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Engineering Social Peace: Networks, Ideas, and the Founding of the International Labour Organization*

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Summary: In 1919 a pioneering generation of scholars, social policy experts, and politicians designed an unprecedented international organizational framework for labour politics. The majority of the founding fathers of this new institution, the International Labour Organization (ILO), had made great strides in social thought and action before 1919. The core members all knew one another from earlier private professional and ideological networks, where they exchanged knowledge, experiences, and ideas on social policy. In this study, one key question is the extent to which prewar "epistemic communities", such as the International Association for Labour Legislation (IALL), and political networks, such as the Second International, were a decisive factor in the institutionalization of international labour politics. In the postwar euphoria, the idea of a "makeable society" was an important catalyst behind the social engineering of the ILO architects. As a new discipline, international labour law became a useful instrument for putting social reforms into practice. This article also deals with how the utopian idea(l)s of the founding fathers – social justice and the right to decent work – were changed by diplomatic and political compromises made at the Paris Peace Conference. The article thus reflects the dual relationship between idealism and pragmatism.

INTRODUCTION

In the first half of 1919 representatives from more than thirty allied and associated nations assembled near Paris to outline a new, peaceful world order. Following World War I expectations ran high for international cooperation and solidarity among the many nations as a basis for universal peace. Hoping "to end all wars", Woodrow Wilson, President of the United States, perceived the need to address political crises

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among nations as well as social crises within them.[1] He sought collective security by establishing the League of Nations to deal with international crises. Moreover, convinced that international regulation of social problems was a key aspect of the peace-making process, he worked to find a means to this end. At the plenary Peace Conference, directed by President Wilson, the British Prime Minister Lloyd George, and the French Premier Clemenceau, a separate commission was entrusted with the task of devising a common labour programme to serve as a blueprint for international postwar social politics. This commission designed a new legal framework for labour legislation, the International Labour Organization (ILO), which still operates in much the same way as it did then.[2]

The Commission on International Labour Legislation in 1919 was composed of internationally renowned scholars and social policy experts from a broad range of disciplines and backgrounds. These experts had been invited by the plenipotentiaries to the Paris Peace Conference to advise the official government leaders and diplomats on specific labour and industrial development questions. Most of these experts knew each other from various prewar networks in politics, science, and labour administration before they came together in Paris in 1919.

A focal point in our argument is the concept of "epistemic communities", a concept recently formulated by theoreticians on international relations. Epistemic communities are networks of professionals that exercise an authoritative claim to policy-relevant knowledge because of their expertise and competence within a particular domain. Such epistemic communities and knowledge-based experts are expected to reach a consensus on cause–effect relationships about complex problems, to legitimize themes for collective debate, to identify crucial areas of negotiation, and to draw up common policies.[3] They are important not only because they translate new ideas to international policies, but also because they are channels for exchanging these ideas.

These networks, which ordinarily deal with technical, non-political domains, are accorded an initial opportunity to advise on particular social problems. Epistemic communities have also been important in conceptualizing international policy.[4] For example, there is an epistemic

1. T. Knock, *To End All Wars: Woodrow Wilson and the Quest for a New World Order* (Princeton, NJ, 1995).

2. V.-Y. Ghebali, *The International Labour Organisation: A Case Study of UN Specialised Agencies* (Dordrecht [etc.], 1988); A. Alcock, *History of the International Labour Organisation* (London, 1971); G.A. Johnston, *The International Labour Organisation: Its Work for Social and Economic Progress* (London, 1970).

3. P. Haas, "Introduction: Epistemic Communities and International Policy Coordination", *International Organization*, 46 (1992), pp. 2–3.

4. *Ibid.*, pp. 10, 12.

community in the International Association for Labour Legislation, one of the prewar international knowledge networks of social reformist intellectuals. Focusing on epistemic communities and the specific role of experts allows for a more nuanced analysis of international negotiations than in the traditional research that stresses the unique importance of government leaders and diplomats.

Socio-political studies have long focused on interests as the most important determining factor in decision-making.[5] Recently, there has been a shift in focus to ideas in the analyses of policy-making processes – in reaction to neo-Marxist and rationalist approaches.[6] Although we acknowledge the importance of this change, the specific mechanisms by which ideas influence policy often do not receive sufficient attention.[7] Epistemic communities such as the International Association for Labour Legislation have played a crucial role in the spread of new ideas. Social-reformist ideas were developed through the acquisition and exchange of knowledge in international networks, and this knowledge was acquired using new branches of science.

In 1919 international social law was a new discipline practiced by experts in the Commission on International Labour Legislation to legitimize a new institutional framework in a postwar complex of industrial-capitalist societies. International labour law produced not only new concepts and methods to formulate practical answers for social issues, but was above all an instrument to put the idea of a "makeable society" into practice. A crucial motive among the negotiators in the Labour Commission in 1919 was the will to eliminate social breakdown through collective improvements and to elevate society to a higher level.

In evaluating the role of this effort this article examines the extent to which the founding of the International Labour Organization in 1919 was

5. P. Burstein, "Policy Domains: Organization, Culture, and Policy Outcomes", *Annual Review of Sociology*, 17 (1992), pp. 332–334.

6. A. Endres and G. Fleming, *International Organizations and the Analysis of Economic Policy, 1919–1950* (Cambridge, 2002); T. Weiss and T. Carayannis, "Whither United Nations Economic and Social Ideas? A Research Agenda", *Global Social Policy*, 1 (2001), pp. 25–47; D. Stone, "Think Tanks, Global Lesson-Drawing and Networking Social Policy Ideas", *Global Social Policy*, 1 (2001), pp. 338–360; J.L. Campbell, "Institutional Analysis and the Role of Ideas in Political Economy", *Theory and Society*, 27 (1998), pp. 377–409; M.M. Blyth, "Any More Bright Ideas? The Ideational Turn of Comparative Political Economy", *Comparative Politics*, 29 (1997), pp. 229–250; A.S. Yee, "The Causal Effects of Ideas on Policies", *International Organization*, 50 (1996), pp. 69–108; J.K. Jacobsen, "Much Ado About Ideas: The Cognitive Factor in Economic Policy", *World Politics*, 47 (1995), pp. 283–310; J. Goldstein and R.O. Keohane, *Ideas and Foreign Policy: Beliefs, Institutions, and Political Change* (Ithaca, NY, 1993).

7. J.L. Campbell, "Ideas, Politics, and Public Policy", *Annual Review of Sociology*, 28 (2002), pp. 21–22.

a concrete emanation of the ideas of prewar epistemic communities, and how effective the ideas and insights of these experts in the Commission on International Labour Legislation were. We focus especially on how the utopian idea(l)s of the founding fathers – social justice and the right to decent work – were changed by diplomatic and political compromises at the Paris Peace Conference. Therefore, this article also reflects the dual relationship between idealism and pragmatism.

Looking at the background of two of these experts can help explain how ideas were put into practice.[8] Emile Vandervelde was one of the leaders in the international socialist labour movement, and Ernest Mahaim, a professor at the University of Liège, was an international expert on social law. They were considered "an interesting pair" in 1919.[9] Each had his own progressive ideology, and both were respected authorities on labour issues. Nevertheless, contemporary historiography has not taken sufficient notice of their active involvement in forming international social policy. The few existing studies on the formation of the ILO have only explored the interaction of English-speaking labour and liberals.[10] Consequently, our knowledge of the efforts of other nationals in the 1919 peace talks is fragmented. This study, which is based on the original archival material from the International Labour Office (Geneva), the Belgian Ministry of Foreign Affairs, and published documents of the period, recognizes Vandervelde and Mahaim as modern social engineers within the framework of their networks. Knowing what they achieved leads to a better understanding of the origins of an institution that contributed to the development of the present-day welfare state.

The first part of this article focuses on ideological networks and the people who participated in them. These networks paved the way for the ILO. The second part of the article analyses the ideas of the founding fathers, Vandervelde and Mahaim, and their contributions to the decisions that led to the new institution in 1919. Finally, we assess the reactions of the plenary Peace Conference to the commission's propositions and review the extent to which the ILO was included in the final peace treaties.

8. M. Keck and K. Sikkink, *Activists beyond Borders: Advocacy Networks in International Politics* (Ithaca, NY, 1998), pp. 1–8; D. Rueschemeyer and T. Skocpol (eds), *States, Social Knowledge, and the Origins of Modern Social Policies* (Princeton, NJ, 1996), pp. 3–13; J.C. Mitchell, "Networks, Norms, and Institutions", in J. Boissevain and J.C. Mitchell (eds), *Network Analysis* (The Hague, 1973), p. 23.

9. Harold Butler (Director of the International Labour Office 1932–1938) to his wife, 21 February 1919 (Paris), *ILO Archives*, D 600/0/01.

10. See e.g. M. Ruotsila, "'The Great Charter for the Liberty of the Workingman': Labour, Liberals and the Creation of the ILO", *Labour History Review*, 67 (2002), pp. 29–47.

THE IDEOLOGICAL ORIGINS OF IDEAS ABOUT INTERNATIONAL SOCIAL REFORM

The idea of international labour regulation did not suddenly emerge in 1919. It was a logical step that was part of a much larger development in social politics. Its roots can be can be found in utopian socialism.[11] Philanthropic intellectuals had first developed theories about the need for an international approach to deal with social-economic problems at the end of the eighteenth century. These early theorists included businessmen (Jacques Necker), industrialists (Robert Owen, Charles Hindley, Daniel Legrand), medical doctors (Daniel Mareska), economists (Jérome Blanqui), and social researchers (Edouard Ducpétiaux, Louis René Villermé). Although their individual ideas were often developed in a vacuum and had little effect in practice, the universal concepts of utopian socialism did influence the social ideas of many later thinkers. These utopian ideas led members of the socialist labour movement as well as a select elite of intellectual reformers (mostly university professors, lawyers, and public officials) to proclaim their social consciousness at many of the international conferences in the final decades of the nineteenth century. They paved the way for the institutionalization of multilateral agreements and the foundation of the ILO.

