

INTERNATIONAL LABOUR REVIEW

Vol. VI, No. 1.

JULY 1922

The Christian Social Movement and International Labour Legislation

by

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THE principle of international legislation for labour necessarily passed through more than one difficult phase before it could be realised in fact. First, it had to take definite shape and win its way in popular circles, then, having won popularity, it had to find acceptance among political groups, until, as a final stage, governments were by this means influenced no longer to regard it in the light of a Utopia, but as a step forward which, though difficult, was not impossible.

During this long preliminary period, lasting from about the middle of last century until the formation in 1900 of the International Association for Labour Legislation, there existed—not counting a few highminded and generous independent social reformers—two schools which were mainly responsible for elaborating and spreading the idea of international agreement in labour legislation. These were the Socialists and the Christian Social movement. However divergent their views on many important matters, they occasionally collaborated, as, for instance, at the Zurich Congress of 1897, in hastening the day that would inaugurate unity among the nations in the sphere of labour legislation.

An attempt will be made in this article to illustrate the work towards this end in various countries of the Christian Social movement by means of a selected recital of a few out the abundant available facts and documents.

I

The Christian conception of humanity obviously supplied the Christian Social movement with an initial powerful argument in favour of the international protection of labour. Christianity is so inclusive that it should unite all in a common striving after justice

and charity. The nations ought not, therefore, to refuse to agree among themselves to protect the rights and interests of all who labour.

At the same time adherents of the Christian Social movement are also 'realists'. They are not satisfied to adopt a theory on what economists sometimes disdainfully call "sentimental grounds" alone. Not religious conviction only, but a study of facts has brought them to demand international agreement in labour legislation. They see progress in the spheres of economics and of law becoming increasingly international; the departments of our economic system subject to an understanding between peoples are widening daily. At the Zurich Congress a Catholic Social leader, Mr. G. Decurtins, member of the Swiss National Council, who has been very active in spreading these views, stated :

. . . The *de facto* monopoly enjoyed by transport undertakings is sufficient justification in the eyes of our business world for the theory, now accepted as a dogma, that risks should be borne by such an undertaking. This theory has become a principle of international law; embodied in international treaties it protects the rights of the business man, wherever his goods are carried.... Why should the modern industrial worker, forced as he is to deliver up his life and health to the mercy of machinery and employer, be considered unworthy of the solicitude expended on the merchandise of a trader? And as the conditions in all civilised industrial countries are similar, surely an international regulation of these matters is indicated quite as much as of commercial relations?

In support of his remarks Mr. Decurtins pointed out that "the conditions under which labour is exploited in any one country are not without influence on the workers of neighbouring countries". A German Father, Mr. Kolb, had previously described international regulation as "a duty and an obligation imposed on the present generation, and one essential if the world is to move on".

Another even stronger reason has been urged by the Christian Social leaders in order to point the need for international agreement. They drew attention to the fact that agreement was practically indispensable if labour legislation was to develop in the separate countries. Unless the Powers could arrive at an understanding, a state might be prevented by foreign competition from enacting social laws which would place its industries at too much of a disadvantage as against foreign rivals.

Suppose an 8-hour day were introduced in Switzerland, (said Mr. Decurtins) while neighbouring states still kept to a 10-hour or an 11-hour day: it would only have the disastrous effect of weakening Switzerland in her struggle abroad, and the Swiss worker would himself suffer. Or subject Belgian industry to a strict prohibition of the employment of women, burdening it with a heavy responsibility to some extent on the Swiss plan, and at the same time make no change in existing French conditions: there would be an outcry from every Belgian manufacturer, who would complain with reason that he could no longer compete with France. Just because the labour market and the industrial system itself have become international matters, there can no longer be any question of allowing national barriers to arrest the development of labour legislation.

These were the chief considerations inspiring Christian Social adherents in all countries to express themselves clearly in favour of international labour legislation. Nor have they been content with displaying a Platonic sympathy. From the outset they have sought to support to the best of their ability all action or initiative to get such legislation passed.

