

The Forced Labor Issue between Human and Social Rights, 1947–1957

This essay reflects on the nature of the linkage between human rights and social rights in the context of labor during the early Cold War, and on the political and intellectual context that underwrote this relationship. A precise analysis of the discussion surrounding the convention on the abolition of forced labor within the International Labour Organization (ILO) between 1947 and 1957 will form a basis for my observations. A look at this discussion, in fact, has the advantage of offering a voice to a broad range of groups and actors mobilizing arguments inscribed in a range of intellectual and political traditions and reflecting the complex stakes at play in the field marked out by labor, human rights, and social rights. The documentation (printed and otherwise) attesting to the discussion has been preserved in complete form in the libraries and archives of the ILO.

That organization was founded in 1919, that is, in the aftermath of World War I.¹ Initially, its goal was to satisfy workers' claims and avoid revolutionary contagion by establishing an international social code, at the time largely European in scope. This European coordination of social policy was broadly supported by management, which saw it as a means to guarantee conditions for fair competition between the industrial nations. Since 1919, the ILO has organized annual international conferences with participants from each member country: two governmental representatives, together with one representative from labor, and one from employers. The ILO's governing body has been organized along the same tripartite lines. At the same time, since its inception the organization has had ties to a large range of international and national associations serving as a source of information and contact within the various societies. The ILO's primary mission is normative: its secretariat, the International Labour Office, prepares conventions and treaties at the request of the governing body; these are discussed and, if approved, formally adopted at the annual international conference.² Finally, the conventions are submitted to the parliaments of the member states for ratification.

Convention 105 of 1957 on the abolition of forced labor was part of the ILO's normative mission. More generally, it offers a good example of the way an international cause is constructed and deployed. The vote on Convention 105 was preceded by a long discussion within key international bodies: the Economic and Social Council of the United Nations (ECOSOC), international labor union bodies, and various non-governmental associations. This discussion revealed the changing power balance

tied to the question of free labor and contributed to global reflection on that theme, as informed by the tension between human and social rights.

In 1957, the ILO already had considerable experience with respect to forced labor, since a first Forced Labor Convention (no. 29) had been discussed and passed in 1930, offering this initial definition of the proscribed phenomenon: “For the purposes of this Convention the term *forced or compulsory labour* shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”³ The definition was general enough to cover the various forms of forced labor that had manifested themselves successively or simultaneously in the course of history: servitude, slavery, colonial forced labor, debt bondage, labor in concentration camps, and more recently, the sexual exploitation of women and children.⁴ The definition continues to serve as an international standard.

In that light, the convention of 1957 may seem surprising in that it stipulates the abolition of certain “forms of forced or compulsory labor” of a political character—forms “constituting a violation of the rights of man referred to in the Charter of the United Nations and enunciated by the Universal Declaration of Human Rights.”⁵ On one level, then, this convention needs to be studied in relation to the redefinition of the concept of free labor emerging in the decade of human rights. But more fundamentally, it points to the difficulty of establishing an exact definition of forced labor, or more precisely, of fixing the limit between free and forced labor. This limit is legally fluid, like the surrounding social reality and even the individual perceptions of workers and employers. Historians have clearly shown that, contrary to the definition the ILO furnished in 1930, the question of whether labor is forced or voluntary cannot be reduced to a question of “individual consent.”⁶ In order to understand and define the contours of forced labor, in other words, it is essential to identify the economic and social constraints weighing on workers in different modes of production, especially in the context of colonial exploitation.⁷ Nevertheless, in the discussions taking place toward the end of the 1940s, these constraints, being relatively difficult to identify, were consciously put aside in favor of political and state constraints presented as the unique source of the problem.

