrial Organisations, printed brochure (February 1928), and other documents contained in D 611/2010/01, International Labour Office Archives (hereafter ILOA). The Office had been directly informed as early as 1920 about a resolution adopted by the British National Union of Societies for Equal Citizenship according to which 'legislation with regard to pregnancy should be on the lines not of forbidding women to select their own work but to providing for them such economic conditions as should make it possible for them to give birth to their children without facing either ill-health or starvation.' Fabian Society (Women's Group), Secretary to Captain W. Sanders, and attachment 31/12/1920, WN 12/25/2, ILOA.

<sup>14</sup> ODI, Report of the Fourth Conference in Copenhagen, August 19<sup>th</sup>-23d, 1935, p. 34, Pamphlet Collection, Women's Library @ LSE (hereafter WLL).

her in a different position from that of other workers'<sup>15</sup> formed its point of departure. Starting from here, the ODI came up with four interrelated fundamentals. Firstly, labour law was to handle pregnancy and confinement in the same way as other incapacitations for work. '[T]he position of the woman worker who is pregnant, or has just borne a child, and who is incapacitated for her usual work ..., should be assimilated in law, particularly as regards insurance, to that of any worker who is incapacitated for his usual work on account of accident, or illness; and where a medical certificate is required in the one case, it should also be required in the other.'<sup>16</sup> Following one of the core principles informing its overall policy,<sup>17</sup> the ODI would not declare itself as to the preferable form or scale of the related rights or benefits. Secondly, the organisation, as the Open Door Council had done earlier, came out against any compulsory leave of absence, as this would curtail the right of the adult woman 'to decide for herself whether or not she shall engage in paid work,' result in loss of earnings, and drive women into other types of burdensome work.<sup>18</sup> Individual choice and the autonomy of each adult woman to conclude contracts without gender-specific restrictions of such freedom were at the heart of this vision. Thirdly, the ODI rejected all maternity-related regulations which would 'place special burdens on a woman's employer,' among them maternity-related dismissal protection, nursing time deduced from regular working hours, facilities at the workplace for women nursing their child, and regulations about (partial) wage continuation in the case of women's absence due to maternity. The reason was that these burdens, in practice, would 'be borne by the woman herself,' because any given employer inevitably would activate the well-known 'code on which he acts' when confronted with such provisions, by not hiring women, dismissing women upon the first sign of pregnancy, and paying them lower wages.<sup>19</sup> Fourthly, the ODI explicitly excluded from its program maternity- or motherhood-related benefits other than those that might be given to childbearing women in direct connection with their status as incapacitated workers, especially through social insurance systems.<sup>20</sup>

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<sup>15</sup> ODI, Report 1935, p. 34, Pamphlet Collection, WLL.

<sup>16</sup> ODI, Report 1935, p. 60, Pamphlet Collection, WLL.

<sup>17</sup> While sympathetic to (gender-neutral) labour protection in principle, the ODI avoided at all times declaring itself in favour or against a certain measure of labour protection when asking for legal equality of the sexes in labour law. For an analysis of this strategy see S. Zimmermann, 'Night Work for White Women, Bonded Labour for Women of Colour? Contentious Traditions and the Globalization of Gender-Specific Labour Protection and Legal Equality Politics, 1926 to 1939', in S. Kimble and M. Röwekamp (eds) *New Perspectives on European Women's Legal History*, Milton Park and New York: Routledge, in print preparation, forthcoming 2015.

<sup>18</sup> Resolution adopted 1935, as printed in ODI, Report 1935, p. 58, Pamphlet Collection, WLL (quote in italics in the original).

<sup>19</sup> ODI, Report 1935, pp. 29-34, 57-9, Pamphlet Collection, WLL (quotes in part in italics in the original).

<sup>20</sup> ODI, Report 1935, pp. 8, 57-8, Pamphlet Collection, WLL (quotes in part in italics in the original). A 1931 Resolution had declared that 'benefits in the interest of a child in connection with its

The formula thus carved out by the ODI was remarkable when read against both the organisation's overall program for creating gender-neutral labour law and the ILO's position regarding maternity-related labour protection. It is most probably the only instance when the ODI, in devising its demands for gender-neutral labour law, conceded that the law needed to reflect on or relate to pre-given sexual difference, namely to the fact that 'maternity places a disability on industrial workers'.<sup>21</sup> At the same time the ODI, in stark contrast to the ILO's approach, aimed to rebuild labour law in such a way that the social consequences of maternity as a pre-given sex-specific function would not assume any gender-specific social meaning in the world of gainful employment. In other words, in the world of paid work maternity, treated as a temporary 'incapacity' to work, would not socially or legally differentiate women. Rather than to reconcile women's paid work and maternity, as was the aim of C3, which in doing so constructed the woman worker as a category distinct from the male worker, the idea was to free women's paid work from the burden of maternity and thus to avoid, by assimilating female and male work, the construction of women as a separate category of workers. Any material support providing for the material needs of the new-born child or its family that was not exclusively linked to the woman worker's 'incapacity', belonged to a different set of policy measures; such measures –for example policies enabling the mother to temporarily leave paid work to do care work – were not to be discussed in the context of legal provisions for women (and men) engaged in paid work.

When confronted with the ODI's original initiative 'against the Maternity Convention', launched by the new organisation upon foundation in 1929, ILO Director Albert Thomas in an internal document characterized this action as an 'absurdity, and, so I take the liberty to say, a monstrosity'.<sup>22</sup> In 1930 Thomas declared publicly that because of the 'evil effects of industrial work on the health of working mothers when the conditions were not subject to regulations' he was not willing 'to accept any arguments against the value of a Convention for the protection of maternity such as had been put forward by certain feminist groups.'<sup>23</sup> Yet while in 1930 the *International Labour Review*, the professional journal published by the International Labour Office, still gave space to how the ODI's itself represented its position as regards maternity policy for

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birth' were 'to be provided for in the child welfare legislation of a country', ODI, Second Conference, Stockholm, August, 1931, Resolutions Adopted, pp. 9-11, Pamphlet Collection, WLL.

<sup>21</sup> This was how a statement made by ODI Honorary Secretary Winifred Le Suer was given in The Vote, 4 December 1931, WN 1000/6/19, jacket 1, ILOA.

<sup>22</sup> This statement most likely was Albert Thomas'. Memo to M. Phelan 04/09/1929, WN 1000/7/1, ILOA, jacket 1 (French in the original).

<sup>23</sup> Reception of Delegation from the Equal Rights International by the Director (30 September 1930) (incl. quote); Equal Rights 15 (1930) Nr. 42, 25. October 1930, both in WN 1000/18/1, jacket 1, ILOA.

working women,<sup>24</sup> in 1935 when the ODI came up with its definitive statement on maternity of working women, there was no tangible resonance any longer.

The ILO could build with regard to its maternity policies on far-reaching principle support by many international women's organisations and committees (other than the ODI), and the international trade union and socialist movements and organisations. The ILO managed throughout the interwar period and beyond to ward off all attacks against the standards set by the Maternity Protection Convention. The International Labour Office combined a number of argumentative strategies to support these policies. The Office construed the Convention as a standard which was needed because of the bodily difference of women. In addition, C3 was in a most elementary sense about 'ensur[ing] the well-being of future generations' and 'safeguard[ing] the health of both mother and child'.<sup>25</sup> C3 thus was not simply or not only a labour standard but rather a humanitarian intervention. The fact that this standard in substance enabled women's entrance into and comparatively trouble-free participation in the world of paid work at times and in certain contexts seemed to evaporate against the emphasis on these reifying arguments.

As a result of these combined factors, C3 remained set in stone until it was revised in 1952. It belonged to the large group of ILO labour standards which, while conceived of or defined as universal, were definitely linked insofar as their origins were concerned with the industrial world. At the same time, from the point of view of the International Labour Office, C3 belonged to a small group of mostly women-specific standards considered as humanitarian core or minimum standards, the ratification or application of which the Office promoted especially in the 'backward' regions of the world.<sup>26</sup> In this way C3 operated as an instrument which both internationalized and globalized a particular gender policy based on a particular conceptualization of the relationship between unpaid work and paid labour that had strong roots in the industrial countries of the Global North.<sup>27</sup>

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<sup>24</sup> The *International Labour Review* printed (most likely in full length) a note it had received from the ODI, in which the organisation protested against the misrepresentation in the journal of its position with regard to maternity leaves and maternity grants before and after confinement. *International Labour Review* 21, 1930, February, pp. 217-8.

<sup>25</sup> ILO, *Law and Women's Work*, p. 16.

<sup>26</sup> I do not discuss this dimension of the ILO's maternity policies in this chapter. See S. Zimmermann, "'Defenceless' Workers in the Global South, 1919-1939", in E. Boris and S. Zimmermann (eds) *Women's ILO. Transnational Networks, Working Conditions and Gender Equality*, Houndsmills, Basingstoke and Geneva: Palgrave Macmillan and ILO, forthcoming.

<sup>27</sup> Scholarship focusing on (aspects of) the policies on unpaid work and critically addressing how implicit and explicit reference to the Global North and the Global South has shaped gendered international governance, is rare. Recent examples include Shahra Razavi, 'Governing the Economy for Gender Equality? Challenges of Regulation', in G. Caglar, E. Prügl and S. Zwingel (eds) *Feminist Strategies in International Governance*, London, New York: Routledge 2013, 217-32; V. Spike Peterson, 'Rethinking Theory', *International Feminist Journal of Politics* 14, 2012, 1, 5-35.

The International Labour Office managed to effectively ignore alternative visions that insisted that it was possible, and good for woman workers, not to bestow social meaning on bodily sexual difference. Demands for more flexibility, individualization and women's choice, which were supported by a variety of groups in Europe and the US, were dismissed as lowering the standards of protection, i.e. widening the class gap in the world of work. The ILO, in other words, trusted that if labour – with the support of the ILO – was politically strong then employers could not turn the fact that the woman worker was constructed as different into woman workers' discrimination on the labour market and at the work place. In contrast, those opposed to constructing the woman worker as different felt that it was impossible to avoid this consequence, and some of them were prepared to tolerate the lowering of labour standards in order to avoid such result.

Another challenge arose from the neighbouring thematic area of family allowance policy broadly defined, with regard to which there were deep divisions among women's networks and organisations which cultivated an interest in women's work. With regard to some border areas between maternity policy and family policy, these divisions had made themselves felt in relation to the ILO early on. For example, the International Labour Conference in 1919 had rejected without discussion the motion put forward by the British trade unionist Mary R. Macarthur to not include the provision on nursing breaks in the Maternity Protection Convention.<sup>28</sup> This incident prefigured the struggle over family policies, which would haunt the ILO and the international organisations operating in its orbit for many years to come.

## **6.2. Taking care of the family: how women's unpaid work did not enter international labour law**

With an implicit focus on industrial countries, the ILO in the early years deliberated possible international action that would, directly or indirectly, attach a measurable value to women's unpaid care work insofar as it related to the care for children, and construe it as a (partial) alternative to wage work. Already before World War I, related ideas had been advocated under the label of motherhood endowment or motherhood insurance in the sphere of the women's movement in particular. During the War and in the interwar period, the cause was taken up by much more diverse political actors and discussed and implemented predominantly under the label of family allowances.<sup>29</sup> This section discusses how the ILO became involved in this

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<sup>28</sup> LoN, *ILC, First Annual Meeting October 29, 19 – November 29, 1919*, Washington: Government Printing Office 1920, pp. 177-8, 244-5, 269.

<sup>29</sup> S. Pedersen, *Family, Dependence, and the Origins of the Welfare State*, Cambridge: Cambridge University Press, 1993, part I and II; various contributions in Bock and Thane, *Maternity and Gender Policies*; B. Studer, 'Familienzulagen statt Mutterschaftsversicherung? Die Zuschreibung von Geschlechterkompetenzen im

sphere of action in the early days, how this involvement was reduced to the mere monitoring of certain forms of family benefits as existing in national contexts, and how and why the ILO in the interwar period did not commit itself to the internationalization of such family policies, policies which would have challenged both the subordination of unpaid work to paid work and the disregard for the material value of unpaid work in the industrial world. When contrasted to the policies over unfree labour in the Global South, discussed in the following section, it will become apparent that the difference between how paid labour related to unpaid labour in the context of industrial societies as opposed to subsistence-based societies plays a key role in explaining the ILO's stance.