The Second International: a divided political network rather than an epistemic community

The socialist labour movement had long operated on an internationalist rationale. The explicit interest that the First International showed in international principles was quite evident. Marx's call, "Proletarians of all countries, unite", in 1848 was regarded as the ideal for making a declaration about the practical need for international labour legislation. Although disagreements led the members to disperse in 1876, the "International" became a well-known concept in the political ideology of the nineteenth century.[12]

More significant was its successor, the Second International, which was established in Paris in 1889 by Marxist-inspired socialists. Although it operated on a common assumption, the international struggle against

11. T.L. Haskell, "Capitalism and the Origins of the Humanitarian Sensibility", *American Historical Review*, 90 (1985), pp. 339–361, 547–566.

12. E. Hobsbawm, "Working-Class Internationalism", in F. Van Holthoon and M. van der Linden, *Internationalism in the Labour Movement 1830–1940* (Leiden [etc.], 1988), pp. 7–11; M. van der Linden, "The Rise and Fall of the First International: An Interpretation", in *ibid.*, pp. 323–335; J. Braunthal, *Geschichte der Internationale*, 2 vols (Berlin [etc.], 1978), vol. 1, pp. 101–200; J. Freymond and M. Molnár, "The Rise and Fall of the First International", in M. Drachkovitch, *The Revolutionary Internationals 1864–1943* (Stanford, CA [etc.], 1966), pp. 3–35.

capitalism, and, through its international actions on behalf of workers' rights, it placed new ideas on the political agenda, the Second International cannot be regarded as an epistemic community. Rooted in a common Marxist ideology, it was a hybrid organization with diverse political groupings. Strong differences of opinion interfered with the search for collective identity and decisions about the organization's course and the methods to achieve its goals. The diffusion of new ideas, rooted in shared beliefs and consensual knowledge, as in epistemic communities, was totally absent in the Second International. Controversies about supra-national solidarity versus national interest, and an ideology of revolution versus compromise with national political systems, interfered with consensus on joint action. Although the International Socialist Bureau started operating from Brussels in 1900 as an informational clearing-house, to improve contacts among socialist organizations, labour parties, parliamentary delegations, and the press, the national sections continued to pursue an autonomous course.[13] The enforcement of collective labour demands through close organizational bonds seemed to be a more pressing national issue for the labour movement.

Despite internal divisions and personal conflicts, the Second International did function as an important political network for leaders of the socialist labour movement. One of them was the young Belgian, Emile Vandervelde (1866–1938).[14] Vandervelde grew up in a liberal bourgeois environment, and as a law student at the Université Libre de Bruxelles (ULB), the labour movement had a strong appeal for him. He was a Member of Parliament for the Belgian Workers' Party from 1894 until his death in 1938. Vandervelde became the first socialist minister (without portfolio) in the Belgian government during World War I. He was appointed Minister of Justice in the autumn of 1918, and later Minister of Foreign Affairs. Between 1925 and 1927 he participated in negotiations for the Locarno Pact. Vandervelde was also a successful academic at the Université Libre de Bruxelles, where he lectured on the history of social doctrines. His specialization was at the crossroads of science and politics. He was noticed early in the international labour movement as a pragmatic reformist. Still a reporter with the commission for industrial legislation at

13. W.Z. Foster, *History of the Three Internationals: The World Socialist and Communist Movements from 1848 to the Present* (New York, 1968), pp. 140–147, 235–239; G. Niemeyer, "The Second International: 1889–1914", in Drachkovitch, *The Revolutionary Internationals*, pp. 95–127; F.S.L. Lyons, *Internationalism in Europe 1815–1914* (Leiden, 1963), p. 184; G.D.H. Cole, *The Second International 1889–1914* (London, 1960), pp. 90–103; P. Van der Esch, *La Deuxième Internationale 1889–1923* (Paris, 1957), pp. 19–34.

14. J. Polasky, *The Democratic Socialism of Emile Vandervelde: Between Reform and Revolution* (Oxford [etc.], 1995); *idem*, "Emile Vandervelde", *Nouvelle Biographie Nationale de Belgique*, 1 (1988), pp. 344–354; M. Liebman, *Les socialistes belges 1885–1914* (Brussels, 1979), pp. 257–260.

the congress of the Second International in Brussels in 1891, he became Chairman of the Bureau in 1900. His moderate disposition and his role as mediator between Marxists and reformists made Vandervelde acceptable to all parties in the divided Second International. He was not considered a great theoretician of socialism, but rather someone who spoke the realistic language of social democrats who wanted to have a role in the political decision-making process.[15]

During World War I the idea of international socialist comradeship was subject to even greater pressures. The growing contradictions between national and international loyalties were personified by Vandervelde, who served simultaneously as President of the Second International and as a minister in the Belgian government. While the political parties of the Second International found it very difficult to revive their network, contacts among socialist trade unions grew closer. Fearing the advance of communism after the 1917 Russian Revolution, national and international pressure by trade-union organizations on the allied countries significantly increased. Labour organizations perceived a loss in their new political decision-making role in any future world order.[16]

As for structural approach and strategy, there was even less consensus among trade-union leaders from the allied countries. International trade unionism had to contend with the same lack of organizational and ideological coherence as the Second International. As the war was ending, the leaders of the socialist parties and the trade unions from the allied countries convened an international conference to meet in parallel with the Versailles Peace Conference. The organization was entrusted to a group of four leaders: Emile Vandervelde; the British Minister of Labour during the war, Arthur Henderson; the Frenchman Albert Thomas (the first Director of the ILO from 1920 to 1932); and Samuel Gompers, the leader of the American Federation of Labor (AFL). This International Labour and Socialist Conference took place in February 1919 in Berne, in neutral Switzerland (for details on the Berne Conference, see the article by Reiner Tosstorff in this volume, pp. 399–433). But the Berne Conference reflected a deeply divided international labour movement.

For Vandervelde, Henderson, and Thomas, a strong trade-union international was not the first priority. The socialist parties they represented wanted to place their demands on the agenda of the Versailles Peace Conference. In contrast, Gompers wanted no part in political compromises, and pleaded for the restoration of a strong labour-union federation without any interference from political organizations.[17] This

15. Polasky, *The Democratic Socialism of Emile Vandervelde*, pp. 87–91.
16. C. Riegelman, "War-Time Trade-Union and Socialist Proposals", in J.T. Shotwell (ed.), *The Origins of the International Labor Organization* (New York, 1934), pp. 55–56.
17. G. Van Goethem, *De Internationale van Amsterdam. De wereld van het Internationaal Vakverbond 1913–1945* (Antwerp [etc.], 2003), pp. 28–29; *idem*, "Conflicting Interests: The

dissent foreshadowed the conflicts between Vandervelde and Gompers in the International Labour Commission that met in Paris at about the same time. These differences caused the leaders of the socialist parties to engage in separate negotiations from the international trade unions. In the end, Vandervelde did not even attend the Berne Conference. The Belgian socialists decided not to sit at the conference table until the Germans would admit they shared responsibility for launching the war.[18]

Despite its internal divisions, the Berne Conference succeeded in designing a concrete programme of social reforms that would serve as a directive for the Paris Labour Commission. This Berne programme called for: freedom of association, equal pay for equal work, a minimum wage, and unemployment insurance. One of the main demands was the eight-hour working day, which had been one of the earliest points of the Second International. During the Berne Conference the trade-union delegates wanted the International Labour Office (the permanent secretariat of the International Association of Labour Legislation) to become an official organization with representatives from the working class. This was in line with the decisions taken by the 1916 and 1917 trade-union congresses, in which Léon Jouhaux, leader of the French Confédération Générale du Travail (CGT) and member of the Commission on International Labour Legislation in 1919, had played a pioneering role (see also the article by Reiner Tosstorff in this volume, pp. 399–433).[19] Although it was impossible for the socialist labour movements in different countries to create international consensus before 1919, they had an important influence on the founding of the ILO by making the idea of international labour legislation more concrete. It was not a coincidence that their leaders demanded a place at the Paris peace negotiations.

The International Association for Labour Legislation: reformist intellectuals in an epistemic community

At a time when the international socialist labour movement faced internal difficulties in its search for international action, social change caused those who were preoccupied with the "social problem" to consider coordinating their ideas and efforts. By the end of the nineteenth century,

International Federation of Trade Unions (1919–1945)", in M. van der Linden (ed.), *The International Confederation of Free Trade Unions* (Berne [etc.], 2000), pp. 78–83.

18. Polasky, *The Democratic Socialism of Emile Vandervelde*, pp. 192–193.

19. M. Dreyfus, "The Emergence of an International Trade Union Organization (1902–1919)", in Carew, *The International Confederation of Free Trade Unions*, pp. 64–67; A. Berenstein, *Les organisations ouvrières. Leurs compétences et leur rôle dans la Société des Nations* (Brussels, 1936), pp. 13–14; E. Mahaim, "The Historical and Social Importance of International Labor Legislation", in Shotwell, *The Origins of the International Labor Organization*, p. 18; Riegelman, "War-Time Trade-Union and Socialist Proposals", pp. 59–65.

some liberal thinkers sought ideological modernization of the traditional *laissez-faire* doctrine. They wanted a suitable political answer to the growing socialism.