In this essay, I will first analyze how this focus on political constraints constitutes a reversal in the perception of forced labor manifest in both the convention of 1930 and an entire long liberal and socialist tradition according to which social rights constitute the necessary correlate of free labor. I will then show how this development and the reduction of the forced labor question to one of human rights was deliberately constructed and instrumentalized by an amorphous grouping of actors in the context of the Cold War. Nevertheless, precisely through such instrumentalization, in authorizing both private individuals and NGOs to furnish information and submit claims, the adopted procedure favored formation of something like a body of international public opinion around this new cause.⁸ This contributed, third, to the forced labor question finding its place in a larger process of reflection on dictatorship and political terror, itself contributing to debate on human rights between 1947 and 1957. At the same time, other actors entered the space opened up by the discussion of forced labor, in particular those defending oppressed groups in a colonial or postcolonial context.

These groups, I will show, offered testimony regarding forced labor as a process that cannot be understood as a simple result of political coercion—testimony underscoring that in countries where liberty and human rights were formally guaranteed, certain population categories were not really legally protected and did not freely dispose of their labor capacity. The support of labor unions and representatives of communist countries allowed an expansion of Convention 105; as a result of this “southern detour,” finally, voluntary labor was reconceived as located in the nexus between human and social rights.

Freedom of Labor: A Social and Human Right?

In an interesting manner, despite a very general definition, Convention 29 of the ILO was discussed and set in play in a precise context of colonial exploitation in the interwar period. It was first of all aimed at regulating the use of “native labor.” Since it touched so controversially on the interests of the colonial powers, the question of such labor was initially abandoned by the League of Nations commission charged with drafting the 1926 convention on slavery and transferred to the ILO.⁹ In envisioning the abolition of (colonial) forced labor, eventually intended to be replaced by salaried labor, Convention 29, together with the preceding discussions, offered what amounted to a negative definition of what would be a reasonable and acceptable exploitation of dependent territories. In formulating this definition, the participating experts transposed to the colonies the European model of economic development extolled by Physiocrats and liberals beginning in the second half of the eighteenth century. Consequently, the abolition of forced labor in 1930 was part of a longer-term project of economic and social modernization, with the emancipation of workers marking the project’s realization. In both contexts, the emancipation of the worker, the lifting of constraints, was viewed as founding the realization of this modern project. In this regard, Convention 29 of the ILO expresses a liberal understanding of wage-earning—an understanding embodied by the tripartite ILO itself—according to which workers’ freedom was grounded in the commodification of their labor power. According to this conception, free labor was conditioned upon the signing of a contract between the vendor (the worker) and the purchaser (the employer) within a competitive labor market.¹⁰

Unfolding in this context, the demand for abolition of forced labor was not formulated first of all in the name of inalienable individual rights (both human and social). Nevertheless, the entrepreneurial freedom introduced in late eighteenth-century France by the Allarde decree (1791) is properly defined as a form of inalienable individual liberty complementing other human and citizenship rights inscribed in the Declaration of the Rights of Man and Citizen of 1789. However, starting, already in the last third of the eighteenth century, at a time when freedom of labor began to become a social reality, the Physiocrats and some liberals insisted that the exercise of this freedom rested on a guarantee of social rights for workers—this understood as an indispensable condition for the enjoyment of general rights and liberty.¹¹ The participants in the discussions surrounding the convention of 1930 took this dependency seriously, and it came to be highlighted in Conventions 64 and 65 regulating working conditions and contracts for indigenous workers.¹²

Of course, throughout the nineteenth century, social welfare was developed as a response to hardships attached to generalized salaried labor, in particular the indigence threatening the unemployed, not least those deprived of work because of illness or old age.¹³ Hence at the top of the list of the above-mentioned rights was the right to work conceived simultaneously as a social and human right.¹⁴ Widely discussed during the French Revolution, the right to work would be inscribed in the preamble of the French constitution of February 1848, then in the constitution of October 1946; it was acknowledged in the ILO's 1944 Declaration of Philadelphia and in article 23 of the 1948 Universal Declaration of Human Rights. It thus has been treated as an indispensable complement to free labor.¹⁵

In reality, however, freedom of labor was largely decoupled from the guarantee of social rights meant to assure its realization.¹⁶ This "false freedom," abandoning workers to a nonregulated market, was the object of constant critique by the socialist and then communist labor movements. Inspired by Karl Marx, they formulated a radical critique of the labor market. In selling their labor power in a market in which they had both an inferior legal position, which is to say a paucity of rights, and an inferior economic position (the salary received being inferior to the real cost of their labor power), workers gave up their freedom in a process of alienation. The proletarian revolution and establishment of socialism, with the state apparatus in the hand of the workers, was seen as the sole possibility for free labor. But in return, each person's work became a duty, since it was the foundation for constructing the society and the well-being of everyone.