The idea of motherhood endowment and family allowances involved a whole range of principle benefit schemes. Institutionally, these visions ranged from insurance schemes through state pension schemes to schemes involving employers' responsibilities, with the latter in some cases closely related to the neighbouring concept of the family or male breadwinner wage. These schemes differed widely in how they defined the beneficiary. Some aimed to include all women or all families, others focused on working women or working class families, still others addressed mothers without resort to a male bread winner. There were different visions as regards the level and period of support and the relationship between the benefit and women's paid work. The benefit might simply contribute to the material cost of bringing up children, or it could allow full-time or part-time motherhood as a (partial) alternative to female wage-earning for a shorter or longer period of time, with the latter arrangements simultaneously lowering the material cost of upbringing otherwise incurred. While feminists explicitly construed the allowances as 'attach[ing] value to women's unpaid work' and a means to fight women's and children's poverty, the motives of other actors included population policy, the endeavour to control wages, and others.<sup>30</sup> What connected all of these ideas was that they acknowledged and focused on the investment of adults in the upbringing of children, and this rationale clearly differed from the rationale of maternity policy as constituting the core of C3, which conceived of advanced pregnancy and confinement as a temporary obstacle to women's paid work, the enabling of which was its principle focus.

The ILO concerned itself from the very beginning with family policies as differentiated from maternity policy in this way. The International Labour Conference, during its first session in October and November 1919 adopted (without discussion) a resolution, proposed by the Conference commission dealing with the employment of women before and after childbirth,

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sich formierenden Schweizer Sozialstaat, 1920-1945', *Schweizerische Zeitschrift für Geschichte* 44, 1997, 151-70, esp. pp. 164-70.

<sup>30</sup> J. Lewis, 'Models of Equality for Women. The Case of State Support for Children in Twentieth-century Britain', in Bock and Thane, *Maternity and Gender Policies*, 73-92, esp. p. 88; Pedersen, *Origins of the Welfare State*, Chs 4 and 5.

which requested the member states ‘to study the question of giving every working woman the right to remain away from work after the birth of a child for a longer period than that fixed in the draft convention and of assuring to her certain benefits during her absence for the purpose of enabling her to remain with and to nurse her child.’ The resolution also proposed ‘that this subject be placed upon the agenda for the next conference’.<sup>31</sup> The even larger issue of extended benefits granted by the state to *all* women for up to six months after childbirth had also been brought up at the first convention of the International Conference of Working Women, which opened its deliberations in Washington D.C. one day before the first sitting of the International Labour Conference; the actions of the Conference of Working Women formed an important background for, and had some visible influence on how the question of women’s work was handled by the International Labour Conference. However, the demand was not discussed in substance at the Conference of Working Women.<sup>32</sup> A few months earlier, in February 1919, British trade unionist Margaret Bondfield had demanded at the International Trade Union Conference at Berne a ‘state pension’ for single or widowed woman workers so that they could ‘stay home and take care for their children’; yet the ‘Labour Charter’ which the Berne Conference proposed for insertion into the Paris peace treaties confined itself to demanding temporary leave combined with ‘maternity insurance’ for the period before and after confinement.<sup>33</sup>

These beginnings demonstrated that the organized trade union women and men and their organisations, many of whom would be important supporters and partners of the International Labour Office in the years to come, were divided over any element of support for motherhood that went beyond the regulations contained in the Maternity Protection Convention. Within the ILO, the actors concerned with the establishment of the International Labour Office explicitly conceded at the beginning of the year 1920 that the ‘problem of Maternity’ – here describing

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<sup>31</sup> LoN, *ILC 1919*, pp. 178, 244-5, 276-7.

<sup>32</sup> One of the resolutions adopted by the women’s Congress, as an element of its demands related to maternity politics requested the ILO to systematically study what were the “best methods of maternity and infant care”. I have not been able to establish whether there was any connection between this demand and the ILO Resolution quoted above. First Convention of International Conference of Working Women, National Museum, Washington, D.C., Morning Session November 4<sup>th</sup> 1919, p. 4; *Ibid.*, Morning Session November 5<sup>th</sup> 1919, pp. 4-7; Resolutions of the International Conference of Working Women 1919. I have accessed all of these documents (as contained in the Mary van Kleeck Papers, Sophia Smith Collection, Smith College) through K. Kish Sklar and T. Dublin (eds) *Women and Social Movements, International. 1840 to Present*. Online. Available HTTP: <http://wasi.alexanderstreet.com/> (hereafter WASMI). On the impact of the activities of the Women’s Congress on the Labour Conference see D. S. Cobble, ‘A Higher “Standard of Life” for the World. U.S. Labor Women’s Reform Internationalism and the Legacies of 1919’, *The Journal of American History* 101, 2014, 1052-1085, esp. pp. 1065-70. See also L. Vapnek, ‘The 1919 International Congress of Working Women. Transnational Debates on the “Woman Worker”’, *Journal of Women’s History* 26, 2014, 1, 160-84.

<sup>33</sup> Internationaler Gewerkschaftsbund, *Protokoll der Internationalen Gewerkschafts-Konferenz vom 5. bis 9. Februar im Volksbaus in Bern*, Bern: Unionsdruckerei Bern, 1919, p. 23 (German in the original). The Labour Charter is reprinted in J. T. Shotwell (ed) *The Origins of the International Labor Organization*, vol. 2, *Documents*, New York: Columbia University Press, 1934, pp. 336-340.

policies going beyond C3, i.e. family policies – ‘will no doubt prove controversial’, and that ‘the solution’ of this problem ‘by means of Conventions will raise a whole series of important questions’. As a result, they were agreed that the ‘problem of Maternity ... demands constant study’.<sup>34</sup> In other words, while, according to the written records of the International Labour Office, the generation of an additional universal international instrument intervening into the relationship between unpaid work and paid labour was indeed envisioned in principle within the ILO, the Office simultaneously found it impossible to enter into factual preparations for such an instrument.

The idea to establish a separate section within the International Labour Office concerned with ‘Women and Maternity’, while still contemplated at this point,<sup>35</sup> was soon abandoned. Within a few years the Office settled into a more restrained and uncontroversial course of action with regard to family policies. It developed a rather clear-cut focus on family allowances, defined in the ‘narrower sense’ of ‘regular payments supplementary to wages or salaries, varying according to size of family, for the maintenance of its members’,<sup>36</sup> yet kept this interest restricted at all times to systematic and sustained study of this subject. There were at least four major events or contexts which were relevant in bringing about this development or sustaining this interest.

First, the period following World War One witnessed the introduction or expansion of such schemes in a number of mostly European countries, and wide attention to this development, which resulted, among other things, in requests ‘from all quarters’ asking the International Labour Office to provide related information.<sup>37</sup>

When in early August 1923 the Office first published a somewhat elevated article about the question of family allowances, penned by the Dutch Minister of labour,<sup>38</sup> this happened in the middle of two further developments to which the Office gave close attention. In the months leading up to its third (and concluding) Congress to be held from 14<sup>th</sup> to 18<sup>th</sup> August 1923, the International Federation of Working Women (IFWW) – the short-lived international organisation of trade union women (and those identifying with their cause) which had originated with the 1919 Conference of Working Women – dealt extensively with the issue of family allowances. A ‘statement’ on this question was developed and the matter was discussed with the General

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<sup>34</sup> At this point the related Resolution adopted by the Washington meeting of the International Labour Conference was also mentioned in the ILO’s Governing Body, yet it was not taken up later. *Minutes of the Second Session of the Governing Body of the International Labour Office held in Paris, January 26-28, 1920*, no place given: ILO, 1920, pp. 30, 42-3.

<sup>35</sup> *Minutes Second Session Governing Body January 1920*, p. 30.

<sup>36</sup> Johnston to Mlle Collin 15/12/1926, I 4061/7/2 -> 4061/12/3, ILOA.

<sup>37</sup> ILO, *Family Allowances. The Remuneration of Labour According to Need* (Studies and Reports, Series D, no. 13), Geneva: ILO, 1924, p. [1].

<sup>38</sup> *Informations Sociales* 7, 1923, July-September, 172-8. Earlier the Office had confined itself to publishing information about schemes of family allowances in operation and related discourse on the national level, for example *Informations Sociales* 1, 1922, January-March, 110-1, 650-1, 703-4

Secretary of the International Federation of Trade Unions (IFTU), Johannes Sassenbach,<sup>39</sup> whilst the International Labour Office, before the Congress opening, dispatched a copy of the article it had just published to Susan Lawrence and Marion Phillips, leading figures respectively in the international networks of socialist and trade union women.<sup>40</sup> Originally it had been planned during the IFWW Congress to discuss ‘Motherhood Endowment and Family Allowances’, then rephrased as ‘payment of family allowances in addition to wages’, in a public meeting that was to involve a whole number of organisations; in the final plan for the Congress program the item was reduced to ‘Family Allowances’.<sup>41</sup> At the Congress, however, the old disunity amongst the trade union women regarding the topic was perceptible again. The Congress passed a resolution advocating the allowances as a temporary measure at best, and underlined as a key principle that they ‘should be available to all’. The Congress also called for ‘an inquiry ... into the possibility of a scheme of pensions for all children in the period during which they are normally dependent upon their parents.’<sup>42</sup> The IFWW in this way carefully avoided constructing the allowances as an alternative to women’s paid work or as a (direct) payment for women’s (otherwise unpaid) care labour.

A few months before these IFWW activities and the related interactions with the International Labour Office took shape, the Office had already been pushed by a third factor to intensify its engagement with the issue of family allowances. In January 1923 (Assistant) Professor Paul H. Douglas from the University of Chicago had approached the Office with a request for cooperation, asking for help in collecting information on the status of family allowances in various European countries for a study he was preparing; his university would provide the Office with financial compensation.<sup>43</sup> The Office responded positively to this request, claiming that ‘such an investigation had in fact been commenced, with regard to Germany and other countries with a seriously depreciated currency’,<sup>44</sup> and the cooperation was

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<sup>39</sup> IFWW. Minutes of meeting of Secretariat held on Thursday June 14, 1923 at the Fabian; Minutes of meeting of Secretariat of Working Women held on July 12, 1923 ... at the Fabian Hall, Tothill Street, Margaret Bondfield Papers, folder I, Trades Union Congress Library Collections, London Metropolitan University (hereafter TUC-LMU).

<sup>40</sup> Minute Sheet 09/08/1923, I 1061/29/1 → I 1061/33/1, ILOA.

<sup>41</sup> Minutes of meeting of Secretariat of the IFWW held on Monday March 19<sup>th</sup> 1923 (incl. first quote); IFWW. Minutes of [unreadable in my copy] London, 23 April, 1923 (incl. second quote); IFWW. Preliminary Draft. Agenda of Congress, all Margaret Bondfield Papers, folder I, TUC-LMU.

<sup>42</sup> IFWW, *Working Women in Many Countries. Report of Congress Held at Vienna, August 1923*, Amsterdam: IFTU, no year given, p. 11, WASMI; ILO, *Family Allowances*, p. [1]. In contra-distinction to other themes the ‘allowances’ were not discussed by a Congress commission, see Report of the Delegates to the First Biennial Congress of the IFWW, held in Vienna, August 14<sup>th</sup> to 18<sup>th</sup> 1923. Appendix. Copies of Reports of Commissions, and Resolutions adopted, Margaret Bondfield Papers, folder I, TUC-LMU.

<sup>43</sup> [?] to Pribram 14/02/1923; Douglas to Richardson 04/10/1924, attachment, both I 1061/29/1 → I 1061/33/1, ILOA.

<sup>44</sup> J.H.R. [Richardson] to Pribram and Butler (on Minute Sheet) 26/02/1923, I 1061/29/1 → I 1061/33/1, ILOA.

soon formally instituted.<sup>45</sup> Initially the Office concerned itself with what it called ‘an additional allowance to married men’, but it was interested from the start in ‘family allowances’ in a more generalized manner.<sup>46</sup> The Office soon informed Douglas and his co-operators that it would publish a comprehensive study on the subject, and that ‘[t]his is a matter in which they expect to be permanently interested and on which they will from time to time publish new Studies’.<sup>47</sup> Douglas initially equated the term ‘family allowances’ with a ‘system of variable wages’ and was interested in allowances of all kinds for adults of both sexes in all types of family constellations as well as for children, and in allowances financed by employers, the state or the workers themselves, etc.<sup>48</sup> The Office now engaged proactively in obtaining information about family allowances in various countries, and included questions as to whether there were – aside from children’s allowances – ‘allowances for the wife’ or ‘birth or nursing allowances’.<sup>49</sup>

One major result of the engagement of the Office with the ‘constant study’ of maternity policy beyond C3 and family policy was the publication in 1924 of the study ‘Family Allowances. The Remuneration of Labour According to Need’ and a related article published in the *International Labour Review* in the same year.<sup>50</sup> Referring – as was a general policy pursued by the International Labour Office in its publications and reports – to various authorities, i.e. statements by others, these publications gave a nuanced picture of the variety, rationale and implications of different policies in place in various European countries and Australia. An implicit and explicit focus on the male wage earner, his family of various sizes, and his wife who hopefully would not

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<sup>45</sup> Seligman to Thomas 23/03/1923; [Thomas] to Marshall 30/06/1923; Minute Sheet Pribram to Director 28/02/1924, all I 1061/29/1 → I 1061/33/1, ILOA.

