

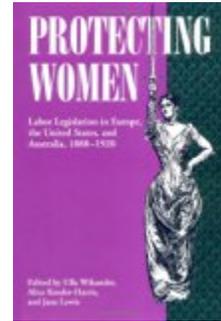
H-Net Reviews

in the Humanities & Social Sciences

Ulla Wikander Lewis, Alice Kessler-Harris, eds. *Jane. Protecting Women: Labor Legislation in Europe, the United States, and Australia, 1880-1920*. Champaign: University of Illinois Press, 1995. viii + 379 pp. \$49.95 (cloth) ISBN 0-252-02175-4; \$19.95 (paper), ISBN 978-0-252-06464-7.

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Who Owns Women?

The contributions to this important anthology represent the most recent scholarship and thinking on the issue of protective labor legislation in industrialized nations. The scholars, Regina Wecker (Switzerland), Jane Lewis and Sonya Rose (England), Sabine Schmitt (Germany), Margarete Grandner (Austria), Ulla Jansz (the Netherlands), Anna-Birte Ravn (Denmark), Lynn Karlsson (Sweden), Gro Hagemann (Norway), Efi Avdela (Greece), Renate Howe (Australia), and Alice Kessler-Harris (United States) all considered how and why protective labor legislation was proposed, passed, and implemented in each of these national settings. (Editor Ulla Wikander's article is about the international conferences on protective labor legislation.) These scholars have been meeting and discussing these issues at a variety of conferences since 1989. The product of years of work and debate, this volume is noteworthy not only as a collection of excellent scholarship, but also as a collective, international effort in women's history.

After an excellent and helpful introduction by Kessler-Harris, Lewis, and Wikander, the volume begins with an article by Wikander who explores the debates at the various late nineteenth- and early twentieth-century international conferences on protective labor legislation at which almost all of the players, the reasons and explanations for and against this legislation, and the variety of ways these laws might be proposed and implemented, were introduced. One hundred years ago, the issues of protective legislation was no easier for feminists, labor leaders, legislators, and the general public to agree on

than it is today. In every national setting, the passage of protective labor legislation was "overdetermined."

It was supported by male representatives of the most conservative political parties in countries like Austria, by liberals in Greece and Britain, and by a conservative Swedish government that was eventually joined by liberals and social democrats. Everywhere it drew support from such disparate groups as trade unionists, employers, citizen husbands, and social activists (p. 17).

The central problem is that by setting aside all women as requiring special treatment (because of their potential or present child bearing equipment), equality, long sought by women's rights activists and other radical groups, would be threatened. Most arguing the issue from a theoretical level felt compelled to choose between equality and difference. Some recognized the complexity of the issue and tried to break apart the false dichotomy. In this way, one of the historical works that haunted almost all of these scholars' works was Joan Scott's article "Deconstructing Equality-versus-Difference; or, The Uses of Poststructuralist Theory for Feminism," *Feminist Studies* 14 (Spring, 1988). Since the efforts for protective legislation often coincided with efforts for suffrage and competing demands for economic and political equality, questions about citizenship and national identity often overlay the debates.

Paradoxically, in many countries, protective labor legislation was understood as a "progressive" measure, endorsed often by women of all classes. Whether under-

stood as an “opening wedge” for protective labor legislation for all wage workers, or simply a basic measure of protection for the most vulnerable in the society (women and/or children) these laws forbidding night work, excessive hours, poor pay, and unhealthy working conditions were seen as a humane response to the worst abuses of industrial capitalism. Many authors engage the recent work on women and the origins of the welfare state and “maternalism.” In their introduction, Kessler-Harris, Lewis, and Wikander suggest that, (and I quote at length):

The authors of these essays take surprisingly similar positions in their overall evaluations of protective labor legislation. They share the interpretation that legislation shackled women to male standards that substituted sameness for equality and turned difference into subordination. *Their results thus challenge recent notions that materialism provides an explanation for the passage of this legislation and its meaning as well as for the origins of the welfare state.* Insofar as they suggest the stake of men in furthering the family-oriented and motherhood-preserving goals for nationalism, they call into question the value of the concept of maternalism itself. In elucidating the varied political interests in which protective legislation is located, these essays help us to understand something of the powerful and complicated meanings of regulating women. (p. 23) (emphasis mine)

Since the editors do such an admirable job of providing background, historiography, and a summary of the articles, I will not repeat their good work. Let me provide a few overall impressions of this volume’s usefulness as comparative history.