This framework prevailed in communist-ruled countries, where it was really implemented throughout the Eastern Bloc from the late 1940s onward.¹⁷ Measures were taken that put to work first "enemies of the people," then "asocials" (who putatively had refused to work), in the name of a superior collective interest.¹⁸ Earlier the same reasoning had spurred massive recourse to mandatory labor service (during the Bolshevik revolution), then to deportation and forced labor in camps or on the regime's most important construction sites.¹⁹ In the discussion preceding adoption of the 1930 forced labor convention, the Soviet situation was raised; but after his trip to the Soviet Union in 1928, the ILO's director Albert Thomas had proposed limiting the convention to nonmetropolitan areas: although he based his argument on the fact that the Soviet Union was not an ILO member, his underlying motivation was certainly political. After World War II, most of the so-called popular democracies, Czechoslovakia in particular, had recourse in their turn to forced labor as an instrument of political repression, and also as a means to reconstruct the country. In an interesting twist, forced labor was now not necessarily accompanied by deprivation of workers' social rights.²⁰ Attacks issued in the name of human rights on the part of the American Federation of Labor (AFL) in November 1947 before the UN's Economic and Social Council (ECOSOC) were focused on this form of forced labor.

The Forced Labor Question in the Context of the Cold War

What was condemned in 1947, then, was not the economic irrationality of forced labor, its premodern character, but its massive use for the sake of political repression. The relevant discussions were clearly part of the process of prolonging the debates tied

to the Nuremberg trials—in the course of which, let us recall, Fritz Sauckel was condemned to death for having organized the massive use of “slave labor.” But importantly, while Nazi barbarity forms the backdrop for the 1947 discussion, the Nazi slave labor camps were explicitly pushed aside from it.²¹ The goal of the first session of ECOSOC that explored the forced labor question, in November 1947, as well as of the various allegations brought to the attention of the same council by different private individuals and associations in the following months and years, was actually not to denounce forced labor in itself; rather, by way of the forced labor question, the intention was to document and condemn the grave abuses of human rights in the Eastern Bloc countries and communist China.²²

We face here the frequent phenomenon in this period of the use of human rights rhetoric as an instrument against the Soviet enemy.²³ In proposing that the forced labor question be put on the agenda of the sixth session of ECOSOC (November 1947), the AFL officials were attempting to counteract a strategy of the Soviet representatives to use the council as a tribune for promoting their economic and social model, and especially the vanishing of unemployment within it, which they insisted was the very condition for workers’ freedom.²⁴ The Soviets were hoping to lead a sort of international labor parliament through the World Federation of Trade Unions, within which labor unions close to communist parties had a leading position.²⁵ In turn, making use of the tensions between reformist and communist labor unions, the American actors (particularly through the Central Intelligence Agency) tried to counter this Soviet domination by supporting the foundation of the Confederation of Free Trade Unions, which regrouped the central reformist unions.²⁶ This division within international trade unionism was reflected in a polarization of the discussions concerning labor and the forced labor question, each camp having recourse to an abundant body of documentation.