<sup>46</sup> The early ILO documents also talked about ‘the study about family extra-pay already conducted ... in connection with the study on family income and the study on living standards in countries with depreciated currency’. [?] to Pribram 14/02/1923 (first quote in text); Minute Sheet including J.H.R. [Richardson] to Pribram and Butler 26/02/1923 (second quote in text) and other notes (quote in footnote, French in the original) 23/01/1923, all I 1061/29/1 → I 1061/33/1, ILOA. The first Chief of the scientific or research division of the Office, Royal Meeker, who had arrived in 1920, was a recognized expert in ‘cost of living studies on a basis of the family budget or market basket’, *Official Bulletin*, no volume given, 1920, no. 1, pp. 17-8.

<sup>47</sup> Capitalization in the original. [Seligman] to Douglas 04/07/1923, I 1061/29/1 → I 1061/33/1, ILOA.

<sup>48</sup> Douglas to Meeker and attached ‘Memorandum C’ 23/01/1923; Marshall to Thomas 06/06/1923, attachment, all I 1061/29/1 → I 1061/33/1, ILOA.

<sup>49</sup> See for example Meeker to di Palma 27/02/1923; Minute Sheet Representation at the Third National Congress of Equalisation Funds, France 13/04/1923; Minute Sheet Richardson to Pribram [29 or 30]/06/1923; Outline of information required regarding the system of family allowances in Austria; Minute Sheet Richardson to Pribram and Director 16/08/1923, all I 1061/29/1 → I 1061/33/1, ILOA. When in July 1923, shortly before the Congress of the IFWW, the National Women’s Trade Union League of America, an important contributor to the IFWW, requested information from the International Labour Office on family allowances, the Office directed the League to acquire this information as had been shared with the University of Chicago from the latter institution. Butler to Marshall 27/07/1923, I 1061/29/1 → I 1061/33/1, ILOA.

<sup>50</sup> ILO, *Family Allowances; ‘Wages and Allowances for Workers’ Dependants’*, *International Labour Review* 10, 1924, no. 3, 470-85.

be forced, or be less forced, into paid work, and thus the endorsement of the inherited division of labour within the family, coloured the material throughout. Family allowances were described as a benefit, which – ‘frequently paid to the mother of the family and not to the wage earner’ – simply aimed at covering (some of) the cost of raising children. Simultaneously the allowances were described as a benefit for ‘workers who were married’, and which would and should result in ‘less need for the mother to go out to work’ so that she would be able ‘to give proper care to her children’. In yet another take, the allowances were discussed not only as ‘recognition of the social importance of the family’, but as a special ‘recognition’ of women’s ‘value to the community as mothers’.<sup>51</sup> In a sense, then, the Office endorsed or at least recognized the idea that the care labour done by women of the labouring classes should be somehow materially valued. However, the International Labour Office throughout the Interwar period carefully avoided referring to women’s ‘family responsibilities’ as work.

Soon after the 1924 study was published, there was a fourth development that would greatly contribute to sustaining the Office’s involvement in the continued study of family allowances. The League of Nations, following a decision of its Assembly in September 1924, created a Child Welfare Committee, originally conceived as a part of the Advisory Committee on the Traffic in Women and Children, and functioning indeed in the framework of the (then renamed) Advisory Commission for the Protection and Welfare of Children and Young People.<sup>52</sup> When during its 1925 Session the Advisory Committee designed the agenda and work plan of the Child Welfare Committee, it included the subject of family allowances amongst the six priority issues to be tackled.<sup>53</sup> Eleanor Rathbone, doyenne of the concept of family endowments and participating in the Committee as delegate of women’s international organisations, and Grace Abbott from the U.S. federal agency Children’s Bureau, and a well-known social reformer and

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<sup>51</sup> The ILO Report explicitly stated that it did not discuss systems of granting ‘pensions ... to destitute widows with children to maintain’, as instituted in some states in the United States and some Canadian provinces. ILO, *Family Allowances*, esp. pp. 6-7, 14-16, 21; see also ‘Wages and Allowances for Workers’ Dependents’, *International Labour Review* 10, 1924, no. 3, 470-85, esp. p. 473-4 (incl. quote ‘frequently’).

<sup>52</sup> The Commission and its Committees were revamped once again in 1936. C. Miller, ‘The Social Section and Advisory Committee on Social Questions of the League of Nations’, in P. Weindling (ed.) *International Health Organisations and Movements, 1918-1939*, Cambridge: Cambridge University Press, 1995, 154-75, esp. pp. 161-5; P. T. Rooke and R. L. Schnell, “‘Uncramping child life’: international children’s organisations”, in Weindling, *International Health Organisations*, 176-202, esp. pp. 190-7; LoN, Advisory Committee on the Traffic in Women and Protection of Children. Minutes of the Fourth Session held at Geneva, from May 20<sup>th</sup> to 27<sup>th</sup>, 1925, League of Nations Archives (hereafter LoNA).

<sup>53</sup> The work plan devised during this meeting was subsequently approved by the Council of the League of Nations. LoN, Advisory Committee on the Traffic in Women and Protection of Children. Minutes of the Fourth Session ... 1925, pp. 114-6, LoNA; Richardson to Douglas 30/07/1925, I 1061/29/1 → I 1061/33/1, ILOA.

trade unionist, pushed for the inclusion of this subject.<sup>54</sup> The ILO representative present at the meeting initially had not thought of this subject as a possible focus of the activities of the Committee, but quickly understood that he was to ensure that if the Committee indeed was to take up this subject, then the ILO had to be properly involved. As a result, the work plan clearly stated that the International Labour Office was to be entrusted to, in collaboration with the Secretariat of the League of Nations, provide as much information as possible on the subject.<sup>55</sup>

From this point onwards the Office regularly provided smaller and larger reports on family allowances for years to come. The Child Welfare Committee, after discussing at its 1926 meeting the first of these reports, which focused on the effects of family allowances on the birth rate and infant mortality, asked the Office ‘to continue in collaboration with the Secretariat [of the League of Nations] and the Voluntary Associations its study of the subject especially with a view to obtaining exactly comparable data and to report progress to the next meeting of the Committee.’<sup>56</sup> Further separate reports on family allowances furnished by the International Labour Office were discussed at the 1927 and 1928 meetings of the Child Welfare Committee. In 1929 and 1930, the subject was touched upon only in the more general report which the Office submitted to the Committee.<sup>57</sup> Eleanor Rathbone, the main ‘instigator’ in the Committee of the reports to be submitted by the Office, had tried in vain in 1928 to ensure more prominence for the question in the immediate future. The Representative of the Office on this occasion reported

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<sup>54</sup> The records are inconsistent, if not contradictory, as to how both Rathbone and Abbott contributed; the Belgian politician, Count Carton de Wiart, of the International Association for the Promotion of Child Welfare, who had been instrumental in spurring the League of Nations to take up the subject, had also promoted the subject of the allowances. No resistance to the inclusion of the subject was recorded. LoN, Advisory Committee on the Traffic in Women and Protection of Children. Minutes of the Fourth Session ... 1925, esp. pp. [1], 19, 100-2, 107, LoNA. Rathbone’s study *The Disinherited Family. A Plea for the Endowment of the Family*, had been published in 1924. On Abbott’s important role in the Child Welfare Committee see Miller, ‘Social Section’, in Weindling, *International Health Organisations*, and Rooke and Schnell, “‘Uncramping child life’”, in Weindling, *International Health Organisations*, pp. 190-1.

<sup>55</sup> Count Carton de Wiart made sure in the Committee that the initial phrasing, which could have been misconstrued as taking ‘a position’ with regard to various controversial questions, was changed so as to include a wide range of varieties of how systems of family allowances could be constructed. LoN, Advisory Committee on the Traffic in Women and Protection of Children. Minutes of the Fourth Session ... 1925, esp. pp. 18, 23, 102f., 106, 108, 106, LoNA. Within the International Labour Office the developments at the League of Nations initially created a little hubbub, and in later years the Office repeatedly made sure what were its competences, even though these were never questioned in the Committee. Whilst I think differently about the dynamics of collaboration between the two agencies I am truly grateful to Joëlle Droux, whose work first drew my attention to the connection between the League of Nations’ and the ILO’s activities with regard to family allowances. J. Droux, ‘From Inter-agency Competition to Transnational Cooperation: The ILO Contribution to Child Welfare Issues during the Interwar Years’, in S. Kott and J. Droux (eds) *Globalizing Social Rights. The International Labour Organization and Beyond*, Houndsmills, Geneva: Palgrave Macmillan, Geneva, 2013, 262-279.

<sup>56</sup> LoN, Advisory Commission for the Protection and Welfare of Children and Young People, Child Welfare Committee, Minutes of the Second Session ... Geneva ... Wednesday, March 25<sup>th</sup>, to Thursday, April 1<sup>st</sup>, 1926, pp. 22ff., 92-101, LoNA; Richardson to Douglas 17/04/1926, and attached ‘Resolution on Family Allowances ...’, ILOA I 1061/33/1.

<sup>57</sup> As documented in the Minutes of the Child Welfare Committee from these various years, LoNA.

back to his superiors that it was ‘in fact, understood that this question will not be discussed by the Committee until the I.L.O wishes it’, and added ‘that the question should certainly be given a rest for a year or two.’<sup>58</sup> Rathbone in 1927 had explained in the Committee that the reason why (in France) the allowances tended to be paid to the mother rather than the father ‘appeared to be that the allowance was not regarded as part of the father’s wages but was paid in recognition of the obligations of parenthood’.<sup>59</sup> Yet this statement with its reference to the value or the accurateness of attaching monetary value to women’s unpaid care work remained an isolated voice in the Child Welfare Committee, and didn’t generate any further resonance in the International Labour Office. While in the earlier 1930s the Child Welfare Committee discussed further reports provided by the Office, by then it was focusing on various consequences of the world economic crisis; subjects related to the allowances made a last reappearance in the records of the (by then) Advisory Committee on Social Questions of the League of Nations only at the very end of the 1930s.<sup>60</sup>

Yet the International Labour Office, while considering indeed the generation of an additional universal international instrument – i.e. beyond its maternity-oriented policies – that would have intervened into the relationship of unpaid care work and work<sup>61</sup>, never took the issue forward. Studying the records of the ILO and some of the relevant historical context especially in Europe, where the allowances were most prominently developed and discussed, three factors of key importance can be identified that may explain this reluctance. All of these factors involved, among other issues, anxiety or disagreement over the question as to whether it was possible and advisable to transform, and who would shoulder the burden of transforming, some of women’s unpaid care responsibilities into directly or indirectly paid work.

The first of these impeding factors had to do with the status of the ILO as an institution with a mandate to internationalize labour and social policies, and the ensuing pressure to

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<sup>58</sup> Report on the Meeting of the Child Welfare Committee 1928, L12/12/6, ILOA.

<sup>59</sup> LoN, Advisory Commission for the Protection and Welfare of Children and Young People, Child Welfare Committee, Minutes of the Third Session ... Geneva, Monday, May 2d, to Friday, May 6<sup>th</sup>, 1927, p. 26, LoNA. Rathbone announced before the 1930 meeting of the Child Welfare Committee that she was to resign. LoN, Advisory Commission for the Protection and Welfare of Children and Young People, Child Welfare Committee, Minutes of the Sixth Session ... Geneva ... Wednesday, April 9<sup>th</sup>, to Wednesday, April 16<sup>th</sup>, 1930, Annex 2, p. 69, LoNA.

<sup>60</sup> P. Glavin, ‘What’s in a Living Standard? Bringing Society and Economy Together in the ILO and the League of Nations Depression Delegation, 1938-1945’, in Cott and Joux, *Globalizing Social Rights*, 233-48; LoN, Child Welfare Committee, Eighth Session, Provisional Minutes, First Meeting ... Geneva ... Monday, April 11<sup>th</sup>, 1932, pp. 9-11.; LoN, Child Welfare Committee, Tenth Session, April 12<sup>th</sup>, 1934, Secretary’s Progress Report, p. 4; LoN, Child Welfare Committee, Tenth Session, April 17<sup>th</sup>, 1934, Report by the Liaison Officer of the International Labour Office, all LoNA; Société des Nations, Commission consultative des questions sociales, troisième session, 19 juin 1939, Etude sur les principes adoptés dans l’organisation et l’administration de l’oeuvre de protection de la jeunesse ... Rapport du Sous-comité, L 10/5/1, ILOA.