II

The Swiss Parliament can boast of having been the first to give expression to the wish for international agreement in labour legislation. In 1880 the National Council voted a motion of Mr. Frey requesting the Federal Council "to open negotiations with the chief industrial states for the purpose of drawing up international factory legislation". Except Austria and Italy, who wanted previous notice of the programme of the proposed conferences, all the governments declined the invitation. In spite of this setback the idea was bound to make progress. It was taken up by the workers' organisations, by Socialist parties and by the Christian Social movement, particularly in France and Germany. On the occasion of an interpellation in the French Chamber on 25 January 1884, Count Albert de Mun, together with several of his Catholic colleagues, proposed that the Government should be invited "to prepare the adoption of international legislation allowing each state to protect the worker, his wife and children, against excessive labour, without injury to national industry". In 1882 the Catholic Party in Germany recommended a conference to deal with the international regulation of labour conditions. In 1887 a congress of German Catholics demanded international regulation of Sunday rest. Similar action was undertaken by Socialist organisations; the German Socialist deputies in the Reichstag, for instance, in 1886 supported a motion in favour of holding an international conference.

The ground appeared to have been "prepared by the industrious efforts of numbers of persons of the most varied interests", when the initiative was again taken by Switzerland. On 27 June 1888 Mr. Decurtins and Mr. Favon, deputies belonging to two different groups, introduced a Bill in the National Council "inviting the Federal Council to urge on the various European governments the desirability of creating international labour legislation covering the protection of child labour, the restriction of women's work, weekly rest and standard working hours".

The Swiss Federal Council rejected the item of standard working hours, but, apart from this reservation, adopted the report unanimously. Mr. Decurtins was requested to draw up a memorandum. This memorandum appeared in 1889 (1). The

(1) DR. G. DECURTINS : *La question de la protection ouvrière internationale* ; Memorandum submitted to the Federal Department of Industry. Berne, S. Collin, 1889.

following measures were there suggested as a basis of discussion at the proposed international conference :

- (1) an age limit for the employment of children in factories and mines ;
- (2) prohibition of night work for women and young persons ;
- (3) prohibition of the employment of women in certain dangerous or unhealthy occupations ;
- (4) prohibition of Sunday work ;
- (5) a maximum working day for young persons.

On the basis of Mr. Decurtins' report the Federal Council drew up agenda for the proposed deliberations and issued invitations to the European governments. Most of the states addressed appeared ready to accept, when the German Emperor intimated his wish that the conference should be held in Berlin ; under these circumstances the Swiss Government withdrew.

There is no need to recapitulate the history of the Berlin Conference. We may content ourselves with noting that the Holy See was officially represented by Monsignor Kopp, Prince-Bishop of Breslau, and that Pope Leo XIII wrote to the Emperor approving the idea of an international understanding. "This difficult and important problem", he declared, "must be solved in full accord with the principles of justice The combined action of the different governments will contribute powerfully towards attaining the much desired end".

In the parliaments of the different countries it was often Catholic deputies who asked their governments to send an official delegation to the Berlin Conference. Mr. Helleputte put forward such a request in the Belgian Chamber of Representatives ; Prince Lichtenstein introduced a similar resolution in the Austrian Reichsrat ; while Count de Mun reminded the French Chamber on 17 May 1889 that he had since the first months of 1885 been inviting the Ministry to prepare the adoption of international legislation. "I am perhaps entitled to recall the fact", he observed, "that for some years I and many of my friends have missed no opportunity of demanding the introduction of international labour legislation and of repeating that an understanding between industrial countries on the chief points involved was the only means of counteracting the abuses of competition and of enabling each country to legislate effectively" (2).

Soon after the Berlin Conference, on the occasion of a debate on a Bill for regulating the work of women and children, Count de Mun again made a statement on the subject of international legislation.