Following the allegations of forced labor submitted to ECOSOC by various non-governmental organizations, the responsible UN officials proposed to their ILO counterparts that an “ad hoc” committee be set up common to the two organizations. It functioned between 1951 and 1953, and its conclusions were then taken up and reworked by the ILO’s own commission between 1954 and 1959. Resorting to the ILO meant profiting from its expertise in the domain of forced labor, but it also contributed to inscribing the discussion even more clearly in the logic of the Cold War. The ILO was consciously founded in 1919 as a counter to the Russian revolutionary model.²⁷ Its principal objective was to promote reformist solutions to the social question for the sake of avoiding disorder and civil war. Both this objective and its tripartite organization were in clear contradiction to the political model of the USSR and the other Eastern Bloc countries. In return, the communist-affiliated labor unions and the Soviet authorities, broadly excluded from the ILO, displayed a marked hostility to it until 1954, when the USSR joined the organization.²⁸

Between 1948 and 1970, the ILO was directed by the American David Morse. Within the organization, denunciation of forced labor in the Eastern Bloc was largely led by Americans, resting in particular on the engagement of the AFL’s Philip Delaney, who represented the workers in the organization’s governing body until 1958. In that body he could count on the support of J. Ernest Wilkens, representing the

U.S. government, as well as that of the group of workers' delegates led by Alfred Roberts, member of the General Council of the British Trades Union Congress. Finally, and above all, he received enormous support from the employers' representatives.²⁹

In fact, broadly speaking, the discussion of forced labor unfolded as nothing less than an "American crusade": different U.S. government officials intervened directly in preparing the relevant report, focusing exclusively on broadening the case against the Eastern Bloc countries.³⁰ In this respect Walter Kotschnig, representative of the State Department in ECOSOC, played a pivotal role, going so far as to suggest direct American financing and not hesitating on several occasions to telephone Manfred Simon, the committee's secretary general, to obtain information.³¹

Actually, the American influence was highly diffuse; its contours can be traced in an amorphous grouping of institutions and associations supporting the government's anticommunist crusade. A large portion of the documents used by the ad hoc committee's experts stemmed from American research centers such as the Russian Research Center at Harvard, the Russian Institute at Columbia, and the Hoover Institute at Stanford.³² Highly detailed information was furnished by Albert Hertling, a UNESCO consultant who led an inquiry into forced labor for the Workers' Defense League, a part of which was published in 1951 under the title *The Soviet Slave Empire*.³³ American public opinion was alerted to the situation by various press reports.³⁴ Finally, on the international level much of the allegations and testimony was furnished by associations and individuals supported by various American agencies.³⁵ This is the case with political organizations opposing communist governments from outside their home countries—for instance, the consultative committees for Estonia, Latvia, Lithuania, and Hungary, the National Council for a Free Czechoslovakia, and the Committee for a Free Albania—that were heard in the course of the ad hoc committee's second and third sessions. These organizations were used by the same American officials who offered them logistical support; they repeatedly supplied reports so firmly set in the logic of a Cold War political framework that the president of the ad hoc committee, Sir Arcot Ramasamy Mudaliar, feared its descent into partisan harangues.³⁶ The International Commission of Jurists was also very active in sending documents testifying to the massive use of forced labor in the Eastern Bloc countries. The International Commission of Jurists was founded in 1952 as a response to the abduction from West Germany and execution in the Soviet Union of the German jurist and human rights specialist Walter Linse. It certainly benefited at the start from CIA funding but gradually freed itself from this relationship and focused on commissioning solid, well-documented testimony.³⁷ This example suggests the need to look beyond the instrumentalization of human rights discourse in the Cold War context.

Abolition of Forced Labor as a Human Rights Issue

The argument underlying the forced labor discussion and the ensuing convention, and above all the adopted procedure, clearly reflected a real "human rights" turn on the part of the ILO, already initiated in 1941 and affirmed in 1944 by the Declaration of Philadelphia.³⁸ In order to constitute the ad hoc committee in 1951, officials from

the UN ECOSOC and the ILO did not turn to experts on the matter at hand, as was the case for the convention of 1930, but to international personalities distinguished by their support of peace and human rights. The three members of the ad hoc committee were Paal Berg, former president of the Norwegian supreme court; the Peruvian politician Enrique García Sayán, member of the UN's Human Rights Commission (HRC) from January 1950 to December 1951; and Sir Arcot Ramasamy Mudaliar, the committee's director, who had presided over the two British war cabinets and had seen through India's recognition by the UN.³⁹ The succeeding three-member ILO committee, active between 1954 and 1959, was headed by Paul Ruegger, a jurist who presided over the International Red Cross in Geneva between 1948 and 1955. The earlier committee also had a secretarial attaché at the HRC in New York and a technical expert in Geneva—two jurists who would study the relevant legal texts and evaluate the plausibility of the allegations concerning one or another country.⁴⁰