Their ideal, which was to create as free a world as possible through open discussions of ideas and knowledge, may well have been utopian, but it did provide the dynamics for developing realistic answers to the new challenges of modern society. It was the search to reconcile private initiatives and government intervention (from a pragmatic point of view rather than a carefully worked out theoretical model) that led these liberal realists to translate their idealism to practical solutions. They believed that as a representative of society the state was obligated to help individuals develop morally. Social legislation was *par excellence* the medium to protect the individual against the failures of industrial society. Fledgling ideas on welfare regulation and the state's role spread rapidly among progressive liberal intellectuals because they were able to reinforce their contacts in national and international debating clubs and organizations. These functioned as stimulating networks for the exchange of social knowledge.[20]

One of these networks was the International Association for Labour Legislation (IALL). The IALL was an international "brains trust" of social policy experts through their professional commitments, which had been made at previous international congresses of civil social reformers. Ernest Mahaim (1865–1938), a jurist and sociologist of Belgian origin, was instrumental in bringing these experts together.[21] Mahaim had a doctorate of law (1886) and political and public management sciences (1887) at a time when social issues affected the highest policy echelons, both within Belgium and abroad. He completed his studies at the Universities of Berlin, Vienna, Paris, London, and Cambridge. Lectures by his mentor Emile de Laveleye at Liège University, and his foreign experiences, enabled him to compare the Belgian situation with international trends. He wrote a thesis in political economy on professional associations (1891) and

20. S. Dudink, *Deugdzaam liberalisme. Sociaal-liberalisme in Nederland 1870–1901* (Amsterdam, 1997), pp. 221–276; R. Bellamy, *Liberalism and Modern Society: An Historical Argument* (Cambridge, 1992), pp. 58–104; A. Dawley, *Struggles for Justice: Social Responsibility and the Liberal State* (Cambridge, 1991), pp. 128–138; J.G. Merquior, *Liberalism, Old and New* (Boston, MA, 1991), pp. 99–109; A. Arblaster, *The Rise and Decline of Western Liberalism* (Oxford, 1985), pp. 284–295; W. Logue, *From Philosophy to Sociology: The Evolution of French Liberalism 1870–1914* (Dekalb, IL, 1983), pp. 95–128; M. Freeden, *The New Liberalism: An Ideology of Social Reform* (Oxford, 1978), pp. 66–75.

21. J. Rey, "Ernest Mahaim à travers quelques écrits", in P. Van der Vorst (ed.), *Cent ans de droit social belge* (Brussels, 1988), pp. 149–158, and, "Ernest Mahaim", *Biographie Nationale de Belgique*, 43 (1983), cols 501–509; F. Dehousse, "Le centenaire de la naissance du professeur Ernest Mahaim", *Bulletin de l'Association des Amis de l'Université de Liège*, 3 (1965), pp. 16–22; M. Gottschalk (ed.), *Mélanges offerts à Ernest Mahaim par ses collègues, ses amis, ses élèves*, 2 vols (Paris, 1935), vol. 1, pp. xv–xxxv.

lectured on statistics and international law. He invited Belgian and foreign reformist intellectuals to attend a first international congress on labour legislation in Brussels in 1897. Strongly influenced by the German *Kathedersocialisten* such as Mahaim's tutors Lujo Brentano, Gustav Schmoller, and Adolf Wagner,[22] the congress members searched for a socio-political answer to the social challenges of their time. It was at this congress in 1897 that Mahaim succeeded in convincing the delegates to establish the IALL.[23]

The IALL was founded in Paris in 1900, at the time of the World Exhibition. It was the brainchild of a select elite group of academics and public officials who organized regular debates on social issues across national boundaries, independent of the government.[24] In light of later developments, it is interesting to note the presence of Emile Vandervelde and Arthur Fontaine (Director of the French Labour Office) at the founding congress in 1900. Both Vandervelde and Fontaine were Mahaim's associates in the Commission on International Labour Legislation in 1919.[25] The IALL was set up as a pluralistic organization, which meant that questions of party, nationality, and religion were intentionally put aside. In practice, it was difficult to build a bridge with the labour movement because of working-class distrust of such initiatives.[26] Consequently, the IALL remained limited to the progressive intellectual elite with a social liberal ideology.

In contrast to the Second International, the IALL can be seen as an epistemic community, although the term had not yet come into being. The international association wanted to participate in political decision-making through its members' joint expertise.[27] To affect public opinion across borders, these experts used the tactics of information politics: "promoting

22. On Brentano, Schmoller, and Wagner, see H. Saint-Marc, "Etude sur l'enseignement de l'économie politique dans les universités d'Allemagne et d'Autriche", *Revue d'économie politique*, 6 (1892), pp. 423–470.

23. For further commentaries on the congress, see E. Mahaim, *Le Droit International Ouvrier* (Paris, 1913), pp. 211–213.

24. The IALL was established in the Musée Social in Paris, and its official name was "Association Internationale pour la Protection Légale des Travailleurs". On the role of the Musée Social in French social politics, see J. Horne, *A Social Laboratory for Modern France: The Musée Social and the Rise of the Welfare State* (Durham, NC [etc.], 2002).

25. M. Delevingne, "The Pre-War History of International Labor Legislation", in Shotwell, *Origins of the International Labor Organization*, p. 29.

26. Mahaim, "The Historical and Social Importance", pp. 8, 17. There was, however, the conference on international labour protection in 1897 in Zurich, only a few years before the foundation of the IALL, which was mainly attended by socialists and social catholics. The creation of an international labour office was one of the most important demands in Zurich. This proves that both organized labour and the radical thinkers of the intellectual bourgeoisie (e.g. united in the IALL) simultaneously but independently campaigned for similar ends. At the turn of the century the rift between the diverse social classes still seemed too large.

27. J.W. Follows, *Antecedents of the International Labour Organisation* (Oxford, 1951), pp.

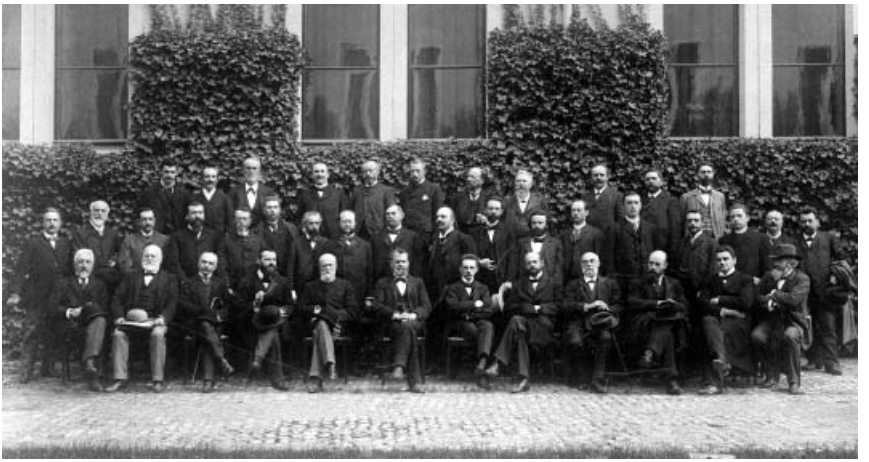

Figure 1. First Assembly of the International Association for Labour Legislation, Basle, 27–28 September 1901, with Ernest Mahaim (front row, sixth from right) and Arthur Fontaine (front row, fourth from left).
Source: ILO Archives, Geneva. Used with permission.

change by reporting facts", as a strategic method to influence policy makers.[28] Stimulated by the simultaneous development of modern communication tools, the IALL functioned as a network for the exchange of knowledge and new ideas about labour regulations in various industrial countries. As its permanent secretariat, the International Labour Office in Basle, Switzerland, centralized relevant information and organized international congresses on a regular basis. The IALL targeted both international and national communities. Separate divisions were set up in each member country.[29]

156–176; Delevingne, "The Pre-War History of International Labor Legislation", pp. 29–52; E. Mahaim, "La fondation de l'Association internationale pour la protection légale des travailleurs", *L'Avenir du travail*, 3 (1925), pp. 28–31; *idem*, "L'Association internationale pour la protection légale des travailleurs, son histoire, son but, son oeuvre", *Revue Economique Internationale*, (October 1904), pp. 6–17.

28. Keck and Sikkink, *Activists Beyond Borders*, p. 45.

29. For the history of the Belgian organization, see G. Vanthemsche, "Laboratoires d'idées et progrès social. Le cas de l'Association belge pour le progrès social et ses prédécesseurs (1890–1960)", in G. Kurgan-van Hentenryk (ed.), *Laboratoires et réseaux de diffusion des idées en Belgique (XIXe–XXe siècles)* (Brussels, 1994), pp. 55–76. For the German section, see U. Ratz, *Zwischen Arbeitsgemeinschaft und Koalition: bürgerliche Sozialreformer und Gewerkschaften im Ersten Weltkrieg* (Munich, 1994), and, *Sozialreform und Arbeiterschaft: die "Gesellschaft für Soziale Reform" und die sozialdemokratische Arbeiterbewegung von der Jahrhundertwende bis zum Ausbruch des Ersten Weltkrieges* (Berlin, 1980). For the Swiss section, see E. Gruner, *Arbeiterschaft und Wirtschaft in der Schweiz 1880–1914* (Zurich, 1988). For the British section, see A. Allen, *Sophy Sanger: A Pioneer in Internationalism* (Glasgow, 1958). For the French

As far as implementing specific policies, the IALL had a key position among the progressive knowledge elite: it was able to examine pressing social current events of the day in a scientific way. Its achievement lies in the impressive way it was able to combine the major intellectual tendencies of the time to form a powerful framework for addressing concrete issues. It targeted those areas that had a direct bearing on a worker's daily life (unemployment, working hours, female labour, housing, and national insurance), albeit within the politico-ideological debate on the advisability of government intervention. Although established as a private initiative, the IALL received governmental support in organizational and financial matters. West European governments, concerned about the rising tide of Marxian socialism, viewed the IALL as a good way to remove grievances and pre-empt socialism. They eventually cooperated with the research work of the organization and sent delegates to its various conferences. The IALL's first conferences dealt with the prohibition on night work for women and the use of white phosphorus in the matchstick industry (1906). These were a successful start to further periodic international deliberations.[30] In the wake of the IALL, other private organizations dealing with similar social issues would be formed.[31]

SCIENCE IN THE STRUGGLE FOR SOCIAL JUSTICE: INTERNATIONAL LABOUR LAW AS A NEW DISCIPLINE

Reformist thinkers developed the idea of a "makeable society". They believed that in times of crisis the intellectual elites were obliged to put their knowledge and power at the disposal of social reforms. A belief in the ability to plan economic and social processes, one of the ideas of utopian socialists in the early decades of the nineteenth century, formed part of the social engineering era. The rational approach to solving social problems, termed by new liberal thinkers as "controlled intervention", was to promote social improvement. To leave this to the leadership of professional networks and scientific knowledge centres such as the IALL was

section, see R. Gregarek, "Une législation protectrice: les Congrès des assurances sociales, l'Association pour la protection légale des travailleurs et l'Association pour la lutte contre le chômage, 1889–1914", in C. Topalov (ed.), *Laboratoires du nouveau siècle, la nébuleuse réformatrice et ses réseaux en France, 1880–1914* (Paris, 1999), pp. 317–333.