<sup>61</sup> ILO, *The ILO. The First Decade*, London: Allen & Unwin and ILO, [1931], pp. 172-3.

accommodate the interests of member states and employers as well as workers. In its 1931 flagship publication *The First Decade*, the Office, while presenting the family allowances as a potential subject of a future international instrument, pointedly described some of the related challenges. The publication discussed the allowances as a benefit that, in addition to the wage, was granted with reference to the family-related needs of the (implicitly male) worker. Such a system helped to avoid the clash between the principle of equal pay for equal work and the principle of wages varying according to need. It was also meant to overcome the reluctance of the employers to take into consideration family-related varying need in any wage agreement, since they considered ‘wages as the remuneration for work performed and as an element in ... [the] cost of production’. However, while in a number of European countries, and in Australia, the system was in operation already, there were many other European countries in which it was applied ‘less widely’. *The First Decade* went on to conclude that ‘the idea’ of family allowances was still ‘far from being generally accepted in every country, and it is perhaps too early to think of international regulations’.<sup>62</sup> The publication thus constructed the allowances as one element within a bundle of ‘social charges’. They amounted to a societal commitment to compensate for the otherwise uncompensated or unpaid-for investment into the upbringing of children (which could take the form of women’s unpaid work, of acquiring goods, and of paying for services); the text explicitly granted that employers as a rule were not prepared to pay wages compensating for family responsibilities. The Office would not embark on action towards promoting any international standard on family allowances thus defined because too many amongst the industrialized member states of the ILO were not (yet) willing to undertake such commitment, or in other words, to take on the burden of the allowances as a ‘social charge’.

The alternative would have been, of course, to still conceive of allowances as a part of the wage. This question, whether allowances should or might be financed by employers, had indeed caused tension within the International Labour Office in earlier years. In a process triggered in 1926 and finalized in (most likely) 1931 of designing a study or a number of studies on the cost of social services in many countries, it was, following open disagreement, finally decided to include ‘family allowances’ as one of the six major items.<sup>63</sup> The question as to whether or not certain types of such support for bringing up children were to be regarded as social or as production costs had formed a bone of contention within the Committee on Social Charges – consisting of members of the Governing Body of the International Labour Office – as it discussed the scope of the planned study in 1929 and 1930. In the Governing Body itself, the workers’ representatives insisted that family allowances, as long as they were paid by employers,

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<sup>62</sup> ILO, *The First Decade*, pp. 172-3.

<sup>63</sup> The definitive Plan of the survey which included this item was set up after April 1931. ILO, *International Survey of Social Services* (Studies and Reports, Series M, no. 11), Geneva: ILO, 1933, p. XV.

formed part of the wage, and thus were not to be considered social charges. Yet while this view found support from the employers' side and the British Government representative, the Governing Body in April 1931, by narrow majority, decided to include this category of allowances too, and thus to consider it as a 'social charge'.<sup>64</sup> The ILO's first 'International Survey on Social Services' arising out of this decision-making process was published in 1933.<sup>65</sup>

The second impeding factor had to do with the mandate of the ILO, and the interpretation thereof, defined in the Constitution as concerning the improvement of the 'conditions of labour' of 'workers'.<sup>66</sup> Family allowances, by contrast, constituted a social benefit that was not clearly tied to the working population, and as we have seen above, there was political disagreement as to whether the allowances should be paid to working class families or to all families. The International Labour Office was well aware of the ambiguity thus created and the political disagreement in the international argument on motherhood and family policies as to whether or not family allowances should be confined to wage workers. While indeed studying social services which took the form for example of 'public assistance systems ... intended for ... large families', i.e. a portion of the general population, the Office made clear that it could not 'claim exclusive competence in this field, since these assistance services provide benefits for persons other than actual or former wage-earners'.<sup>67</sup> One hypothetical way of overcoming the difficulty would have been to reconfigure women's family responsibilities as work. Since such work was performed in all households, such a move would have enabled the ILO to claim responsibility for family allowances for all families rather than for working class families alone, and in principle to consider translating such overall responsibility to an international standard setting. Yet such a redefinition was clearly unimaginable both for the ILO and the League of Nations. As a result, the Office, rather than trying to expand its competence as regards the allowances, made sure to carefully define its limits. Even within the framework of its study of social services, which was not meant to be connected to potential ILO standard setting, it underlined that the services studied – amongst them those tackling the 'risk' of 'family responsibilities' – 'should be established on behalf of classes of the population consisting mainly of wage earners and persons of small means working on their own account'.<sup>68</sup> Obviously, it was exceedingly difficult to re-

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<sup>64</sup> ILO, *International Survey*, pp. VII- XXIII; *Minutes of the 52d Session of the Governing Body of the International Labour Office, Geneva, April 1931*, no place given: no publisher given, pp. 284-90.

<sup>65</sup> ILO, *International Survey*.

<sup>66</sup> Constitution of the ILO.

<sup>67</sup> LoN, Advisory Committee on Social Questions, First Session, April 15<sup>th</sup>, 1937, Future Work of the Committee, Suggestions of members of the Advisory Committee, p. 43 (statement of the representative of the Office), L 10/5/1, ILOA.

<sup>68</sup> ILO, *International Survey*, p. XV.

conceptualize women's caring responsibilities as work as long as these responsibilities were reified time and again as gendered social given based on 'custom and tradition'.<sup>69</sup>

The third factor contributing to the reluctance of the International Labour Office to move forward on the issue of the family allowances had to do with those international (and national) trade union and socialist organisations, and their respective women's committees, which served as key collaborators of the International Labour Office in terms of representing workers' interests. The women's Committee of the IFTU and its Congresses institutionally never embraced family allowances, though representatives of the Committee were clearly aware of the pressure under which working class women laboured for their families. In 1927 H el ene Burniaux, a member of the women's Committee and representing the IFTU on the Child Welfare Committee of the League of Nations, declared 'that the principle of family allowances and of the beneficent effect on the well-being of working-class families was to-day no longer a matter for controversy' – as long as the allowances were jointly financed by public authorities, the employers and the wage earners through an insurance system constructed so as to include all wage earners.<sup>70</sup> Yet institutionally the IFTU women decided on another course of action, which was in line with the argument within the trade union movement that especially as long as the allowances didn't form part of the wage system they 'would encourage employers to refuse higher wages, on the ground that family needs were being met by other means'.<sup>71</sup> In October 1929 the women's Committee engaged in elaborate debate of married women's work. While there was strong appreciation of, and demand to sustain or even promote, married women's engagement with care work and household labour, the various Committee members in their contributions did not even mention family allowances as a means of supporting this work, except for the Danish delegate who spoke out against them.<sup>72</sup> The IFTU women wished to ease women's 'double burden' of paid and unpaid work, they wanted women's family work to be materially acknowledged, and

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<sup>69</sup> See for example ILO, *Women's Work under Labour Law*, p.1.

<sup>70</sup> LoN, Advisory Commission for the Protection and Welfare of Children and Young People, Child Welfare Committee, Minutes of the Third Session ... Geneva ... Monday, May 2<sup>nd</sup>, to Friday, May 6<sup>th</sup>, 1927, pp. 4, 25, LoNA; IFTU/IGB, *Protokoll des IV. Ordentlichen Kongresses des Internationalen Gewerkschaftsbundes. Abgehalten im Grand Palais, Paris, vom 1. bis 6. August 1927. Nebst Berichten  uber die Konferenz der Internationalen Berufssekretariate und  uber die Internationale Arbeiterinnenkonferenz*, Amsterdam: Internationaler Gewerkschaftsbund, 1927, p. 225.

<sup>71</sup> With reference to Great Britain P. Thane, 'Visions of Gender in the Making of the British Welfare State: The Case of Women in the British Labour Party and Social Policy, 1906-1945', in Bock and Thane, *Maternity and Gender Policies*, 93-118, p. 111.

<sup>72</sup> This discussion was conducted against the background of the unemployment crisis and the desire of some trade unions to engage in restrictive measures in relation to married women's wage work. For the meeting of the International Committee of Trade Union Women, 1<sup>st</sup> and 2<sup>nd</sup> October 1929, Guiding Principles, By Gertrud Hanna; Trades Union Congress, General Council, Meeting of International Committee of Trade Union Women, October 1<sup>st</sup> and 2<sup>nd</sup>, 1929, both MSS.292/62.14/5, Trades Union Congress Archives, Modern Records Center, University of Warwick (MRC-UW hereafter). The resulting resolutions can also be found also in IFTU, *Congress Stockholm 1930*, pp. 107-8.

they believed that married woman workers would (and should) be enabled to at least temporarily interrupt work. But they thought this was best achieved through raising male wages, and thus through the employers' contribution, rather than through social benefits which, at best, would be only partly financed by employers. While reifying women's family responsibilities as a gendered universal of social life, the IFTU women thus developed a particular idea how to resolve the problem. They believed that married woman workers would (and should) be enabled to at least temporarily interrupt work. 'The majority of married women, with whom there remains the housework and the work for husband and children, works because the wage of the man is not sufficient. ... A considerable proportion of these women for sure would not work, or temporarily interrupt work, if their husbands earned enough to maintain the family. ... This ... however can be achieved only if the squeezing of [male] wages which results from women's work is successfully eliminated, i.e. if women receive higher wages.'<sup>73</sup> The IFTU women were always anxious to make sure that their demands related to women's unpaid work could not be misconstrued as tolerating attempts to restrict 'the right to work of every human being without distinction of sex'.<sup>74</sup> The IFTU women did not discuss the possible connection between women's low wages and their family work.

In parallel, when the IFTU itself set out in 1930 to overhaul its social legislation program, the first draft of the new program included – within the framework of social insurance – 'family allowances' as one of the base demands.<sup>75</sup> Yet in 1932 the IFTU Executive had to acknowledge that the 'differences of opinion' regarding this matter could not be reconciled,<sup>76</sup> and soon thereafter the demand disappeared from the IFTU's amended draft 'Guiding Principles of the Social Policy'.<sup>77</sup>

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<sup>73</sup> The presentation' by Gertrud Hanna at the international trade union women's conference in 1927 quoted here and printed in the conference proceedings (German in the original) referred to both the period before and after childbirth, and the care and housework done by married women as causing this overburdening. The 'Guiding Principles' of the text which had been printed for the conference participants contained the same argument but in a less explicit manner. IGB, *Protokoll des IV. Ordentlichen Kongresses des Internationalen Gewerkschaftsbundes 1927*, pp. 240, 265, 269-70; Internationale gewerkschaftliche Arbeiterinnenkonferenz, Paris 1927, Leitsätze zum Referat von Frl. Gertrud Hanna, Inv.-no. 127, IFTU Archives, International Institute of Social History (hereafter IISH), Amsterdam.

<sup>74</sup> In the early 1930s they added the demand to through a particular 'policy of labour housing ... lighten household work of the woman'. IFTU, *Congress London 1936. The Activities of the International Federation of Trade Unions 1933-1935*, Paris: IFTU, no year given, p. 368 (incl. quote in text); IFTU, *Congress Brussels 1933. The Activities of the International Federation of Trade Unions 1930-1932*, Paris: IFTU, 1934, p. 305 (incl. quote in footnote); IFTU, *Congress Stockholm 1930. The Activities of the International Federation of Trade Unions 1927-1930*, Amsterdam: IFTU, 1931, p. 107.

<sup>75</sup> IFTU, *Congress Stockholm 1930*, esp. pp. 314, 357, 389.

<sup>76</sup> Trades Union Congress, General Council, Report of 'Meeting of the IFTU 04-05/01/1932; Extract from the Minutes of the Executive Meeting, 09-10/06/1932, both MSS.292/915.2/3, MRC-UW.

<sup>77</sup> The draft as published in 1936 in IFTU, *Congress London 1936*, pp. 181-90. G. van Goethem, *The Amsterdam International. The World of the International Federation of Trade Unions (IFTU), 1913-1945*, Aldershot, Burlington: Ashgate, 2006, Ch. 4, discusses the evolving debate in the IFTU on its new program on social

This development was obviously connected to events within Great Britain which in turn would undeniably impact on the self-positioning of the International Advisory Committee of Women (IACW) of the Labour and Socialist International.<sup>78</sup> The IACW, which pursued a mandate much broader than its trade union-based sister committee, regularly discussed policies related to women's paid and unpaid work and the 'double burden'. In one resolution adopted at their 1931 conference, the socialist women characterized women's care work as 'non-occupational, domestic work for society', and as a 'precondition' of their paid work.<sup>79</sup> In the preparations leading up to this conference the representative of the British Independent Labour Party (ILP), Dorothy Jewson, had endeavoured since 1929 to raise the concern of the internationally organized socialist women regarding the subject of family allowances.<sup>80</sup> The demand at this point was much debated and highly controversial in socialist politics in Britain, and Jewson worked hard – in parallel with the related activism in Britain – to internationalize it and generate additional support by committing the IACW to pursue it. Women representatives of the ILP wished to see the allowances paid to the mother. For Jewson the allowances represented a 'recognition from the State of the value' of women's 'work in rearing children' and a means of increasing women's 'independence that will come from greater security' provided by a materially stabilized home.<sup>81</sup> Yet within the IACW, Marion Phillips, Secretary of the British Standing Joint Committee of Industrial Women's Organisations and Member of Parliament on behalf of the Labour Party, in early 1930 asked for a 'one year's respite on account of the state of the problem in Great Britain'.<sup>82</sup> Her caution proved entirely appropriate. In June 1930 the British National

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protection (and even in connection with the ILO), yet the study doesn't give conclusive information about the fate of the family allowances therein.