The idea of international legislation is undoubtedly both generous and attractive. For some time I have declared myself its supporter and I believe it is bound to find practical expression to an ever increasing extent. . . . The progress made in the relations between European nations in this respect is a matter for congratulation. . . . I was extremely glad that France took part in the Berlin Conference, but I am bound to add that I

² DE MUN : *Discours*. Vol. IV, p. 150.

should have been even better pleased if her representatives had not been instructed to keep within certain limits. I would have liked France to appear in the rôle which I believe her called to undertake by her character and traditions, as the country taking the initiative in the most generous of proposals on behalf of the small and weak. . . .

Count de Mun added :

I can hardly be wrong as to the importance of such international understanding. On that question I think we are all agreed. No one can yet clearly see the day dawning when an international treaty for protecting labour will be concluded on a firm basis with definite sanctions, under our present circumstances such results can scarcely be hoped for within the near future. But I see no reason why this should lessen the intrinsic importance of our action. To me the Conference has been one of the most notable events of the century. It means that governments will from now on include social questions among the problems with which they have to deal ; this means the public recognition of the rights of labour (*).

This eloquent French plea was echoed in the Reichstag by Abbé Winterer, who in a speech on 19 May 1892 argued the need for international labour legislation with conviction.

Encouraged by the initial success achieved in bringing the European governments to hold an international conference, Socialists and Christian Social leaders alike continued with increasing enthusiasm to pursue the attainment of a goal which at that date still seemed very distant. It was an unusual and novel event when they were found collaborating, first in Switzerland, later in other countries, for the realisation of an end so ardently desired. Thus in April 1893 at a Swiss labour congress held at Bienne, where the Socialists were in a majority, Mr. Decurtins introduced the following motion : " This congress expresses a hope that the forthcoming international labour congress to be held at Zurich will examine the question of international labour legislation. Catholic labour organisations are also called on vigorously to uphold the demands for the protection of labour enunciated in the Encyclical of Leo XIII. "

Thus invoked, the Pope approved of the principle and wrote to Mr. Decurtins in the following terms : " . . . We equally approve of this other resolution of the Bienne Congress, which recommends that another and larger conference of workers shall take place ; that conference will unanimously demand of those in charge of public affairs that they should make it their care to have the same laws in force everywhere for protecting the weakness of women and children at work . . . Everyone is aware how imperfect the protection of the workers would be were it left to the legislation that each nation might enact on its own account. "

Various difficulties intervened to delay the holding of the international labour congress, which was to have met at Bienne. Finally, on 23 August 1897 the congress opened at Zurich, attended by 263 voting delegates—165 Socialists and 98 Christian Social adherents (*). The best known leaders of these parties in Austria,

(*) *Ibid.* p. 265.

(*) *Musée Social*, Circular 14 (Series B), for an account of the Zurich Congress. Also *Internationaler Kongress für Arbeiterschutz in Zurich 23-28. August 1897 ; Amtlicher Bericht des Organisationskomitees. Zurich, 1898.*

Belgium, France, Germany, Italy, Switzerland, and several other countries were present. During the six days' session questions relating to Sunday rest, the labour of children, young persons, women, and adult male workers, night work, and dangerous trades were discussed. The last day was devoted to examining "ways and means of realising the international protection of labour", and Mr. Decurtins was instructed to report. No better person could have been chosen to state the problem and suggest solutions.

After demonstrating the urgent need for international labour legislation, he laid stress on the methods likely to result in its surest and most speedy realisation. First, public opinion had to be enlightened as to the urgency of the question. Once public opinion had been won for the cause no government could continue to impede the movement. Further, when formulating their political programmes, Labour parties of every country and all shades of opinion should include international legislation as one of their demands. Corresponding action should be taken by the representatives of such parties in their parliaments; they should work out Bills and motions for propaganda purposes and thus induce statesmen to study the question more closely. "As for Swiss labour and its representatives in the Federal Assembly", added the Christian Social Councillor, "their special duty will be to do their utmost to engage the Federal Council to issue official invitations to all civilised states, requesting them to attend an international conference". In conclusion, Mr. Decurtins insisted on the value of creating an international Office for labour legislation, which would collect and publish information on labour questions and organise conferences for discussing the development of legislation to protect labour. After hearing a detailed report on the question by Mr. Curti, Councillor for St. Gall, the delegates unanimously adopted a resolution in favour of such an Office and of a permanent Commission.