30. M. Herren, *Internationale Sozialpolitik vor dem Ersten Weltkrieg. Die Anfänge europäischer Kooperation aus der Sicht Frankreichs* (Berlin, 1993), pp. 109–131, and, "La Formation d'une Politique du Travail Internationale avant la Première Guerre Mondiale", in J. Luciani (ed.), *Histoire de l'Office du travail. 1890–1914* (Paris, 1992), pp. 409–426.

31. The most famous example was the International Association on Unemployment (1910). Together with the International Association for Social Insurances (1889), and the International Association for Labour Legislation, they merged in 1925 to become the International Association for Social Progress.

seen as the best method of gathering knowledge and applying it. The expectation that society could be perfected to a righteous order laid a great responsibility on the shoulders of the social scientists, who ambitiously accepted this task.

In the search for a blueprint for an ideal society, welfare planning was one of the most important tasks. Among the new liberals, social policy was to be oriented towards self-help and individual responsibility. Social liberal thinkers preferred state assistance rather than state intervention. One instrument to put this welfare thinking into practice was international labour law. This new discipline was very useful for developing and adapting social legislation, the basis of social reforms.[32]

The need for juridical demarcation and for interpreting changing labour relations became increasingly obvious with the rise of industrial capitalism. Initially, the first scientific treatises on the rise of the working class were guided by the need to provide legal protections for the individual labourer. Jurists quickly realized the importance of social law as an autonomous field of study, with its own terminology and research methods. The discipline soon carved out a separate research area through self-legitimizing publications.[33] Ernest Mahaim was once again among those who led the way. In his *Droit international ouvrier* (1913), a collection of lectures he had given the previous year at the Law Faculty of Paris, Mahaim refined the ideas of Barthélémy Raynaud, a professor in law at the University of Dijon.[34]

It is noteworthy that Mahaim explicitly mentioned "ouvrier" in the title of his study. Rather than naming it *Droit international social* or *Droit international du travail*, he clearly contrasted the traditional view on international law, evoking the aristocratic world of diplomats, with the

32. C. Topalov, "Entrepreneurs en réforme", in *idem*, *Laboratoires du nouveau siècle*, pp. 397–406; J.W. Duyvendak and I. de Haan, "De liberale herkomst van de maakbare samenleving", in *idem*, *Maakbaarheid. Liberale wortels en hedendaagse kritiek van de maakbare samenleving* (Amsterdam, 1997), pp. 11–26; Y. Cohen, "Gouverner le social, 1890–1945", in Y. Cohen and R. Baudouï (eds), *Les chantiers de la paix sociale (1900–1940)* (Fontenay [etc.], 1995), pp. 7–14, and, "Le travail social: quand les techniciens sociaux parlent de leurs techniques", in Cohen and Baudouï, *Les chantiers*, pp. 106–114; B. Wittrock, P. Wagner, and H. Wollmann, "Social Science and the Modern State: Policy Knowledge and Political Institutions in Western Europe and the United States", in P. Wagner *et.al.* (eds), *Social Sciences and Modern States: National Experiences and Theoretical Crossroads* (Cambridge, 1991), pp. 32–38; A. Savoye, "Une réponse originale aux problèmes sociaux: l'ingénierie sociale (1885–1914)", *Vie sociale*, 8–9 (1987), pp. 485–505; G. Alchon, *The Invisible Hand of Planning: Capitalism, Social Science, and the State in the 1920s* (Princeton, NJ, 1985), pp. 8–20.

33. L.-E. Troclet, *Législation sociale internationale* (Brussels, 1952), pp. 55–61. Troclet, Belgian Minister of Labour (1945–1949), followed in the footsteps of Ernest Mahaim as representative of the Belgian government in the ILO Governing Body after World War II; E. Vogel-Polsky, "Biographie L.-E. Troclet", in *Mélanges offerts à Léon-Eli Troclet* (Brussels, 1967), pp. 21–42.

34. E. Mahaim, *Droit international ouvrier* (Paris, 1913), pp. 3–6.

emergence of the working class as a "new" social group.[35] Raynaud had given the initial impetus seven years earlier with theories about developing labour law from an international perspective.[36] Academics were among the leading thinkers, focusing on increased government responsibility for international regulation of workers' rights and responsibilities. It was evident that this emphasis was motivated by more than ethical concerns for workers' quality of life. Within industrial capitalism at the turn of the last century, the regulation of international labour was also guided by an economic concern to restore conditions of free international economic competition.[37]

It was important that scholars such as Ernest Mahaim who specialized in international labour law transferred their theoretical, academic expertise to the real world. They used their knowledge and methods in empirical research for social benefit.[38] As an outgrowth of Auguste Comte's non-doctrinaire positivism and liberal utilitarianism, law was no longer seen as an abstract science, but rather as an objective method of analysing, measuring, and controlling social evolution.[39] International labour law was directed towards practical social reforms. The Commission on International Labour Legislation in 1919 was a clear example of this.

PUTTING SOCIAL REFORM INTO PRACTICE: THE COMMISSION ON INTERNATIONAL LABOUR LEGISLATION, 1919

During the peace negotiations at Versailles, which started on 18 January 1919 and laid the foundations for an international legal and security system, the leaders of the "Big Three", Wilson, Lloyd George, and Clemenceau, pleaded to have a "social chapter" included in the interna-

35. *Ibid.*, pp. 1–2.
36. B. Raynaud, *Droit international ouvrier* (Paris, 1906).
37. E. Mahaim, "International Labour Law", *International Labour Review*, 135 (1996), pp. 287–290; N. Valticos, *Droit international du travail* (Paris, 1983), pp. 100–107; E. Mahaim, "Les principes de la législation internationale du travail", *Bulletins de la Classe des Lettres et des Sciences Morales et Politiques de l'Académie Royale de Belgique*, (1927), pp. 2–9.
38. T. Benton and I. Craib, *Philosophy of Social Science: The Philosophical Foundations of Social Thought* (Basingstoke, 2001), pp. 22–27, 53–55; A. Savoye, *Les débuts de la sociologie empirique. Etudes socio-historiques. 1830–1930* (Paris, 1994), pp. 203–227; J.-F. Crombois, *L'Univers de la sociologie en Belgique de 1900 à 1940* (Brussels, 1994), pp. 95–122; P. de Bie, *Naissance et premiers développements de la sociologie en Belgique* (Gembloux, 1989), pp. 42, 53–61; R. Holton, "The Social Organisation of Knowledge and Social Policy: A Review Article", *Comparative Studies in Society and History*, 30 (1988), pp. 580–587; S. Elwitt and L. Goldman, "Debate: Social Science, Social Reform and Sociology", *Past & Present*, 121 (1988), pp. 209–219; H.W. Paul, *From Knowledge to Power: The Rise of Science Empire in France, 1860–1939* (Cambridge, 1985), pp. 15–34.
39. J. Heilbron, *The Rise of Social Theory* (Cambridge, 1995), pp. 195–228.

tional treaties.[40] By explicitly mentioning social issues they wanted to reward workers for the input and sacrifices they had made during the war.[41] The political motive for their social conscience was to arrest the course of advancing communism, which, since the revolutionary days of 1917, had been attracting a growing number of workers. On 25 January 1919 Wilson proposed entrusting a separate expert commission with the task of developing international labour regulation. This commission was composed of fifteen members from nine countries.[42] The five great powers (Great Britain, France, Italy, Japan, and the United States) each sent two representatives. The other five commission members came from Belgium, Poland, Cuba, and Czechoslovakia. Initially, there was only one position for a Belgian representative to the Commission, but the Minister of Foreign Affairs, the liberal Paul Hymans, claimed double representation by pointing out the Belgian war achievements, which was accepted.[43]

The commission members designated by the United States caused some surprise among the other delegations. The British explicitly stipulated that the delegates should be recruited from politics, academe, or the highest level of the national labour administration. The most important selection criteria were expertise and experience relevant to initiatives on social politics. The decision of President Wilson to appoint a representative from the workers, Samuel Gompers, president of the AFL, and a representative from the employers (although this delegate was replaced after one session) was totally unexpected. At President Wilson's insistence, Gompers was chosen to chair the Commission.[44] This appointment was a diplomatic

40. For a detailed history of the Versailles Conference, see S. Marks, *The Illusion of Peace: International Relations in Europe, 1918–1933* (Palgrave, 2003); M. MacMillan, *Paris 1919: Six Months that Changed the World* (New York, 2002); M. Boemeke, G. Feldman, and E. Glaser, *The Treaty of Versailles: A Reassessment after 75 years* (Washington DC, 1998).