<sup>78</sup> On the IACW see S. Neunsinger, 'Creating the International Spirit of Socialist Women. Women in the Labour and Socialist International 1923-1939', in P. Jonsson, S. Neunsinger and J. Sangster (eds) *Crossing Boundaries. Women's Organizing in Europe and the Americas, 1880-1940s* (Uppsala Studies in Economic History, no. 80), no place given: Uppsala Universitet, 2007, 117-56.

<sup>79</sup> *Vierte Internationale Frauenkonferenz der S.A.I. Wien, 23. – 25. Juli 1931. Bericht des Sekretariats an die Frauenkonferenz und Protokoll der Verhandlungen der Frauenkonferenz* (Vierter Kongreß der Sozialistischen Arbeiter-Internationale. Berichte und Verhandlungen [Abteilungen III und IX]) Berlin, Zürich: Verlag des Sekretariats der sozialistischen Arbeiter-Internationale Zürich. In Kommission bei: J.H.W. Dietz Nachf., no year given, pp. IX/93-4 (German in the original).

<sup>80</sup> Before the Women's Committee met in Zürich in January 1930 to discuss, among other things, the 'onslaught' of the emerging ODI on gender-specific labour protection Jewson had requested on behalf of the women's committee of the ILP to replace this agenda point by 'Children's Allowances' in order to enable 'a full discussion on this most important subject.' *International Information Women's Supplement* (hereafter *IWWS*), 7, 1930, no. 1 (January), p. 32; Motion by Dorothy Jewson, ILP Women's Committee, inv.-no. 4428; Adler to Präsidium, 21/09/1929, inv.-no. 4505; Zur Tagesordnung der Internationalen Frauenkonferenz Wien, 1931. Familienunterstützungen, inv.-no. 4364, all Labour and Socialist International Archives (hereafter LSI Archives), IISH.

<sup>81</sup> Jewson's statement (Dorothy Jewson in *New Leader*, 28 February, 28 February 1930) is quoted in J. Hannam and K. Hunt, *Socialist Women. Britain, 1880s to 1920s*, London, New York: Routledge, 2002, pp. 72-73, 78; Adler to Präsidium, 21/09/1929, inv.-no. 4505, LSI Archives, IISH.

<sup>82</sup> *IWWS* 7 (1930), p. I.I./32.

Conference of Labour Women by ‘large majority’ adopted the demand for a ‘system of family allowances’ paid from ‘public funds’ and financed ‘by the direct contribution of the rich’, thus avoiding the loaded question as to whether or not the value of family work ought to be directly acknowledged through wages, and still demanding that it not be the working classes themselves who should finance the allowances; yet in September 1930 the British affiliate of the IFTU, the Trades Union Congress, and thereafter the Labour Party Conference too, rejected the related proposals by narrow majorities.<sup>83</sup> The IACW closely followed all of these developments, and soon after the defeat of the demand in Britain it became clear that it wouldn’t even make it onto the agenda of the international conference of socialist women to be held in 1931.<sup>84</sup> Instead, the conference declared itself in favour of various means of easing the unpaid care work of the working woman to enable her ‘to fulfill her socially necessary duties’.<sup>85</sup> The IACW never again considered the allowances an issue ripe for decision making.<sup>86</sup> The International Labour Office thus could not count on support from the international trade union and socialist movement for action regarding a possible international instrument on family allowances.

It was the combination of factors discussed above which also led the Office not to take up the challenge, when it was confronted, in the 1920s, with the voices of those international women’s organisations that did demand material recognition of women’s unpaid work, and again, in the latter half of the 1930s, with pressure from equal-rights-oriented women’s organisations to recognise women’s unpaid work in the context of industrialised societies in the Global North. The International Alliance of Women for Suffrage and Equal Citizenship (IAW) at its 1926 Congress supported family allowances as a means of recognizing ‘that the rearing of future generations is a matter which concerns the whole community’ and of securing ‘for mothers and children ... a share of their own in the wealth of the world’.<sup>87</sup> Yet the Director’s Report to the

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<sup>83</sup> *IHWS* 7 (1930), pp. I.I./32, I.I./527-530, I.I./630-633; Thane, ‘Visions of Gender’, in Bock and Thane, *Maternity and Gender Policies*, pp. 111-2; see also Hannam and Hunt, *Socialist Women*, pp.73-77.

<sup>84</sup> A document submitted by the delegates of the Labour Party in preparation for a meeting of the IACW to be held in January 1931 in Prague, while agreeing to put on the agenda for the women’s conference planned for July 1931 the issue of family allowances, made clear that the conference should merely discuss a ‘precise report’ on the status of family allowances, as well as the ‘position of the organisations’ of the socialist workers’ movement ‘in the individual countries’. Yet the Prague meeting accepted the ‘Vorschlag des Präsidiums’ for the agenda, which didn’t include this item at all. Zur Tagesordnung der Internationalen Frauenkonferenz Wien, 1931, Familienunterstützungen; Vorschläge des Präsidiums, Vierte Internationale Frauenkonferenz der S.A.I., both inv.-no. 4364, LSI Archives, IISH; *IHWS* 7, 1930, pp. I.I./32, I.I./527-530, I.I./630-633; *IHWS* 8, 1931, pp. II./10-1.

<sup>85</sup> *Vierte Internationale Frauenkonferenz der S.A.I. 1931*, pp. IX/93-4 (German in the original).

<sup>86</sup> The IACW maintained an interest in the theme of ‘family allowances’ or ‘mothers’ pensions’, but never again ventured beyond surveying legislation in relation to motherhood in various countries, and other means of developing knowledge and positively evaluating the method. *IHWS* 9, 1932, pp. I.I./39, I.I./254, I.I./266; *IHWS* 13, 1936, pp. I.I./110, I.I./347-8.

<sup>87</sup> IAW, *Report of the Tenth Congress, La Sorbonne Paris, France, May 30<sup>th</sup> to June 6<sup>th</sup>, 1926*, London: The London Caledonian Press, no year given, 116.

International Labour Conference in 1927, while dealing extensively with the ‘controversy’ at the IAW’s 1926 Congress on special labour protection and the related decision-making, did not even take note of the full program for a system of family allowances adopted by the Congress, and without ‘controversy’.<sup>88</sup> When in 1937 the International Labour Office collected information on the economic position of women, the ERI provided the Office with a copy of its ‘Statement presented to the League of Nations ... on ‘The Status of Woman as Wife, Mother and Home Maker’. The Statement defined these women as ‘a category of worker invariably overlooked in legislation’; while they were ‘entitled neither to salary nor wages’ they had ‘definite duties to perform ... a work which is arduous and constant’. The Statement went on to describe existing schemes and proposals aimed at improving the status of the women concerned, including family allowances and state endowment of motherhood, and concluded that a ‘practical recognition of the money value of the work done by wives must be accorded’, and that mothers should in their ‘own right have a claim upon the State for the means of rearing the children where it is not forthcoming through the family income’.<sup>89</sup> The document achieved no resonance whatsoever in the Office. The same was true for other initiatives. The Office did not reflect on the ODI’s 1935 policy on maternity, which can be considered unique in terms of its demands for gender-neutrality in any policy – even if not forming part of the program of the ODI – aimed at supporting parents of infants<sup>90</sup>. A statement prepared for the 1935 ODI Conference directly sent to the Office by one member of the Norwegian branch of the ODI, which suggested a system whereby ‘every wage earner – man or woman – having children below a certain age, should ... receive a certain supplement to his wages’ from a ‘general insurance pool’ to be financed through wage-earners’ contributions,<sup>91</sup> was similarly ignored.

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<sup>88</sup> LoN, *ILC, Tenth Session Geneva 1927*, vol. 2, *Report of the Director Presented to the Conference*, Geneva: ILO, 1927, p. 54.

<sup>89</sup> Elsie Maitland to Director 28/09/1937, and attached Statement ... (italics in the original) WN 6/01/1, jacket 3, ILOA.

<sup>90</sup> The ODI in 1935 once again declared support or assistance schemes for childrearing, beyond providing for woman workers ‘incapacitated’ by maternity, to be outside of its scope of activity. However, the organisation insisted that any such additional scheme should avoid constructing childrearing responsibilities as a gendered social function. Rather, private organisations and public ‘authorities which provide such assistance as, for example, money, ... crèches, etc., help both the mother and the father to carry out these responsibilities’ or relieve ‘both parents of part of their responsibilities’; such policy, in other words, ‘safeguards the woman and the child and the father and the home.’ These considerations were developed with regard to services and provisions granted at the time of ‘the birth and extreme youth of the child’. ODI, Report 1935, pp. 57-60; ODI, *The Policy with Regard to Maternity of the Open Door International for the Economic Emancipation of the Woman Worker*, both Pamphlet Collection, WLL.

<sup>91</sup> The statement is not mentioned in the official Conference report even though Margarete Bonnevie did participate in the Conference. ODI, Report 1935, Pamphlet Collection, WLL; Margarete Bonnevie to Thibert 13/09/1935, and attachment Margarete Bonnevie at the Open Door Conference August 1935 [spelling corrected], WN 6/01/1, jacket 1, ILOA.

The ILO thus was confronted, in the latter half of the 1930s, with additional ramifications of the debate on women's unpaid work which it was clearly not prepared to accommodate: visions that conceived of family responsibilities as shared by women and men and de-linked from women's 'natural' functions, and visions which in a most straightforward manner considered family responsibilities as work to be valued through wages or money. Yet the Office would not move forward without the backing of its most important co-operation partner on the workers' side, the IFTU, and with important European countries not (yet) prepared for such investment. The anticipation voiced in 1920 in the Governing Body of the ILO that the 'problem of Maternity ... will no doubt prove controversial' if taken beyond Maternity Protection Convention and (the implicitly familialist) *Convention concerning Employment of Women during the Night* (C4, 1919), proved to be true. Throughout the Interwar period the International Labour Office confined its related activities to monitoring and documenting instruments of family policy in a considerable number of countries. It never came close to the creation of universally applicable additional international instruments touching upon or focusing on women's unpaid activities, largely because even within Europe such policy was controversial. The tangible reluctance in many countries, among them influential European countries, and within the labour movement towards introducing benefits compensating for otherwise unpaid family work and family responsibilities, the unwillingness to consider as work women's investment in the family, and controversy as to who exactly – employers, tax payers or contributory social systems – should shoulder hitherto uncompensated costs of bringing up children, can be identified as the major factors that explain the ILO's lack of action over this area of unpaid work by women. Those voices of internationally organized women who wanted material recognition of women's otherwise unpaid work for the family – be it either through higher wages for men and equal wages for women, or through allowances not financed by the working classes – had no tangible impact on the ILO's course of action.

### **6.3. Taking care for the community: how women's and men's unpaid work entered international labour law**

The ILO thus was reluctant to engage with family policies within the framework of its universally applicable international standard-setting framed with reference to conditions of work in industrialised countries in the Global North. Yet at the same time the organisation did engage from the late 1920s onwards in the creation of a set of 'special' international labour standards for 'native' or 'indigenous' workers in the Global South, which encompassed the issue of unpaid work. These standards, which aimed to suppress particularly abusive elements and to restrict, control and protect certain types of labour relations which in general were considered unfree,

involved the third element of the international policies on unpaid work, namely subsistence policies. Three amongst the four core Conventions, or at least related Recommendations, which together constituted this set of instruments on ‘native labour’, explicitly dealt with the relationship between unfree (paid) labour and unpaid work. These were the 1930 *Convention concerning Forced or Compulsory Labour* (Forced Labour Convention, C29)<sup>92</sup>, the 1936 *Convention concerning the Regulation of Certain Special Systems of Recruiting Workers* (Recruiting of Indigenous<sup>93</sup> Workers Convention, C50), and the 1939 *Convention concerning the Regulation of Written Contracts of Employment of Indigenous Workers* (Contracts of Employment [Indigenous Workers] Convention, C64). The instruments on ‘native labour’ built closely on and made selective use of the various traditions of colonial and imperial regulation of labour relations in dependent territories. This was in keeping with the usual practice and procedure of the ILO when preparing a future possible instrument. The Office always compiled extensive information on pre-existing territorial legislation, which was summarized in a detailed Report laid before the International Labour Conference at its annual session in the year before the actual discussion of the draft instrument. This first Report also contained the draft of a questionnaire which asked governments for their detailed input regarding possible international regulation, and prefigured at least the principle format of such regulations. Based on this material and the answers by governments, the Office as a rule came up with a draft instrument to be discussed and, in many cases, adopted with modifications during the following session of the International Labour Conference. As it developed its instruments on ‘native labour’, the Office, in addition to this standard procedure, sought the continuous and authoritative advice of the Committee of Experts on Native Labour which it established for this purpose. The Committee held its first meeting in July 1927.<sup>94</sup>

The ILO’s instruments on ‘native labour’ contained a range of regulations that concerned

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<sup>92</sup> C29 avoided restricting the scope of the Convention geographically or in terms of the skin colour of the workers coerced into forced labour; at the same time all actors involved were conscious about the invariable racialization of forced labour. During the first meeting of the ILO’s Committee of Experts on Native Labour (see below) it was made plain, for example, that ‘in no colonial country an individual belonging to the white race is submitted to ... forced labour’. International Labour Office, Stenographic Record of Committee of Experts on Native Labour, Second Sitting, 07/07/1927, afternoon, p. 111, N206/2/1/5, ILOA (French in the original).