Within the American administration itself, the new focus on human rights was embodied in the personality of Walter Kotschnig, whose anticommunism was in effect inseparable from his cosmopolitan and antifascist engagement. Born in Austria in 1901, Kotschnig studied political science both there and in Germany. Linked to the milieu of the League of Nations, he was a militant anti-Nazi who emigrated to the United States in 1936 and participated in the establishment of the UN.⁴¹ Beyond the Cold War context, his involvement in the fight against forced labor was tied to his anti-Nazism and respect for human rights.

The same political outlook motivated the work of the International League for the Rights of Man (ILRM) and the Commission contre le régime concentrationnaire (Commission against the Concentration Camp Regime, CCCR). Both of these associations were direct responses to World War II. Even if they could make use of older models, both based their human rights efforts on a denunciation of Nazi barbarism, the Nazi system's concentration camps, and slave labor camps. The ILRM was founded in New York in 1942 by Roger Baldwin and European émigrés, including the famous French physiologist and later UN Assistant Secretary General Henri Laugier with the *Ligue des droits de l'homme française*, founded in 1898, as a model.⁴² It furnished numerous documents of very high quality to the commissions of inquiry. For its part, the CCCR was founded in 1949 by survivors of Nazi and Soviet camps.⁴³ During a "public symbolic trial" organized in Brussels, it demonstrated that concentration camps existed in the USSR, an approach offering powerful inspiration for the ad hoc committee's procedures based on the gathering of legislative texts and meticulously cross-checked testimony.⁴⁴ It should be underscored that in taking seriously and mobilizing the rhetoric and practice of human rights activism, the CCCR not only denounced forced labor in the USSR and China but also in Western dictatorships such as Spain.⁴⁵

In any event, the opening of the debate to NGOs and other such organizations contributed to a shift in approach. In locating their actions in a continuity of condemnations of slavery, some of them would contribute to expanding the definition of forced labor, reintroducing a social and economic dimension largely absent from the previous discourse.

Between South and North: The Abolition of Forced Labor as a Social Right

The Anti-Slavery Society, one of the oldest abolitionist associations in Europe, played an important role in this respect. With roots going back to the first such English, North American, and French movements in the late eighteenth century, it was one of the first NGOs to be accredited with international organizations in the interwar period.⁴⁶ Through the long-standing nature of its activities and in the spirit of the international conventions against slavery (1926) and forced labor (1930), it supplied the different committees with proof of the survival of forced labor as inflicted on indigenous populations in colonial territories, as well as evidence concerning one ethnic group's domination by another (the case for instance with South American Indians and the South African black population). In its basic stance, the society focused less on coercion as exercised by states than on the profoundly unequal conditions existing within them. This inequality, after all, had allowed for widespread forced labor—often masked by reference to satisfying the common good or respecting tribal customs.⁴⁷ In this manner, continuity was established between the interwar reflections on colonial forced labor and the politically grounded forced labor placed on the agenda in 1947. But above all, this “southern detour” reintroduced the idea of the importance of social rights as a guarantee of workers' freedom and their human rights.

Like the antislavery society members, some representatives of both Latin American and recently decolonized countries (including India) moved forced labor out from an exclusively labor camp context. Beyond the East-West conflict, they inquired into a range of forms of domination—not only political but economic and social as well—that permitted or indeed spurred forced labor. They were supported in this broader vision by certain Western workers' representatives. The Workers Defense League, for example, gathered a huge amount of documentation on peonage, or forced labor to pay off debt, as practiced not only in Latin America but also in the American South.⁴⁸ During committee hearings, both individual witnesses and defense associations for the indigenous underscored that the constitution of a “free” labor market had been accompanied by new and not explicitly illegal forms of forced labor. Like first the liberals and then the socialists in nineteenth-century Europe, they insisted on the role that economic and social inequality, together with ethnic differences, played in maintaining and reinforcing forced labor in situations where the state had formally guaranteed freedom and individual rights.