41. G. Scelle, *L'Organisation Internationale du Travail* (Paris, 1930), p. 28.

42. Troclet, *Législation sociale internationale*, p. 296. *United States*: Samuel Gompers (President of the AFL), A.N. Hurley (President of the American Shipping Board), who was replaced after the first sitting by Henry Robinson (lawyer) and James Shotwell (professor at Columbia University). *Great Britain*: George Barnes (Labour Member War Cabinet), Sir Malcolm Delevingne (Assistant Under-Secretary of State, Home Office). *France*: Pierre Colliard (Minister of Labour), Louis Loucheur (Minister of Industrial Reconstruction), substitutes: Arthur Fontaine (Director, Ministry of Labour), Léon Jouhaux (Secretary-General CGT). *Italy*: Baron Mayor des Planches (Ambassador, Commissioner-General Emigration), Angiolo Cabrini (Vice-President, Supreme Labour Council). *Japan*: K. Otchiai (Minister-Plenipotentiary of the Japanese Emperor), Minoru Oka (former Director of Commercial and Industrial Affairs Ministry of Agriculture and Commerce). *Belgium*: Emile Vandervelde (Minister of Justice), Ernest Mahaim (professor at Liège University), substitute: Henri Lafontaine (Senator Labour Party). *Cuba*: Antonio de Bustamente (professor at Havana University). *Poland*: François Sokal (Director-General Ministry of Labour). *Czechoslovak Republic*: Eduard Benes (Minister of Foreign Affairs).

43. "Une belle manifestation de sympathie des petites nations pour la Belgique", *La Nation belge*, 29 January 1919.

44. E. Phelan, "The Commission on International Labor Legislation", in Shotwell, *The Origins*

Figure 2. The Commission on International Labour Legislation, Paris, 1919, with Emile Vandervelde (front row, extreme left), Ernest Mahaim (second row, extreme left), and Samuel Gompers (front row, centre).
Source: ILO Archives, Geneva. Used with permission.

compromise to gain the approval of the hostile US Senate to the idea of international collaboration. The members of the Commission would soon discover that Gompers wanted to enforce his vision as exponent of the American trade-union model in its most orthodox form.

On the other hand, except for the very short presence of the American Hurley, no employers' organizations participated in the Commission. This provoked protests among their ranks,[45] and led to the employers uniting internationally in March 1920.[46] The International Organization of Employers did more than simply coordinate employers' activities within the ILO (where they were represented as part of its tripartite character). It also wanted to gain more control over the efforts and progress of the ILO. Despite the almost negligible role of the employers in 1919, the Commission on International Labour Legislation can be seen as a portent

of the International Labor Organization, pp. 129–130.
45. L. Heerma van Voss, "The International Federation of Trade Unions and the Attempt to Maintain the Eight-Hour Working Day (1919–1929)", in Van Holthoon and Van der Linden, *Internationalism in the Labour Movement*, p. 520.
46. J.-J. Oechslin, *L'Organisation Internationale des Employeurs. Trois quarts de siècle au service de l'entreprise (1920–1998)* (Geneva, 2001), p. 20.

of a new type of diplomatic consultative arrangement. The fact that legal experts on labour law as well as government representatives and workers sat around the same negotiating table was very significant in the development of the later tripartite structure. This structure, in which workers, employers, and governments developed worldwide labour standards together, was to be both a revolutionary and an innovative foundation for the future ILO.[47]

Among the pioneers of this new structure were Ernest Mahaim and Emile Vandervelde, both with irrefutable international reputations on international social issues. Mahaim had become a respected jurist, specializing in international labour law, both at home and abroad through his pioneering role in the IALL. Vandervelde was awarded a position on the Labour Commission as head of the Second International.[48] The careers of Mahaim and Vandervelde had similarities long before they were brought together at the international negotiation table in 1919. Nine months apart in age, both wrote a doctoral thesis on trade unions in 1891.[49] In 1903 the first edition of Vandervelde's *Exode rural*, in which he pleaded for inexpensive season train tickets for workers, was published. Later, Mahaim was asked to develop this subject further by the Brussels Institut de Solvay, an international institute of scientific research in sociology founded in 1902 by the industrialist Ernest Solvay.[50]

It was not at all unusual for socially minded members of the same generation to devote attention to social problems. It was precisely these common points of interest that led them to exchange ideas and collegial relations. Accordingly, Mahaim and Vandervelde collaborated with a number of experts in the Commission on International Labour Legislation long before 1919. This collaboration had grown out of professional and ideological commitments and personal acquaintances in their respective networks. Vandervelde found a faithful ally in George Nicoll Barnes (1859–1940), a worker who had become Minister for the Labour Party in the British war cabinet. Barnes was an old friend of Vandervelde's, with whom he shared the same background and social democratic ideas.[51]

Towards the end of World War I, Emile Vandervelde and Samuel

47. W.R. Simpson, "The ILO and Tripartism: Some Reflections", *Monthly Labor Review*, 117 (1994), pp. 40–43; E. Vogel-Polsky, *Du tripartisme à l'organisation internationale du travail* (Brussels, 1966), p. 404; B. Béguin, *The ILO and the Tripartite System* (New York, 1959), pp. 414–419.

48. Berenstein, *Les organisations ouvrières*, pp. 25–27.

49. E. Mahaim (Liège University), "Etudes sur l'association professionnelle"; E. Vandervelde (ULB), "Enquêtes sur les associations professionnelles d'artisans et d'ouvriers en Belgique".

50. E. Mahaim, *Les abonnements d'ouvriers sur les lignes de chemins de fer belges et leurs effets sociaux* (Brussels, 1910).

51. E. Vandervelde, *Souvenirs d'un militant socialiste* (Paris, 1939), pp. 284–288. On Barnes, see A.J. Reid, "George Nicoll Barnes (1859–1940)", *Oxford Dictionary of National Biography*, vol. 3 (2004), pp. 989–990.

Gompers (1850–1924) organized the International Labour and Socialist Conference, which would take place in Berne at the same time as the Paris peace talks. Although neither was present in Berne, and mutual agreement seemed very difficult to obtain, Gompers and Vandervelde knew each other's views on labour issues well before they met at the Paris Commission.[52] As an international labour movement expert, Léon Jouhaux (1879–1954) had done important preparatory work during the war on international labour legislation. He became one of the most active members of the Commission on International Labour Legislation in 1919.[53] For Mahaim, the IALL was the international forum in which he met the Frenchman Arthur Fontaine (1860–1931) and the Briton Sir Malcolm Delevingne (1868–1950).[54] Fontaine and Mahaim were both in the forefront of this international network. As secretaries of their national divisions, they had collaborated closely on the preparation of conferences and publications of the IALL.[55] Sir Malcolm Delevingne attended the IALL congresses as British government representative.[56]

Through all the contacts that had previously been formed in the diverse political, professional, and ideological networks, the Paris Commission functioned as a new international meeting place for theoretical and practical labour experts. Full of great hopes at the start of its marathon of thirty-five meetings in the Paris Ministry of Labour on 1 February 1919, the British, American, French, Italian, and Belgian delegations submitted their plans. In practice, the carefully prepared British suggestions were treated as the basic text for the negotiations, but other delegations could make new proposals and justify improvements.[57]

At the beginning of March 1919, halfway through the negotiations, the commission members returned home to carry out Vandervelde's proposal to hold interim consultations with their governments and with the national workers' and employers' organizations.[58] These consultations brought

52. P. Buhle, *Taking Care of Business: Samuel Gompers, George Meany, Lane Kirkland and the Tragedy of American Labor* (New York, 1999).

53. G. Bernard and D. Tintant, *Léon Jouhaux: cinquante ans de syndicalisme* (Paris, 1962); "Léon Jouhaux, 1879–1954", *International Labour Review*, 70 (1954), pp. 241–257.

54. Not only were they together on the International Labour Commission in 1919, but all three were also to fill top positions in the ILO: Fontaine was Chairman of the Governing Body (1919–1931). He was succeeded by Ernest Mahaim (1931–1932), who also represented the Belgian government in the Governing Body and the International Labour Conferences (1919–1938). Sir Malcolm Delevingne was the British government's representative at the International Labour Conferences of 1919, 1923, and 1928–1929.

55. I. Lespinet, "Arthur Fontaine, grand commis de la nation et ambassadeur du travail", *Histoire et Sociétés*, 6 (2003), pp. 111–120.

56. P.W.J. Bartrip, "Delevingne, Sir Malcolm (1868–1950)", *Oxford Dictionary of National Biography*, vol. 15 (2004), pp. 730–731.

57. J.T. Shotwell, "The Historical Significance of the International Labour Conference", in E.J. Solano, *Labour as an International Problem* (London, 1920), pp. 48–50.

58. Berenstein, *Les organisations ouvrières*, p. 29; Phelan, "The Commission on International

together prewar international expertise and postwar national instructions in the Commission on International Labour Legislation. Its assignment was twofold: first, to develop a permanent, legal institution for international labour standards, and second, to develop an international programme of minimum demands about working conditions.[59]

Engineering new methods for dealing with international labour politics

The general principles of the ILO were laid down in a preamble, which was the least contested part in the debates of the Commission. Few changes were made. One of them, proposed by Emile Vandervelde, was of great interest because it introduced the exact phrasing of "social justice" to define the main object of the new organization. Social justice was seen not simply as a means of securing universal peace, but also as an end in itself.[60] Although the commission members accepted universal principles such as international solidarity and social justice, the practical development of the legal framework for the new organization was much more difficult to carry out. The idea of bringing about a better world, which had been much discussed during the long war years, was quickly subordinated to the diplomatic strategies and national aspirations with which the opponents bombarded one another. This tension between idealism and pragmatism is illustrated by three of the arguments that were crucial parts in a large variety of complex issues: the role of government representation, the status of international labour conventions, and the organization of the internal body of the ILO.

One of the first major conflicts originated in the tripartite composition of the ILO. The original British idea of three representatives from each country (with two votes for the government representative and one vote each for the workers and the employers) was opposed by Vandervelde and Gompers. Although they were both representatives of organized labour, they could not agree with one another. Vandervelde, supported by his loyal British ally Barnes, suggested inviting two government representatives, each with one vote. According to Vandervelde, this arrangement would provide an equal balance of interests between consumers, who would be represented by the government delegates, and producers, who would be represented by the workers' and employers' delegates.[61]

It is noteworthy that Vandervelde reasoned very optimistically in the postwar euphoria, in which workers had been promised political rights

Labor Legislation", p. 130.