<sup>93</sup> The introduction of this term in the instruments on ‘native labour’ adopted from 1936 onwards served to point to the restrictions of the scope of application of these instruments while avoiding racialization in the legal language of the ILO. This follows clearly, for example, from the explanation of the related definition as contained in C50 itself in *Recruiting of Labour Report 1935*, pp. 19, 119-20. See also L. Rodriguez-Pinero, *Indigenous Peoples, Postcolonialism, and International Law. The ILO Regime (1919-1989)*, Oxford: Oxford University Press, 2005, pp. 43-50.

<sup>94</sup> For the establishment, character and status of the Committee see S. Zimmermann, “Special Circumstances” in Geneva. The ILO and the World of Non-Metropolitan Labour in the Interwar Period, in J. van Daele, M. Rodriguez Garcia, G. van Goethem and M. van der Linden (eds) *ILO Histories. Essays on the International Labour Organization and its Impact on the World During the Twentieth Century*, Bern etc.: Peter Lang, 2010, 221-50, pp. 232-41.

the relationship between subsistence labour and unfree (paid) labour. They addressed this relationship with reference to the ‘native’ community as a whole, in relation to individual workers, and in relation to their families. Forced labour and (recruitment into) contract labour involved prolonged<sup>95</sup> or at least repeated absence of the workers from home. Where large quantities of such labour were performed, this caused a considerable reduction of the pool of labour available for the sustenance of and the work performed by the ‘native’ community, or any individual family left behind, and could threaten the survival or at least the functioning of the subsistence economy.<sup>96</sup> The ILO’s instruments on ‘native labour’ addressed this tension on three distinct levels.

On a first level, C29 and C50 – regulating forced labour and recruitment into contract labour respectively – dealt with the connection between paid ‘native labour’ and subsistence labour in relation to the ‘native’ community. C29 abolished forced labour for women and non-adults, and tied the recourse to forced labour of able-bodied adult males to various restrictions and conditions. Among other things it fixed ‘the proportion of the resident adult able-bodied males who may be taken at any one time for forced or compulsory labour’ from a given ‘community’ to ‘25 per cent’, so as to ensure ‘the maintenance in each community of the number of adult able-bodied men indispensable for family and social life’. In fixing the proportion, account was to be taken of ‘the economic and social necessities of the normal life of the community concerned’, of ‘the density of the population, of its social and physical development, of the seasons, and of the work which must be done by the persons concerned on their own behalf in their locality’.<sup>97</sup> C50, while abolishing the recruitment of non-adults only, concerned

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<sup>95</sup> The types of labour discussed here involved, to various degrees, long-distance travel and thus long-term absence, and the ILO instruments implicitly or explicitly took note of this fact. C64 referred to labour contracts with a minimum duration of six months and entailing labour conditions which ‘differ materially from those customary in the district of employment for similar work’. C50 contained a clause whereby the competent authority was entitled to exempt recruitment ‘undertaken within a prescribed limited radius from the place of employment’ from the application of the Convention. In C29 the regulations relating to the sustenance of the ‘native’ community were explicitly framed so as not to refer to forced labour extracted as tax or by certain ‘chiefs’ because such forced labour was not to ‘entail the removal of the workers from their place of habitual residence’; to be sure, the latter qualification did not imply that forced labour to which the subsistence-related clauses indeed were attached would by definition involve such removal. The report on forced labour prepared by the International Labour Office contained reference to a variety of regulations in territorial labour legislation of the maximum distance of removal.; *ILC, Twelfth Session Geneva 1929, Forced Labour, Report and Draft Questionnaire*, Geneva: ILO, 1929.

<sup>96</sup> Labour performed within the ‘native’ community or the family economy, as well as in subsistence economies in general, of course in many cases included the production of goods for sale. The ILO instruments themselves were explicit neither about this distinction nor about the relationship between the latter type of labour on the one hand and forced or contract labour on the other.

<sup>97</sup> These are the regulations contained in C29. The general principles on regulating forced labour which had been developed by the Office and, with alterations, sanctioned by the Committee of Experts on Native Labour explicitly declared that in the case of portage, i.e. transport of good and persons it was difficult, ‘if not impossible’, to regulate ‘the proportion of natives to be taken’, and did indeed refrain from including such provision into the related principle. *Forced Labour Report 1929*, pp. 272-3, 305-6. C29, while

itself in a parallel manner with possible ‘untoward ... effects of the withdrawal of adult males on the social organisation of the population concerned’. It authorized the competent authority to ‘fix the maximum number of adult males who may be recruited in any given social unit in such manner that the number of adult males remaining in the said unit does not fall below a prescribed percentage of the normal proportion of adult males to women and children’.<sup>98</sup>

C29 introduced a second element of subsistence policies which focused on the immediate families of the individual workers and the individual workers themselves rather than the ‘native’ community as whole. The limitation of the amount of such labour that could be imposed on each worker coerced into forced labour implicitly touched upon possible responsibilities for subsistence work of these workers. This type of regulation was present in a whole number of labour codes of dependent territories and as such figured prominently in the Report on forced labour which of the International Labour Office laid before the International Labour Conference in preparation of a future ILO instrument in 1929.<sup>99</sup> Since according to C29 as adopted in 1930, forced labour could be imposed only on men, the limitation of forced labour to a maximum of 60 days per annum contained in the Convention is to be read not only as a clause regulating forced labour, but also as a gendered clause that could serve to keep intact the family economy ‘behind’ the workers coerced into paid labour.

A third group of clauses – contained in the regulations on recruitment into contract labour, and long-term contract labour, adopted in 1935 and 1939 – focused on the relationship between individual workers and their families in an additional manner. This concerned the re-attachment of familial subsistence labour to contract workers who worked at a distance from their place of origin. With regard to such ‘resettlement’ C50 stipulated that in certain cases ‘the competent authority’ might ‘encourage recruited workers to be accompanied by their families, more particularly in the case of workers recruited for agricultural or similar employment at a long distance from their homes and for periods exceeding a specified duration’. C64 was accompanied by Recommendation R58, which sought to restrict the duration of the contract, and thus of the worker’s absence from home, allowing exemptions only ‘in the case of workers accompanied by their families and where it is intended, with the prior consent of the workers, to settle them with their families at or near the place of employment’. Both of these regulations, while gender-neutral in legal terms, were clearly informed by a gendered vision of securing an immediate and

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containing a separate regulation for portage, did not explicitly exempt this type of work from the application of the subsistence clause discussed here.

<sup>98</sup> In the case of contract work as dealt with in C64 – i.e. in its regulation of contracts of a minimum-length of six months and involving labour conditions dissimilar from those ‘customary’ in the given district – and in the accompanying Recommendation (R58), the detachment of the worker from the subsistence economy back home was a given. This might be one reason why these instruments didn’t contain similar clauses.

<sup>99</sup> *Forced Labour Report 1929.*

continuous connection between the paid labour of the worker imagined as male and labouring at a large distance from the place of origin, and care and subsistence labour provided by his family.<sup>100</sup>

The ILO's instruments on 'native' labour thus regulated the relationship between the subsistence economy and paid labour – in the form of forced, recruited and long-term contract labour performed by 'native' workers. They did so through stipulating the maximum proportion of workers that could be drawn from the 'native' community at any one time, the duration of the involvement of the individual 'native' worker in these forms of paid labour, and in terms of re-establishing the connection between subsistence and paid labour at the place of work in the case of long-term and distant absence of the worker from home. For sure, none of these regulations was concerned with the relationship between subsistence labour and paid work alone, and considerable conflict surrounded the framing of some of these clauses. At the same time, with regard to the subsistence question, all actors substantially involved in the preparation of these instruments, including the Committee of Experts on Native Labour, the responsible officers at the International Labour Office and the relevant delegates and advisors at various sessions of the International Labour Conference, were in basic agreement on three factors. They explicitly recognized the activities pertaining to the maintenance of the subsistence economy of the 'native' communities and families as work. They agreed that this work as a rule continued to be an essential condition for the survival and the well-being of 'native' workers and their families and communities, once 'native' workers were drawn into the forms of 'unfree' paid labour addressed by the ILO's 'special' labour standards. And they acknowledged that there was an inherent tension between such labour and the necessities of the subsistence economy.

While building, in a selective manner, on colonial legislation and practice, and accepting western-directed processes of colonial 'development' as a given, the ILO instruments on 'native labour' thus recognized the asymmetric and tense relationship between subsistence economies, and the introduction of unfree forms of paid labour in the Global South. While in principle aiming for the transformation of unfree into free labour, the International Labour Office, in the meantime, sought to create instruments on unfree labour which aimed to control the tension

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<sup>100</sup> Originally, the Office had planned sex-specific restrictions on the recruitment of women, yet in the end it argued that this question would have to be considered at a later stage since C50 dealt not only with long-term, but with all types of contract labour. A clause about the paternalistic control of contract-making for certain groups of women originally planned for long-term contract labour as regulated by C64 was dropped after feminist resistance and with reference to the large variety of conditions. Zimmermann, "Defenceless" Workers', in Boris and Zimmermann, *Women's ILO*; Zimmermann, 'Night Work', in Kimble and Röwekamp, *New Perspectives*.

between such labour and subsistence work. It did so because existing unfree labour relations took a form which would not otherwise enable the social reproduction of the workers involved.<sup>101</sup>

For example, explicit reference to ‘the labour necessary for the food production of the communities concerned’ was considered one key principle in a list of general principles ‘which underlie, or which should underlie, the regulation of forced labour, where it is still permitted’. In its explications of this principle the Office explicitly referred to the gendered division of labour in ‘native’ agricultural work which required the presence of men in certain stages of the production cycle.<sup>102</sup> The principles had been discussed at length, and with reference to a related foundational document prepared by the International Labour Office, during the very first meeting of the Committee of Experts on Native Labour in 1927.<sup>103</sup> Two coalitions of women’s organisations had prior to the meeting submitted two parallel memoranda to the Director of the International Labour Office after representatives of the Office had pro-actively worked for the involvement of women’s organisations. Both memoranda were distributed to the Experts upon their first meeting. The signatory organisations represented – among women activists in industrial countries – a wide range of different approaches to women’s labour. The first coalition, rallied behind the International Council of Women, made a firm case for gendered differential labour protection and a policy of strengthening gendered family and social structures. By contrast, the second coalition which brought together British women’s organisations and included the major alliance of British trade union women,<sup>104</sup> avoided reference to family and tribal life and talked exclusively about work. Yet when it came to subsistence policies the women’s memoranda, just like the International Labour Office and its Committee of Experts on Native Labour, agreed that care had to be taken to address the needs of the subsistence economy whenever ‘native’ male workers were forced into paid labour in non-self governing territories. The first memorandum affirmed

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<sup>101</sup> Both, contemporary writing and discourse, and present day scholarly literature on colonial labour relations have discussed this relationship, especially in the context of the mobilization of labour for colonial and imperial enterprise. Summary information can be found in B. Daviron, ‘Mobilizing Labour in African Agriculture. The Role of the International Colonial Institute in the Elaboration of a Standard of Colonial Administration, 1895-1930’, *Journal of Global History* 5, 2010, 479-501; F. Cooper, *Decolonization and African Society. The Labor Question in French and British Africa*, Cambridge: Cambridge University Press, 1996, Ch. 2.

<sup>102</sup> *Forced Labour Report 1929*, pp. 256, 271 (the principle in italics in the original). In contrast to a number of other principles in the list, this one did not form the subject of one of the questions contained in the Draft questionnaire to the governments contained in the same report.

<sup>103</sup> International Labour Office, Thirty-Seventh Session of the Governing Body, Berlin, October 1927. Third Item of the Agenda, Report of the Committee of Experts on Native Labour, p. 4, D 737/100/3, jacket 1, ILOA; *Forced Labour Report 1929*, pp. 256-94.