One of the most noteworthy (though certainly not surprising to a women’s labor historian) similarities among various national histories is the pervasiveness of the family wage idea and domesticity. Women were assumed to be members of traditional, nuclear families, with male breadwinners, engaging in housework and childcare as their primary (or soon to be primary) responsibilities. The seeming universality of these ideas and their relationship to the advent of industrial capitalism was undoubtedly mediated through local cultural, religious, legal, and economic conditions. Perhaps one way these variations were expressed was the type of protective labor legislation passed as well as how the laws were actually implemented. Alice Kessler-Harris’s final piece on night work restrictions in the United States only begins this comparative discussion. Even though the title of the article is “The Paradox of Motherhood: Night Work Restrictions in the U.S.,” the piece is really

about why the U.S. never had maternity legislation until 1993, unlike the vast majority of the other nations under consideration. “Exceptionalisms” are not difficult (e.g., Britain began industrializing first while countries like Greece, Switzerland, and the Netherlands were late industrializers; Scandinavian countries gave women the right to vote quite early while Switzerland did not until 1971; the United States and Australia were immigrant societies while the other nations were not during this period; and there are more comparisons that can be drawn and exceptions noted regarding political parties, radicalism, the women’s movement, and so on). These are fascinating comparisons but the volume would have been more satisfying with a conclusion that made an attempt to propose some generalizations (perhaps with some material about contemporary issues) about the relationships among industrialization, political/labor conditions, gender systems, and the type of protective labor legislation.

In the introduction, the editors suggest that the articles provide the raw materials to “think out loud about the powerful symbolic meaning of the effort to regulate women’s working lives that spread throughout the industrialized world in the early years of the twentieth century (p. 22). they identify, in particular, “the combination of civilizing impulses and the needs of states to demonstrate their humane intentions [as] provid[ing] a powerful rationale for the stream of protective labor legislation passed around the turn of the century” (p. 17). And, as the editors and the authors themselves note in the articles, particularly in the Scandinavian countries, efforts to pass protective labor legislation were seen as one component of varied efforts to “modernize” the country. I found the repetition of this rationale tantalizing, suggesting important gendered assumptions about the functions of the modern state. Again, without belaboring the possibilities, it seemed to me that a more focused exploration of this comparative dimension would have been fascinating and useful.

Finally, many of the authors admit that the voices of working-class women were often absent either because they were not interested in the debate or because they were not considered important by those in power. These voices are important pieces of this story and the alleged silence of these women reveals much about the nature of the debate itself. In one rare case, Swedish women claimed that while they did not oppose protective labor legislation for all workers, they “opposed this pretense of protection that handicapped women in the labor market while affording no real protection for us, as women and as mothers” (p. 253). It seems to me that, the protec-

tion of middle-class women's organizations and feminist groups notwithstanding, the conversation about protective labor legislation was a conversation among men over the roles and bodies of women. As an Austrian weaver and factory worker states in 1893, "We don't have our wives and daughters to be the factory owners' slaves. Our women belong to us" (p. 165). Certainly, ideas about masculinity and paternalism and men's rights and obligations to women held from the state house to the worker's house provided the foundation upon which this consen-

sus on protective legislation was built. Perhaps changing (or challenged) ideas about masculinity, manliness, and paternalism in response to industrial capitalism were as important as men's ideas about women's roles and domesticity on this debate on protective labor legislation.

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