59. Troclet, *Législation sociale internationale*, p. 295.

60. Phelan, "The Commission on International Labor Legislation", p. 132.

61. *Bulletin Officiel* (Geneva, BIT, 1923), 1 (April 1919–August 1920) [hereafter *BO*], sitting no. 4, 6 February 1919, p. 22.

after years of union struggle. A double government representation promised greater likelihood of achieving a majority of the votes at an international labour convention, especially because Vandervelde assumed that the government representatives would belong to the social democrats in subsequent years, supporting the workers. This proved to be a grave miscalculation in the years to come.[62] In 1919 Vandervelde interpreted the vision he had developed a year previously in *Le socialisme contre l'Etat*, one of his most important political writings on the role of the state in a socialist society. He argued that the purpose of socialism was not to strengthen state control, but rather to rationalize and democratize the government.[63] Vandervelde, who had only just been nominated Minister of Justice in the Belgian government and who was obviously inspired by tripartite social consultation in Belgium through the establishment of parity committees in coal mining and the steel industry,[64] wanted to extend his practical collaboration to the international level.

Within the Labour Commission Vandervelde clashed with the Chairman, Gompers, who strongly opposed double government representation. As the leader of the AFL, he categorically rejected every form of subordination to politics, government, or ideology. The AFL, the largest labour group in the United States and one that was traditionally rooted in a very pragmatic, voluntarist ethos, emphasized not laws but privately negotiated contractual agreements between unions and employers to protect members' rights. It came as no surprise that Gompers tried to minimize government participation in the ILO. Since the new international organization had to have a tripartite framework, Gompers advocated a national delegation of only three representatives with no more than one vote each (one government delegate, one from the employers, and one from the workers). Gompers feared governments and employers would combine against the workers.[65]

The contradictory opinions of Gompers and Vandervelde had already become clear in the organization committee of the International Labour and Socialist Conference in Berne. At the same time this clash was a portent of later problems in convincing the American government and trade unions to participate in the ILO. During the 1920s the basis of American opposition against ILO membership was twofold: on the one hand, it was reluctant to abandon unilateral solutions to its international

62. Heerma van Voss, "The International Federation of Trade Unions", p. 523.
63. Polasky, *The Democratic Socialism of Emile Vandervelde*, pp. 162–163.
64. D. Luyten, *Sociaal-economisch overleg in België sedert 1918* (Brussels, 1995), pp. 17–23.
65. E.C. Lorenz, *Defining Global Justice: The History of US International Labor Standards Policy* (Notre Dame, IN, 2001), pp. 25, 71.

needs, and on the other, it did not trust the legislative powers of governmental authorities to improve labour standards.[66] Eventually, under the strong support of the Democratic President, Franklin D. Roosevelt and his Secretary of Labor, Frances Perkins, the US joined the ILO in 1934. Both Roosevelt and Perkins tried to counter the Great Depression with the New Deal social reforms and believed that a close association with the ILO would be of great benefit.[67]

The American attitude in 1919 was very different from the European. The leaders of the labour movement had placed their trust in their respective governments and agencies of legislation and administration as the most effective instruments for improving social welfare. Because they came from a different tradition, the Belgians and the British believed that the International Labour Conference was a diplomatic conference that required implementation by governments. The optimal functioning of the new organization lay precisely in the creation of minimum labour standards that had to be accepted by as many national legislatures as possible. It was from this common political realism that Vandervelde and Barnes had found one another. As a compromise that would satisfy both workers and governments, they suggested three representatives from each country, one from each group that would have one vote each (Gompers's proposal), while the government representative would have a double voice in the final vote in the plenary conference on international conventions (the original British proposal).[68]

When the Frenchman Loucheur, Minister of Industrial Reconstruction, proposed doubling the members for each group to provide representation for agriculture, Mahaim opposed this.[69] As the Commission's legal "oracle", he pointed out that a double number of conference members with voting rights was not a viable proposition, and he proposed the alternative of technical advisors rather than agricultural representatives.[70] Mahaim delivered very reasonable and broadly acceptable international expert arguments, which were adopted by Vandervelde, who pointed out that farmers' representation was unwarranted for industrial countries such as Belgium. In this regard, Vandervelde argued mainly from the point of view of his own national context. After consultation with his

66. S. McCune Lindsay, "The Problem of American Cooperation", in Shotwell, *The Origins of the International Labor Organization*, pp. 331–341.

67. G.B. Ostrower, "The American Decision to Join the International Labor Organization", *Labor History*, 16 (1975), pp. 495–504; D.P. Moynihan, *The United States and the ILO* (thesis presented to the Fletcher School of Law and Diplomacy, 1960).

68. *BO*, session no. 5, 7 February 1919, pp. 26–28; Phelan, "The Commission on International Labor Legislation", p. 136.

69. On Loucheur, see S.D. Carls, *Louis Loucheur and the Shaping of Modern France, 1916–1931* (Baton Rouge, LA, 1993).

70. *BO*, session no. 6, 10 February 1919, p. 29.

technical advisory committee, which was composed of well-respected sociologists such as Louis Varlez, workers, and employers, Vandervelde returned to his first proposal.[71]

A narrow majority (eight to six) approved this Anglo-Belgian proposal, in which four delegates from each country (two government representatives, one employer, and one worker) received the right to vote. The United States, Italy, and France voted against the proposal. The two Polish and Czechoslovakian delegates, who remained undecided up to the final moment, cast the deciding votes.[72] We can only guess about the personal *démarches* on the part of the British and Belgian delegations to convince the East Europeans. It is a fact that within the ILO Ernest Mahaim would later find loyal allies in François Sokal (the Polish government representative and Mahaim's successor as President of the International Labour Conference in 1931) and Eduard Benes (the Czechoslovakian President of the International Labour Conference in 1925). A remarkable fact is that the composition of the delegations developed by Vandervelde and Barnes has remained unchanged to this day.

A second conflict resulted from the legal status of the conventions (the decisions of the International Labour Conference). The most controversial and longest debate in the Paris Commission was the laborious search for an international organization that could develop binding, albeit only advisory, conventions.[73] The Italian delegation, through Baron Mayor des Planches, pleaded for the creation of a supranational parliament. This body could vote for conventions that would bind the member states with a two-thirds majority. The Italians, supported by the French, gave the governments great power and pleaded that this be in the hands of a political body rather than a technically specialized agency.[74] But the opposition to creating a "super parliament" was overwhelming. The Americans, traditional supporters of national sovereignty, were diametrically opposed to the Italian-French alliance and vehemently blocked every interventionist step. As far as they were concerned, the ILO was to be solely a consultative body. The realists pursued a compromise between the two camps, since they wanted to convince as many countries as possible to participate. Conforming to what had become a tradition in the

71. *BO*, session no. 9, 17 February 1919, pp. 44–46; For the role of Louis Varlez, the Ghent jurist, progressive-liberal sociologist and Mahaim's intellectual associate at the Paris Peace negotiations, see J. Van Daele, *Van Gent tot Genève. Louis Varlez. Een biografie* (Ghent, 2002).
72. E. Mahaim, "Rapport sur les travaux de la commission de législation internationale du travail de la conférence de la paix", 8 April 1919, *Archives Ministry of Foreign Affairs (Brussels)* [hereafter *AMFA*], Délégation belge à Versailles (DB 26), p. 9; Phelan, "The Commission on International Labor Legislation", p. 139.
73. Troclet, *Législation sociale internationale*, pp. 301–304; Phelan, "The Commission on International Labor Legislation", p. 146.
74. *Ibid.*, pp. 146–148.

Second International, Vandervelde became the intermediary between the non-interventionist Americans and the rest of the Commission. He did not wish to risk failure of the total project because the proposal for a supranational parliament would be blocked in the plenary Peace Conference.[75]

Although the Italian-French proposal was denied, the American delegation still found all compromises too interventionist. The United States was faced with constitutional difficulties in decisions on the implementation of international labour standards, since labour policy was a responsibility of the individual states rather than the federal government. Therefore, the Americans wanted to make ratification of international labour conventions dependent on the constitutional settings within each nation.[76] In this, Ernest Mahaim saw an attempt by Washington not to commit to the new organization. It soon became clear to Mahaim, who, from his years of experience in private networks such as the IALL, was used to sitting around the table with a select core of motivated, well-disposed labour experts, that political and diplomatic interests did indeed carry more weight in Paris. However, since the United States was the most important partner at the postwar peace negotiations, it was not possible to go ahead without its agreement. Mahaim, together with the American Henry Robinson and the Briton Sir Malcolm Delevingne, devised a legal construction that would relieve the extreme tension in the debates.[77] On the advice of the American James Shotwell, professor of history at Columbia University, they arrived at a diplomatic compromise in making a legal distinction between conventions and recommendations.[78]

This was a new approach to international decision-making. To make the ILO more than a drafting committee and yet not have a conflict with the sovereignty of member states, the Commission required that member states lay before their national parliaments, for consideration, any convention agreed to at the International Labour Conferences by at least a two-thirds majority. Issues on which there was not yet a consensus could

75. *BO*, session no. 10, 19 February 1919, p. 53.

76. Lorenz, *Defining Global Justice*, pp. 23–24.

77. There are no longer any papers on the deliberations of this subcommittee; Phelan, "The Commission on International Labor Legislation", p. 160.