<sup>104</sup> None of the coalitions included proponents of those organisations that by then were most vocal in terms of pursuing an agenda of strict legal equality between women and men (and neither the ODI nor the ERI existed at this point in time.) This likely was related to the fact that the major intention of the initiative as a whole was the sex-specific abolition of forced labour. Aberdeen et.al. to Thomas, 14/05/1927, and Woodman to Thomas, 01/06/1927, both N 206/1/01/1, ILOA; Zimmermann, ‘Night Work’, in Kimble and Röwekamp, *New Perspectives*.

the need to take into consideration the ‘necessities of agricultural production’ when regulating forced labour, the second one, in a parallel manner, referred to the ‘village requirements in the matter of labour’.<sup>105</sup>

Against the background of this agreement in principle on the need to ensure the viability of the relationship between subsistence labour and unfree (paid) labour the International Labour Office made sure to add its own distinctive political thumbprint to the future instruments on forced labour and recruitment, and the ‘principles’ attached to these instruments. These ‘principles’ had been discussed between the Office and the Committee of Experts on Native Labour, and acquired their final form in the version adopted by the Experts.<sup>106</sup>

For example, with regard to forced labour, regulations which referred to the proportion of males who could be taken away from any ‘given community at one time’ were very rarely mentioned in the colonial legislation at the disposal of the Office, while limitations to the length of individual service were a frequent occurrence. Yet the 1929 Report on forced labour prepared by the Office still made the former stipulation into one of the principles that should underlie the international regulation of forced labour. The Report referred in some detail to this idea as contained in the famous book by Frederick Lugard on *The Dual Mandate in British Tropical Africa* in the section of the Report which presented and discussed expert and other ‘opinions’. Lugard was a prominent and pro-active member of the Committee of Experts on Native Labour.<sup>107</sup> When discussing the original version of this principle, furnished by the Office for discussion of the Committee at its first meeting back in 1927, the Experts added paternalistic gendered wording, referring to ‘the functions of the adult males as protectors and as workers, as well as their place in domestic life’; this formula was accepted and thus came to form part of the final version of the principle as laid before the International Labour Conference in 1929.<sup>108</sup>

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<sup>105</sup> Lady Aberdeen et.al. to Dear Sir [Albert Thomas], 14/05/1927; Dorothy Woodman to Director [Albert Thomas], 01/06/1927, and attached Memorandum on Forced Labour; Elise Zimmern to Harold Grimshaw, 19/05/1927, all N 206/1/01/1, ILOA; Zimmermann, ‘Night Work’, in Kimble and Röwekamp, *New Perspectives*.

<sup>106</sup> As mentioned above, the principles relating to forced labour were described as principles ‘which underlie, or which should underlie’ the regulation of this type of labour. By contrast, the principles on recruitment and on contract labour were unambiguously designed as guidelines for the respective ILO instruments in preparation. *Forced Labour Report 1929*, p. 256; *Recruiting of Labour Report 1935*, pp. 255-60; *ILC, Twenty-Fourth Session Geneva 1938, Regulation of Contracts of Employment of Indigenous Workers, Report II*, Geneva: ILO, 1937, pp. 217-22.

<sup>107</sup> It is unclear whether this reference was contained already in the draft of this Report, which had been laid before the Experts in 1927. In Lugard’s book and in the ILO Report, it was discussed together with the need for the limitation of the individual length of service, both with explicit reference to adult males. As to colonial legislation, the final version of the 1929 Report on forced labour mentioned only Papua (maximum one-sixth of the able-bodied male adults for portering). *Forced Labour Report 1929*, pp. 79, 244.

<sup>108</sup> International Labour Office, Eighth Sitting of Committee of Experts on Native Labour, 11/07/1927, afternoon, p. 83, N 206/2/1/5, ILOA; *Forced Labour Report 1929*, pp. 79, 262-3.

In other cases some of the members of the Committee of Experts on Native Labour supported the International Labour Office so that the latter got its way. When in 1928 the Experts for the first time discussed recruitment into contract labour, they laid down as a principle, once again with reference to documents pre-prepared by the Office, that administrations, before permitting recruitment ‘should take into consideration the possible effects of the withdrawal of adult workers from the native communities concerned’ upon, amongst other things, ‘the birth-rate’ and ‘the food supply’.<sup>109</sup> Previous argument within the Committee that in the case of ‘voluntary labour’ such restriction was unnecessary since ‘[u]sually the native family knew which of its members could be spared’, was soon scaled down to irrelevance.<sup>110</sup> The resulting Report on recruitment which was laid before the International Labour Conference in 1935, emphasized in its general introduction the importance of this principle, and the Office – as usual claiming the authority of colonial legislation and the Committee of Experts on Native Labour – emphasized in no uncertain terms its own key motivation for restrictions to recruitment. ‘The necessity of controlling the demand for labour ... is ... being increasingly recognised by colonial administrations’; yet at the same time ‘while various considerations of colonial policy may be held to justify general measures for the control of recruiting, the objects of such control which the Committee of Experts on Native Labour had in view in framing its recommendations were more particularly the prevention of depopulation, shortage of food supplies and social disintegration’ – dangers which arose in consequence of the fact that ‘[r]ecruiting is frequently for employment which involves the removal of the workers to places at a considerable distance from their homes for periods of some length, and without their families’ and that ‘[t]he peoples concerned are largely self-sufficing closed communities. ... A considerable degree of social disintegration is an inevitable result of the contact of primitive peoples with European civilisation, but the possibilities of the healthy adaptation of these peoples to the new social and economic systems thrust upon them can be strengthened by attempting to avoid excessive disturbance of the existing social equilibrium.’<sup>111</sup>

In still other cases, controversy between the various actors within the ILO resulted in the watering-down of initially envisioned regulations. The concern with the third element of subsistence policies, family resettlement, was present already in the material on contract labour

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<sup>109</sup> International Labour Office, Forty-Third Session of the Governing Body Geneva 11 March 1929, Twelfth Item on the Agenda, Record of the meeting of the Committee of Experts on Native Labour, D 743/100/12, jacket 1, p. 5. The final wording of this principle, and its immediate translation into the Draft questionnaire for the governments is given in *Recruiting of Labour Report 1935*, pp. 256, 262.

<sup>110</sup> International Labour Office, Committee of Experts on Native Labour, Second Session, Minutes of the Sixth Sitting, 06/12/1928, afternoon, pp. 2-5, N 206/2/2/1, ILOA.

<sup>111</sup> The Report, in addition, contained a whole chapter on the ‘Protection of Native Communities’ which enumerated many examples and quotes taken from various authoritative reports etc. *Recruiting of Labour Report 1935*, p. 15, and ch. III.

which the International Labour Office had prepared and laid before the Committee of Experts on Native Labour early on, in 1928.<sup>112</sup> The Experts recommended such policies especially with a view to allotting ‘plots of ground’ to workers accompanied by their families in the event of agricultural long-distance employment.<sup>113</sup> The Report on recruitment prepared by the Office for the 1935 session of the International Labour Conference carefully weighed the advantages of resettling the whole family against those of withdrawing the individual worker from the community.<sup>114</sup> Controversial debate during the International Labour Conferences of 1935 and 1936 revealed some of the complex implications of the question of familial resettlement as a whole. Supporters of such policies suggested that resettlement could work as a solution to the persistent problem that ‘the recruiters’ harvest’, i.e. the result of their activities, in some territories in the South of Africa dependent on a self-reliant ‘barter subsistence economy’, had long been ‘neglect, depression and famine’.<sup>115</sup> Yet in the end in C50 the stipulation about resettlement remained vague, in conformity to employers’ interests in the Global South.

The documents about the origins of the ILO’s instruments on ‘native labour’ thus demonstrate that the International Labour Office, driven by its wish to control certain forms of ‘native labour’ in the service of public or private enterprise, and to avoid socially destructive consequences of any too excessive utilization of such forms of labour, put great emphasis on reference to subsistence work as one key justification for a number of the restrictions it aimed to include in its international instruments. The Experts sitting on the Committee for ‘native labour’, while less committed to exact or far-reaching restrictions, kept to this way of thinking, which after all they knew quite well from colonial legislation. In addition the Experts and the responsible officer in the International Labour Office, Harold Grimshaw, were quite in agreement when it came to projecting patriarchal and paternalistic thinking onto ‘native’ families and communities as well.<sup>116</sup> When the International Labour Conference met in 1929, 1930, 1935

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<sup>112</sup> Native Labour, Committee of Experts, 2d Session, December 4-8, 1928, Minutes, Fifth Sitting (6 December), N206/2/2/1, ILOA.

<sup>113</sup> *Recruiting of Labour Report 1935*, pp. 120-4. This theme had been present already at the very first meeting of the Experts in 1927, International Labour Office, Eighth Sitting of Committee of Experts on Native Labour, 11/07/1927, afternoon, p. 123, N 206/2/1/5, ILOA.

<sup>114</sup> The continued contribution of the family that stayed behind to the well-being of the original community, and the continued contribution of the recruited worker to the life of that community, weighed heavily against all-family resettlement. ILO, *Recruiting of Labour Report 1935*, esp. pp. 116-7.

<sup>115</sup> *ILC, Nineteenth Session Geneva, 1935, Record of Proceedings*, Geneva: ILO, 1935, p. 414; ILO, *ILC, Twentieth Session Geneva, 1936, Record of Proceedings*, Geneva: ILO, 1936, pp., 279, 604, 609, 618-20, 624-5, 771.

<sup>116</sup> When the Committee of Experts discussed forced labour for local public purposes, Grimshaw for example stated: ‘I would give the local authorities the powers to see that it [this work] is done, but in any individual case they would come down on the man, and not on the child. Do I make myself clear? The local authority would not be able to say to the child: “You must do this.” It must say to the man. “This must be done; either you do it yourself or your wife or your children do it; that is a matter of indifference to us; but is you who are the responsible for its being carried out.”’ ILO, Ninth Sitting of Committee of

and 1936 to discuss what would become C29 and C50, the vision itself that the ILO's instruments on 'native labour' ought to include measures aimed at the protection and stabilization of subsistence labour didn't cause controversy either<sup>117</sup> – while the exact definitions of limitations on withdrawing labour from the 'native' community or family, as well as the very question as to whether or not such exact definitions were needed, repeatedly did form a bone of contention.

In the process of creating its 'special' labour standards for the Global South the International Labour Office, after its initial consultations in 1927, never again initiated a dialogue with international women's organisations.<sup>118</sup> While back then, at the very beginning of the preparation process leading up to the adoption of C29, a whole range of mostly non-socialist women's organisations had agreed on the need for gendered protection of the 'native' community, subsistence policies did not play a role in the later interactions between the ILO and women's organisations on 'native' labour, even after these re-intensified in the second half of the 1930s. At this later stage it was legal equality feminists who were most vocal when monitoring or intervening in the politics of the International Labour Office with regard to 'native' labour. The focus of these groups was on paid labour, or more precisely on 'the right to enter a contract of employment as a civil right'<sup>119</sup>, or '[t]he right' of 'the Man in his capacity as a Worker or Earner ... to sell his labour for gain without requiring authorization from a third party'.<sup>120</sup> The St. Joan's

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Experts on Native Labour, 12/07/1927, morning, (page number missing), N 206/2/1/5, ILOA. See also *Forced Labour Report 1929*, pp. 283-4.

<sup>117</sup> Here is one example. At the instigation of the Belgian workers' delegate, the Conference Committee in 1929 added, without opposition, reference to the 'number of adult able bodied men indispensable to family and social life' and to respect for the 'economic necessities of the normal life of the community in question' to the Draft questionnaire which the Office had prepared for discussion by the ILC. Twelfth Session of the ILC, Committee on Forced Labour, Minutes, Sixth Session, pp. 14-6, D 612/800/1, ILOA. Both formulae were indeed retained in the final Questionnaire, *ILC, Fourteenth Session Geneva 1930, Questionnaire, Forced Labour*, Geneva: ILO, 1929, p. 59. The governments, including the important colonial and mandatory powers, in their replies didn't question these formulae but were, with the notable exception of China, agreed that a future international instrument would have to leave the fixing of the actual proportion of adult males who might be taken from any one community at one time to territorial legislation, and the Office in its Draft convention didn't suggest such fixing either. *ILC, Fourteenth Session Geneva 1930, Forced Labour, Report I*, Geneva: ILO, 1930, pp. 59-64, 166-8, 201-2, 216; *Supplementary* to this Report, pp. 7, 13; *Second Supplement* to this Report, p. 5. In the end, both formula in substance were retained in C29, and, triggered by an amendment proposed by the Workers' Group and carried in the Conference Committee a maximum proportion was fixed in the Convention. Fourteenth Session of the ILC, Committee on Forced Labour, Tenth Sitting, 18<sup>th</sup> June, 1930, afternoon, p. 13, D 614/900/1, ILOA.