The Christian Social leaders at Zurich thus made every possible effort towards forwarding the idea of international agreement on labour questions. Nor did they forget the obligations they had assumed when returning to their respective countries. Many among them once more drew the attention of their parliaments to this grave problem. In the Austrian Reichsrat, for instance, the Christian Social members in 1898 introduced a motion inviting their Government to take the initiative in calling an international conference for reducing hours of work. In the Belgian Chamber of Representatives, during the budget debate on 30 March 1898, Mr. Carton de Wiart, Catholic deputy for Brussels, advocated the creation of the international Office which had been unanimously demanded by the Zurich delegates. "Our neutrality and the smallness of our territory", he stated, "prohibits any warlike ambition on our part, and so much the better. But this very neutrality of ours encourages us to be the leaders in scientific international organisation. Could we bring to this task all the enthusiasm which it calls for, we should be doing a

valuable service to our workers, and one that would benefit the cause of justice and humanity in other countries also" (5).

For a short time it was thought that Mr. Nyssens, Belgian Minister of Labour and Industry, was intending to create the proposed Office at Brussels; but political considerations prevented this proposal from being carried out. The times were not yet ripe, but with the formation of the International Association for Labour Legislation the goal was in sight, and the long desired centre was established at Basle.

The International Association for Labour Legislation was established in detail at the International Congress for Labour Legislation, which was mainly promoted by Mr. Cauwès and Mr. Raoul Jay, Professors of the Paris Faculty of Law, and which was held at the *Musée Social* from 25 to 29 July 1900. Mr. Raoul Jay may be said to have been the soul of this congress, in which all supporters of legal intervention were united without distinction as to nationality or social or religious opinions, and to the day of his death he remained one of the most active leaders of the French section of the Association. Be it noted that Mr. Jay was an adherent of the Christian Social movement and that his convictions were the source of his zeal. During the Paris Congress he made a statement to the following effect, which we quote from the official report of the proceedings (6).

I am a convinced Catholic, and I may add that in devoting to the questions before us the passionate interest known to my friends I am but obeying the precepts of Him we recognise as our divine Master. But you know that from the first—and the names on our committee of patrons is conclusive proof, if any were needed—it was our intention to call this congress of all supporters of labour legislation without distinction of opinion or creed, and I can openly assert that it has never occurred to me, indeed, that it would offend my conscience, to make some roundabout sort of religious declaration before men who do not share my convictions.

This declaration was made on the occasion of a discussion arising out of the opposition of certain delegates to admitting a representative of the Holy See to the committee of the Association. "We are not asking you for a Catholic demonstration", added Mr. Jay, "but, in return, we are entitled to ask you not to make an anti-Catholic one, and we do ask it most urgently". Two Socialists of slightly different shades of opinion came to the support of Mr. Jay's motion, and the cause was won.

Since then, in view of their common ends, there has always been cordial collaboration between Catholic social reformers and the representatives of other doctrines within the International Association for Labour Legislation, an Association in which, as Mr. Albert Thomas reminded President Millerand on the occasion of his reception in Geneva, "a Groussier and an Edourd Vaillant were able to meet an Albert de Mun on common ground".

(5) Cf. *Annales parlementaires belges, séance de la Chambre des représentants du 30 mars 1898*, p. 988.

(6) Cf. *Congrès international pour la protection des travailleurs, 1900*; pp. 549 seq. Paris, A. Rousseau.

A new era in the history of international labour legislation now begins in 1900. The Berne Conferences of 1905, 1906 and 1913, promoted by the Association, started the drafting of the first sections of the international labour code. Whether within their official organisations or as members of special associations, adherents of the Christian Social movement in all countries continued to defend these principles, which were ultimately to find complete realisation in the International Labour Organisation. Always loyal to their faith and their traditions, they are today supporting an institution which they feel should introduce greater justice and charity in the relations of mankind.