78. Shotwell was not only an important adviser in the creation of the ILO in 1919, he was also extremely active in trying to convince the United States to become a member of this organization. That is why he published the standard historical work, *The Origins of the International Labor Organization* in a multiple-volume publication in 1934. This strategy was successful, as the United States became a member of the ILO that year. On Shotwell, see C. DeBenedetti, "Peace Was His Profession", in F.J. Merli (ed.), *Makers of American Diplomacy: From Benjamin Franklin to Henry Kissinger* (New York, 1974), pp. 385–406; *idem*, "James T. Shotwell and the Science of International Politics", *Political Science Quarterly*, 89 (1974), pp. 379–395.

be formulated in recommendations to develop a favourable public opinion, but they were not binding. The far-reaching concessions inspired by experts such as Mahaim and Shotwell were not immediately rewarded, however. The US Senate was not to ratify the Treaty of Versailles, which meant that the United States never became a member of the League of Nations. Although the United States joined the ILO in the 1930s, they would rarely ratify a convention. Yet, the members of the Commission could not foresee in 1919 that the authorization of the American delegation in the Labour Commission was actually – in the words of Vandervelde – "une adhésion platonique".[79]

A third debate arose about the organization of the internal body of the ILO.[80] Although the ILO had its own task and worked independently of the League of Nations, in 1920 it would merge in a network of international institutions under the umbrella of the League, on which it was financially dependent.[81] But Mahaim, Vandervelde, and Barnes did not want to wait for the official establishment of the League of Nations before holding the first International Labour Conference.[82] They convinced the Commission to organize the first conference in October 1919. Progressive scholars and organized labour wanted to see their ideas implemented quickly. Washington DC was chosen for the conference because the Commission tried to swing public opinion to favour American admission to the League of Nations and the ILO. While Gompers agreed immediately, he did express doubts that the US Senate would approve it.[83]

Mahaim used the expected obstacles as an opportunity to suggest Brussels as the alternative seat of both the League of Nations and the ILO. Small countries such as Belgium, the Netherlands, and Switzerland, because they were centrally situated and easily accessible, provided ideal accommodation for international organizations. And while Mahaim wanted to see Brussels grow to an international capital, he also justified his national aspirations on moral grounds. This would be a way to compensate Belgium, which had been economically important in world-wide production before World War I, for its heavy war losses in 1919.[84] Mahaim's proposal was rejected without further debate. The Commission did not feel competent to make a decision on the establishment of the

79. E. Vandervelde, "Ernest Mahaim et la Commission de la Législation Internationale du Travail de la Conférence de la Paix", in Gottschalk, *Mélanges offerts à Ernest Mahaim*, p. 590.
80. Phelan, "The Commission on International Labor Legislation", pp. 176–182.
81. M. Tortora, *Institution spécialisée et organisation mondiale: étude des relations de l'OIT avec la SDN et l'ONU* (Brussels, 1980), pp. 30–33.
82. *BO*, session no. 8, 13 February 1919, p. 39.
83. Phelan, "The Commission on International Labor Legislation", p. 177.
84. *BO*, sitting no. 7, 12 February 1919, p. 34; Mahaim, "Rapport sur les travaux de la Commission", p. 10; Mahaim to Paul Hymans, 18 April 1919, *AMFA*, Délégation belge à Versailles (DB 26).

Figure 3. Ernest Mahaim (1865–1938), Belgian government representative to the International Labour Conference 1919–1938, President of the 14th International Labour Conference 1930, and Chairman of the Governing Body 1931–1932.
Source: ILO Archives, Geneva. Used with permission.

permanent seat of the ILO. For practical reasons the seat of the ILO was to be in the same city as the League of Nations. Mahaim became reconciled to organizing the first International Labour Conference in Washington, and quickly sacrificed his national demands for international benefit. "Nous avons le plus grand intérêt à ce que les Etats-Unis entrent

de plain-pied et restent dans la nouvelle alliance du travail qui se forme", Mahaim argued.[85]

Labour clauses as an international policy programme

The next task for the Commission on International Labour Legislation was to develop a policy programme for the new organization. The labour organizations had even higher expectations for this labour charter than they did for the legal construction of the ILO. The labour organizations followed the negotiations very closely (see Reiner Tosstorff's article, pp. 399–433). A subcommission of six submitted a joint nineteen-point programme for discussion.[86] Two very different groups dominated the debates.

One group consisted of Gompers, Jouhaux (who replaced the French Minister of Industrial Reconstruction, Loucheur), Mahaim, and Mayor des Planches. This group supported the development of a complete, detailed action plan. Gompers and Jouhaux believed that the popularity of the labour movement had reached a peak immediately after World War I, and this needed to be exploited to create a new militant world, with guarantees for the workers.[87] Mahaim once again pressed for a thorough legal definition of ILO policy, hoping that the IALL conventions of 1906 would be included. Together with Arthur Fontaine, his colleague in the IALL and the Commission, he tried to resurrect their earlier brainchild.[88] Although the first diplomatic arrangements of the IALL with regard to female labour and safety on the shopfloor were not explicitly included in the policy plan, their influence was felt. At the first International Labour Conference in Washington, the member states voted on regulation of night work for women, one of the first IALL conventions. A second group stressed political viability. Vandervelde and Barnes opted for ideological pragmatism, and wanted to achieve general principles rather than concentrate on explicit labour demands. They believed that the labour charter was more likely to be accepted by the Peace Conference if it did not include the technical details.[89]

The compromise put forward by Barnes contained nine key points for a

85. Mahaim, "Rapport sur les travaux de la commission", pp. 21–22.
86. The members were the Italian Cabrini, the Briton Delevingne, the Frenchman Jouhaux, the Belgian Mahaim, the Japanese Oka, and the American Shotwell; Phelan, "The Commission on International Labor Legislation", pp. 185–188.
87. Notes Mahaim on the session of 15 March 1919, *ILO Archives (Geneva)*, J.T. Shotwell Papers, no. 69, 3.10.M03.
88. Phelan, "The Commission on International Labor Legislation", p. 179.
89. Mahaim, "Rapport sur les travaux de la commission", pp. 26–27; *BO*, session no. 24, 15 March 1919, pp. 149–150.

postwar international labour policy: the basic principle that the labour of a human being cannot be treated as merchandise or an article of commerce; the reduction of working hours (introduction of the eight-hour working day or forty-eight-hour working week); the prohibition of child labour; the recognition of minimum wages; the introduction of weekly rest; equal pay for men and women; the organization of labour inspection; freedom of association; equality in working conditions; and social insurance for foreign workers.[90] The final document omitted ten of the detailed demands.[91]

Of the Belgian proposal submitted by Mahaim, four of the five core labour tasks were incorporated in the final international labour charter. Only the proposal to unify the principles of hygiene, labour safety, and social security in various countries was rejected.[92] Implementation of the eight-hour working day, freedom of association, equal rights to social security for foreign workers, and the prohibition of child labour received a two-thirds majority.[93] But these were not exclusively Belgian demands: Mahaim and Vandervelde were in agreement with their French and British colleagues. Moreover, if the workers were to understand and support the document, the legal texts had to be written more clearly and directly. That is the reason Vandervelde suggested the labour charter be given "une forme quelque peu littéraire".[94] The British refused to modify the document because they felt the primary goal was to ensure proper legal functioning.

The labour charter of 1919 was much more than a formal memorandum, to be superseded by some other document a few years later. In 1998 Michel Hansenne, the Belgian Director-General of the International Labour Office from 1989 to 1999, tried to compile the most meaningful conventions in the history of the ILO. Using seven key labour standards, he wanted to return to the legal source of the universal protection of the worker. These key labour standards included freedom of association, abolition of forced labour, female and child labour, and elimination of discrimination in employment and function – most of the social rights

90. Valticos, *Droit international du travail*, pp. 56–57.

91. Reduction of working hours in agriculture, freedom of migration, unemployment prevention by governments, abolition of forced labour, the possibility that seamen might leave their ship upon docking, prohibition to transport goods manufactured by prisoners or to bring them into commercial trade, prohibition on the sale or use of articles produced in home industry, organization of recognized free insurance organizations, and the introduction of a control system in emigration and immigration countries.

92. Mahaim, "Rapport sur les travaux de la commission", pp. 25–26.

93. "Proposition de la délégation belge: protocole additionnel du projet de convention créant un organisme permanent pour la réglementation internationale du travail", [March] 1919, *AMFA*, Délégation belge à Versailles (DB 26).

94. Mahaim, "Rapport sur les travaux de la commission", p. 26.

announced in 1919. In 2000 an eighth convention (on the worst forms of child labour) was added to the key standards of the ILO.[95]

LABOUR AT THE CROSSROADS OF UTOPIAN IDEALISM AND POLITICAL REALISM

With the presentation of its final report before the plenary Peace Conference, the Commission on International Labour Legislation hoped to attract the attention of the Versailles diplomats, government leaders, and world press. The report was a compromise between conflicting ideas and interests: it was a balance between international and national loyalties and the supporters and opponents of interventionism. At the plenary Conference, idealism once again clashed with political reality, and it was not easy for the members of the Commission to obtain the Conference's approval. At the start of the negotiations the Labour Commission had been established quickly and decisively as proof of the Conference's constructive approach. But later the numerous diplomatic upheavals affected the initial willingness and optimism to such an extent that Versailles became the stage for several national disagreements.[96] At the beginning of April 1919 the negotiators' attention was almost exclusively focused on political problems such as territorial rearrangements, and they did not want to pay much attention to an international social agreement. The Commission's representatives wanted to start organizing the first International Labour Conference in the autumn of 1919, and undertook the necessary political steps with government leaders to achieve that.[97]

The Peace Conference approved the establishment of the ILO on 11 April 1919. One of the main speakers was Emile Vandervelde, whom Barnes had invited to Paris that very day. Vandervelde, who had already returned to Brussels, was not initially slated to speak at the plenary debates. Lloyd George sent a British army aeroplane to take Vandervelde to Paris. As chief of the Second International and an experienced negotiator at international congresses, Vandervelde was the most suitable speaker because heavy opposition was still expected at the Conference. Vandervelde was unable to get to Versailles on his own, however, because his car had broken down on the way, the train did not yet run regularly in the ruined areas, and not a single Belgian aeroplane was available.[98]