<sup>118</sup> It did so, however, in the context of appointing one woman, with a thorough knowledge of colonial affairs, to the Committee of Experts on Native Labour, Zimmermann, "Special Circumstances", in Van Daele et.al., *ILO Histories*, p. 237.

<sup>119</sup> This is how the ODI put this approach in its brochure *The Modern Line of Attack on Women's Civil Rights. An Examination of Confused Thinking*, p. 2, Archive Nationaal Bureau voor Vrouwenarbeid, inv. no. 469 (bold type letters in the original), Aletta (now merged into Atria, Institute on Gender Equality and Women's History), Amsterdam.

<sup>120</sup> ODI, *Status of Women*, as contained in LoN, *Nationality and Status of Women*, Geneva, August 30<sup>th</sup>, 1935, p. 41, League of Nations (Geneva) Collection, Box 94, IISH.

Social and Political Alliance, a Catholic organisation dedicated to the legal equality principle, was the only international women's organisation interacting with the League of Nations and the International Labour Office to develop a pronounced interest in questions related to the status of 'native' women in general in its activism.<sup>121</sup> Yet when in January 1938 the ODI and the St. Joan's Social and Political Alliance joined forces in a question related to 'native' women their action was about guaranteeing that these women would legally have equally access to contract labour. The two organisations aimed to organize opposition from as many women's organisations as possible to the idea promoted by the International Labour Office to include women-specific restrictions to contract-making in its planned regulations on contract labour.<sup>122</sup> Even the most extensive document on 'native' women produced by an international women's organisation, the treatise on the 'Status of the women of native races' issued by the St. Joan's Social and Political Alliance, in no way focused on 'native' women's involvement in the subsistence economy, mentioning their involvement in 'field work and domestic work' without further comment.<sup>123</sup> Neither in the records of the women's activism with a visible connection to the ILO, nor in those of the International Labour Office do we find any traces of a possible aspiration to get 'native' women themselves involved in the making of regulations pertaining to paid or unpaid 'native labour'. The International Labour Office in a note sent to some of the members of its Correspondence Committee on Women's Work described 'native' women as 'know[ing] nothing of life outside their family and their Native villages';<sup>124</sup> the St. Joan's Social and Political Alliance saw them as 'for the most part inarticulate'.<sup>125</sup>

The easy agreement within the ILO as to the need to rely on subsistence policies in its instruments on unfree 'native labour' is astounding at first sight, especially considering the anxiety which characterized discourse and policies on family policy within and around the International Labour Office and the reluctance of the ILO to substantially engage with such policy. This difference between subsistence policies and family policy, as well as the fact that neither the ILO nor the actors in its orbit connected debate and discourse on family policy and subsistence policy with each other, is striking especially considering that these two sets of policies addressed in a

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<sup>121</sup> S. Zimmermann, 'Liaison Committees of International Women's Organisations and the Changing Landscape of Women's Internationalism, 1920s to 1945', in: WASMI.

<sup>122</sup> ODI, *Report of the Fifth Conference in Cambridge, July 25<sup>th</sup> – 29<sup>th</sup>, 1938*, London: ODI, 1938, 21; Minutes of the Liaison Committee of Women's International Organisations 23/03/1938 and 02/05/1938, both Liaison Committee of Women's International Organisations Archives, folder 2, IISH. See also Zimmermann, 'Night Work', in Kimble and Röwekamp, *New Perspectives*.

<sup>123</sup> St. Joan's Social and Political Alliance, Status of the women of native races, May 30<sup>th</sup>, 1937, contained in LoN, Nationality and Status of Women, Geneva, August 30<sup>th</sup>, 1935, here p. 58, League of Nations (Geneva) Collection, Box 94, IISH.

<sup>124</sup> Alice Cheyney to Mary Anderson, 19/11/1938, attachment, WN 12/01/8, ILOA.

<sup>125</sup> St. Joan's Social and Political Alliance, Status of the women of native races, contained in LoN, Nationality and Status of Women, 1935, p. 56, LoN Collection, Box 94, IISH.

largely identical manner the pressure which involvement in paid labour put on unpaid care- or subsistence-oriented labour. The key to explaining this difference in approach lies in the divergent consequences which policies aiming to address the resulting tension between paid and unpaid labour had or would have within each of these two sets of labour policy. Family policies, or more precisely family allowances, aimed to ease this tension by attaching a material benefit to hitherto unpaid care labour, and this benefit had in substance to be financed by the state and/or employers, who in this way would recognize the value of unpaid labour for society and in fact remunerate it. In contrast, acknowledging the value of unpaid subsistence labour did not result in any additional financial burden for private or public enterprise as it built on the ‘native’ subsistence economy.<sup>126</sup> We need to put this distinction centre stage, if we are to explain the difference in the ILO’s approach to family and subsistence policies in the interwar period.

In the rare moments in the history of the ILO’s engagement with the politics of unpaid work when subsistence policy and family policy touched upon each other, this difference became blatantly apparent. The importance attributed by actors within the ILO to avoiding such costs as might incur when trying to ensure ‘the subsistence of the families of the workers’ in the context of coerced labour was exemplified by the fate of two interventions by the Belgian workers’ delegate in the 1929 Conference committee on forced labour. One of two clauses Mr. Pauwels laid before the committee suggested that the public authority that had recourse to such forced labour as entailed the absence of the worker from home ‘for considerable periods’ had to satisfy itself that ‘part of the wages’ could be remitted ‘by a safe method ... to the family’. This clause

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<sup>126</sup> In the scholarly literature, the combination of labour performed in the subsistence economy and labour performed for public or private enterprise has been theorized as systematic indirect exploitation of the subsistence economy. Within this combined system, the latter functioned, as long as it was not destabilized or destroyed, as a costless ‘breeding ground’ for labour performed in the service of public or private enterprise and paid below the subsistence level. One groundbreaking contribution to this scholarship was C. Meillassoux, *Die wilden Früchte der Frau. Über häusliche Produktion und kapitalistische Wirtschaft*, Frankfurt: Suhrkamp Verlag, 1983, esp. pp. 113-6, 133-7 (French original 1975). From this perspective the ILO’s politics on ‘native labour’, as they aimed to stabilize the relationship between subsistence and paid labour, are to be read as enabling such exploitation. At the same time, the ILO’s instruments on ‘native labour’, in identifying the intricate connection between subsistence work and paid labour, and some elements of the asymmetry of this connection in the Global South, differed from the modernist developmentalism that would characterize both the mainstream international development discourse and policies of the 1950s and 1960s, and the early stages of the politics of bringing ‘women into development’ which began to evolve in the 1970s. Both of these discourses were characterized by a productivist bias, with the former focusing on men’s, and the latter women’s integration in the developing ‘modern’ or commodified sector of the economy. For a succinct summary of these approaches see R. Braidotti, E. Charkiewicz, S. Häusler and Saskia Wieringa, *Women, the Environment and Sustainable Development. Towards a Theoretical Synthesis*, London and Atlantic Highlands: Zed Books, 1994, esp. pp. 78-85, 92-97. In contrast to the ILO’s approach developed in the 1930s, feminist interventions into the development discourse from the 1970s onwards did problematize the gender asymmetries and policies involved in developmentalist discourse and practice. For feminist scholarship which has globalized the conceptualization of the relationship between subsistence/care work and the commodified economy as an asymmetric and exploitative one see above, footnote 9.

was indeed accepted by the Committee and retained in C29. In contrast, the Conference Committee quarrelled about the related second part of Mr. Pauwels' proposal, which suggested that the Draft questionnaire should inquire whether the governments considered that 'a right' should be fixed 'of the wife to accompany her husband in the areas where such work is carried on, this right carrying with it the obligation on the authority which organises the work to furnish absolutely free food and lodging for the wife.' One of the opponents of this clause was Mr. Jadjji Salim, resident in the Dutch East Indies, and present as the Advisor of the Dutch workers' delegate, who probably had more realistic knowledge about the conditions of coerced labour in the colonies, and argued that 'it would not be fair to family life if families were herded together, as would happen'. The Conference Committee dropped Mr. Pauwel's suggestion without further discussion.<sup>127</sup>

#### **6.4. Conclusion**

This study has discussed the evolution of the international policies of unpaid work, their particular character and the related international argument, and the role of diverse actors in shaping these policies.

With regard to the actors, we have seen that in developing these policies the International Labour Organization, interacting with a myriad of networks and individuals based overwhelmingly in the Global North, reworked various concepts and practices of labour and social policy pre-existing in both the Global North and the Global South. While non-socialist women's organisations involved in this process largely had to rely on the goodwill of the International Labour Office, international committees of socialist and of trade union women, through their connection with the International Federation of Trade Unions and other workers' organisations, had, as long as this connection worked smoothly, a somewhat stronger leverage. As regards the global divide between North and South political developments and claim-making related to industrial countries in some cases exerted tangible influence on the ILO's course of action, while in the process leading to the creation of the international instruments on 'native' labour the ILO relied heavily on colonial expertise. With the support of workers' delegates the International Labour Office managed to a degree to remould this heritage, so as to set – amongst other things with reference to the needs of the subsistence economy – certain limits to the exploitation of 'native' labour.

As to the character of the international policies of unpaid work developed by the ILO, it can be argued (with a degree of exaggeration) that the first of the three elements of these policies,

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<sup>127</sup> The Belgian workers' delegate after this exchange withdrew this clause. Twelfth Session of the ILC, Committee on Forced Labour, Eighth Session, 7 June 1929, pp. 11-2, D 612/800/1, ILOA.

namely maternity policy, focused on the woman-specific burden maternity put on paid work, while the other two elements, family policies and subsistence policies, focused on unpaid work in its relation to free and unfree labour in the service of private and public enterprise. Maternity policy, in other words, was about enabling a woman's paid work despite her bodily 'handicaps', while the other two sets of the policies were about acknowledging or transforming unpaid work aimed at the sustenance and reproduction of family and community.

The argument over maternity politics evolved around the question of how to create a situation where women's involvement in unpaid labour did not lead to a woman-specific vulnerability or powerlessness within the world of paid work. The ILO's discourse of maternity as a 'natural' function and a 'handicap' to women's paid work contributed to both the gendered reification of women's bodies as an inherently problematic presence in the world of paid work and society at large, and to the cultural devaluation of all work other than paid work. Women's organisations who favoured legal equality sought instead to suppress gender-specific difference in the world of paid work, including that stemming from women's involvement in unpaid work, through assimilating women's paid work with that performed by men. However, this approach was also problematic, involving a refusal to acknowledge that this might make woman workers vulnerable in a different manner.

The ILO's family policies and subsistence policies both acknowledged that engagement in unpaid labour restricted the capacity to engage in – free or unfree – wage labour. Yet these two sets of policies differed fundamentally in terms of how to address the related tension between paid work and unpaid care labour. Family policies sought to enable care labour by directly or indirectly supporting it financially. In contrast, subsistence policies did not involve material investment by the colonial state or employers in non-self governing territories; instead they sought to restrict the amount of (unfree) wage labour to be performed by members of 'native' families and communities. This difference is one of the key factors that explain why, in the context of the industrial countries, the ILO did not in the end develop family policies that would have eased the strained relationship between unpaid care work and free wage labour, which placed an especial burden on women. In contrast, some women's organisations strongly argued in favour of family allowances with a view to easing – but as a result also reifying – women's 'double burden', while the Open Door International alone came up with a gender-neutral vision of societal support for unpaid family work. As to subsistence policies, the tension within the ILO between colonial and imperial interests on the one hand and the policies pursued by the Office and the workers' side on the other were rooted in disagreement as to how much pressure could be exerted upon the 'native' subsistence economy without endangering its function as a costless breeding ground for labour exploited in the service of profit and colonial development. The

vision that, in the context of colonial labour relations as shaped by the ILO's instruments on 'native' labour, 'native' women more than 'native' men would be associated with unpaid labour was never questioned within the ILO and was shared by many women's organisations.

The distinctions between maternity policy, family policy, and subsistence policy were barely ever questioned in the international argument over unpaid work in the interwar period. At the same time, taken together, the related concepts mirrored, politically reified, and sought to ease the strained and tense relationship between unpaid labour on the one hand and free and unfree labour for private and public enterprise on the other.

In a long-term perspective, the development together-apart of the three elements constituting the new international politics of unpaid work can be read as a significant contribution to the generation of two problematic traits of gendered global governance – characteristics which also all too often continue to colour feminist scholarship on the past and present of women's labours. Thinking separately about women's work in the contexts of free and unfree labour has helped to create and sustain the unrealistic vision that the future of women's labour in the Global South would entail their involvement in free paid labour alone. The process of making distinctions between and thinking apart the three elements of the international politics of unpaid work have been instrumental in keeping invisible and unacknowledged the exploitation of care and subsistence labour as subordinated to free and unfree paid labour in all parts of the world.