In his speech at the Versailles Conference on 11 April 1919 (which he

95. *A Fair Globalization: Creating Opportunities for All (Report of the World Commission for the Social Dimension of Globalization)* (Geneva, 2004), pp. 91–92.
96. Phelan, "The Commission on International Labor Legislation", p. 196.
97. E. Phelan, "The Labor Proposals before the Peace Conference", in Shotwell, *The Origins of the International Labor Organization*, pp. 204–207.
98. Vandervelde, *Souvenirs d'un militant socialiste*, pp. 290–291; Phelan, "The Labor Proposals before the Peace Conference", p. 208.

remembered many years later as "une des plus grandes journées de ma vie"),[99] Vandervelde considered the international conception of social regulation as a basic step towards the institutionalization of labour politics. International promises on the most important labour demands were to provide a meaningful stimulus for the national debates. As government representative, Vandervelde had an obligation to put those same labour demands in a framework that would be acceptable to the national parliaments. Despite the compromises, Vandervelde considered that the Labour Commission succeeded in its aim: "c'était une oeuvre de juste mesure, une oeuvre de transaction et, aussi, une oeuvre de transition entre l'absolutisme du Patronat qui a été le régime d'hier et la souveraineté du Travail qui, j'en ai la conviction ardente, sera le régime de demain".[100]

Even though the legal construction of the ILO was agreed on, approval of the labour charter was still a long way off. No single part of the final peace treaty was rewritten as much as these nine points.[101] The United States tried to negotiate as minimal a labour charter as possible, while France, Italy, and Belgium held out for the nine points. The ILO would be meaningless without a clear postwar programme. The rift between the protagonists was so sharp that it was feared the plenary meeting would eliminate the nine-point declaration. Many diverse proposals were advanced behind the scenes in Versailles to amend the original text of the Commission. A few points, such as equal pay for men and women, were scrapped through British machinations.[102] Vandervelde, back in Brussels but thoroughly briefed by Mahaim, complained to Barnes that this diplomacy *en petit comité* was unacceptable. The Commission proposals were not supposed to be amended because the Labour Commission had officially disbanded and many members had already left Paris.[103]

Directed by Lloyd George to put an end to the machinations, Vandervelde started discussions with Barnes, Robinson, and Otchiai, who were members of the Commission, and the Canadian Sir Robert Borden, who was the spokesman for the British dominions. Borden had repeatedly tried to tone down the labour charter. A few hours before the plenary Peace Conference was to vote on the charter, the foursome reached a compromise.[104] Once again Vandervelde was the one to explain the final proposal to the government leaders, ministers, and diplomats in

99. Vandervelde, *Souvenirs d'un militant socialiste*, p. 290.
100. *BO*, sitting of the plenary Peace Conference, 11 April 1919, p. 302.
101. Phelan, "The Labor Proposals before the Peace Conference", pp. 212–213.
102. Mahaim to Vandervelde, [19]April 1919 (Paris), *ILO Archives*, Shotwell Papers, no. 79, 3.19.M04.
103. Vandervelde to Barnes, 24 April 1919 (s.l.), *ILO Archives*, Shotwell Papers, no. 79, 3.19.B08.
104. Barnes to Malcolm Delevingne, 29 April 1919 (s.l.), *ILO Archives*, Shotwell Papers, no. 80, 3.20.B06.

the Versailles Hall of Mirrors. Although the original text of the Commission contained more guarantees for the workers, the attraction of the compromise was that it allowed for acceptance by many countries. The plenary Peace Conference unanimously approved the Labour Charter on 28 April 1919. Fearing the growing attraction of communism in the industrial countries, the government leaders perceived it as a well-intentioned accommodation to workers' demands in the ILO.[105] At the request of the Labour Commission, countries that had remained neutral during World War I were also invited to participate in the new organization.

The agreement to establish the ILO and the labour charter were incorporated as Part XIII in the Treaty of Versailles, which was concluded after much diplomatic disagreement on 28 June 1919.[106] After the Commission on International Labour Legislation was disbanded, a few legal experts (including Ernest Mahaim) came together to organize the first International Labour Conference.[107] This conference, held in Washington in October 1919, provided the definitive beginning to a new phase in international labour politics.

CONCLUSION: "MANAGING SOCIAL PEACE"

Although Wilson, Lloyd George, and Clemenceau took the initiative to establish the ILO at the 1919 peace negotiations, the new organization had not really been developed by this triumvirate. As Mahaim, one of the actual founding fathers, put it: "Ils ont eu l'habilité de mettre dans le berceau de la Société des Nations, un enfant déjà bien vivant et sûr de vivre."[108] A unique pioneering role awaited the prewar networks that formed the ideological basis for the institutionalization of international labour politics. The ILO architects had made a great deal of progress in social thought and action before 1919, and the central group knew one another from earlier international networks. Such networks were based on professional or ideological commitments, and were arenas to exchange ideas about social issues. The close connection between ideas and

105. Phelan, "The Labor Proposals before the Peace Conference", pp. 216–217.

106. From a technical point of view, peace was made only with Germany in the Treaty of Versailles. Various parks and royal palaces in the surroundings of Paris gave their names to the other treaties, in which the same clause on a joint postwar labour programme was included: the Treaties of Saint-Germain with Austria, of Trianon with Hungary, of Sèvres with Turkey, and of Neuilly with Bulgaria; Troclet, *Législation sociale internationale*, p. 298.

107. The Organizing Committee of the Washington Conference consisted of seven members: Fontaine (France), Delevingne (Great Britain), Oka (Japan), Rappard (Switzerland), Mahaim (Belgium), Shotwell (US), and Palma di Castiglione (Italy); Delevingne, "The Organizing Committee", in Shotwell, *The Origins of the International Labor Organization*, pp. 285–304.

108. E. Mahaim, lecture at the University of Madrid, 12 April 1926, *ILO Archives*, CAT 7–485.

institutions, which has long been studied as independent factors,[109] can offer a fruitful approach to how world opinion can be changed and how social change is made possible.

As pivotal figures in their prewar networks (the Second International and the International Association of Labour Legislation (IALL) respectively), Emile Vandervelde and Ernest Mahaim became actively involved in developing the ILO. Its most important forerunner was the IALL, which had been developed by Ernest Mahaim. This international association of reformist intellectuals was an epistemic community that had functioned for at least two decades before the founding of the ILO as a window for scholars and labour experts to analyse breakdowns in society. Although the Second International cannot be regarded as an epistemic community because of its strong internal dissensions, it did function as an important political and ideological network for leaders of the socialist labour movement such as Emile Vandervelde. It helped them exchange and develop ideas about international labour legislation across national political parties. It was these experiences in prewar networks such as the IALL and the Second International that enabled the members of the Commission on International Labour Legislation to found the ILO so quickly in 1919 – in contrast to the general peace negotiations, where politicians debated, rather chaotically, on much less well-prepared issues.

The ILO founding fathers believed that society could be "constructed" into a better world with universal peace as the highest ideal. This strong belief in a "makeable society", stimulated by the postwar euphoria, was a crucial motive for the social engineering practices of the Commission members. In establishing the ILO as a new institutional framework, they moved international labour law from the theoretical to the actual; they gave it a concrete dimension, allowing it to address some of the acute societal demands of the time. Through a shared *imagination créatrice* they went beyond their own professional and party-political boundaries.[110] Scholars such as Ernest Mahaim left their ivory towers to become "managers in social justice", joining with policy makers of other ideological origins, such as Emile Vandervelde, who helped build a bridge between the theoretical knowledge-bearing elites and modern social policy-making.

At the crossroads of academic theory and politics, the Commission on International Labour Legislation enabled a pioneering generation to lay the basis for a hybrid welfare system that would be developed within a unique tripartite setting. In 1919 the ILO was one of the first organizations to recognize both trade unions and employers as full-fledged social

109. Blyth, "Any More Bright Ideas?", p. 229.
110. F. Blanchard, "La Belgique, les belges et l'OIT", in Van der Vorst, *Cent ans de droit social belge*, p. 858.

partners. Within the national context, tripartite negotiations were hardly institutionalized in 1919. Such contacts were extremely difficult and largely improvisatory. Social consultation was not a priority for employers, and the trade unions were not yet strong enough to exact demands without making serious concessions. "The invention of tripartism" made the ILO a pioneering institution.

Although the members of the Commission on International Labour Legislation were in agreement on basic values such as international solidarity and social justice in principle, there was much less unity of purpose when they tried to develop a legal structure for the ILO. The blueprint, which belonged to the domain of builders, engineers, and designers, clashed with the assumption that society was an organic concept that had grown from individual minds and communities with historical roots. In the context of the plenary Paris Peace Conference where each nation and group had its own agenda, the ideas of prewar epistemic community experts such as Ernest Mahaim were quickly transformed into political reality, together with the plans of organized labour. In the end, the ILO was the product of diplomatic efforts among radical internationalists, moderate reformists, and advocates of national sovereignty.

Opponents of international deliberations (especially the Americans) were able to thwart every attempt at creating a supranational legislative parliament; they succeeded in achieving their goal: a non-binding system of conventions and recommendations. The ILO to this day must still contend with the fact that it cannot impose any decisions. The efforts to find diplomatic equilibriums and politically achievable compromises between national governments and their social partners would result in many years of very heated debate. Despite – or perhaps because – there were considerable changes to the original intent of the ILO, the international negotiators had developed a remarkably stable construction in 1919. We may interpret the result in one of two ways:[111] either the ILO is characterized by great institutional inertia, or the ideas of the founding fathers were very progressive.

111. See also G. Van Goethem, "The Versailles Peace Treaty and the Origin of the International Labour Organization", unpublished paper for the IPSA Conference, Durban, July 2003, p. 3.