The voices of USSR and the Eastern Bloc representatives augmented their cause by advocating a new interpretation of forced labor: as something resulting first and foremost from capitalist exploitation, its supreme form being unemployment.⁴⁹ In fact, this economic and social conception of forced labor cannot be reduced to Soviet propaganda; rather, as we have seen, it is part of a long liberal tradition within which authentically free labor rests on a guarantee of social rights, in particular the right to work. The Soviet representatives themselves leaned heavily on declarations and analyses of reformist labor unions in order to describe precisely the forced labor situation facing certain population categories with inferior social status (especially in the postcolonial context) or suffering from either ethnic segregation (the case with black Americans) or legal inequality (the case with some categories of migrant workers).⁵⁰

It was doubtless the expertise accumulated through familiarity with colonial and postcolonial forced labor that allowed the officials and experts on the ad hoc committee to see their initial viewpoint evolve, and here we should not forget that the committee's president was an Indian. These experts, especially those of the ILO, chose to move beyond analytical categories strictly defined by the prevailing Cold War climate. Motivated by a desire to maintain the highest professional standards and their independence, they reformulated their mandate by integrating forms of constraint not restricted to state intervention.⁵¹ In the course of their correspondence and reports, we can observe a gradual evolution, influenced by reports and allegations from different sources in southern countries, leading experts increasingly to take into account varieties of forced labor resulting from ethnic, social, and economic relations unfavorable to workers. South Africa and the Portuguese colonial administration were thus included among the states practicing forced labor. This concern with precisely analyzing texts and situations even led to emphasis on grave violations of the principle of freedom of labor in the legislation of some constitutional democratic states. We find a specific focus on, for instance, the imposition of forced labor on vagabonds and beggars in the Finnish civil code, the legacy of a practice widespread in nineteenth-century industrial countries.⁵²

This development was favored by a decisive shift in the international climate between 1956 and 1957, in the context of de-Stalinization and a phased and limited closing of the labor camps, on the one hand, and a resumption of the dialogue between communist and reformist labor unions, on the other.⁵³ In 1956, several representatives of the labor unions on the board of directors, all members of the World Federation of Free Trade Unions (WFTU), registered a sense of frustration at the report prepared by the ILO. In limiting the forced labor question to the dimension of political coercion, they indicated, the report seemed to forget the need to protect all workers economically dependent on their employers. Accordingly, during discussions held at the International Labour Conference in 1956—discussions leading to an adoption of a provisional agreement—all those representing labor, including Philip Delaney, voted for an amendment proposed by the USSR and the Eastern Bloc countries, which introduced a clause protecting workers against forced labor imposed by employers.⁵⁴ Following governmental responses, the clause was not retained in the final text, but it was the object of a separate resolution concerning modes of payment of salary. In the end, against the advice of employers' representatives and some governments, the convention's scope both broadened and became more precise through the addition of a condemnation of the use of forced labor as a punitive instrument against strike participants.⁵⁵

As an outcome of these developments, at the International Labour Conference of 1957 the Soviets voted for the convention alongside the Americans, with U.S. employers the only ones to abstain.⁵⁶ Nevertheless, the United States would only ratify Convention 105 after the collapse of the Soviet Union in 1991.

Conclusion

All told, beyond the Cold War context and the hegemonic position America gained in the international system after World War II, the convention text produced by the

ILO succeeded in maintaining the fundamental principles of the Declaration of Philadelphia, according to which social justice and human rights are inseparable. What this long international debate can show is that, contrary to what is often argued, the Cold War did not paralyze fundamental discussion between the two sides concerning the question of labor—after all, the convention’s ratification was preceded by intense debate. Indeed, the conflict between the two blocs, like the decolonization process, demarcated a favorable period for defining the juncture between human and social rights. In this respect, the alliance between officials from southern and communist countries could have a catalyzing effect. Having had the intent of denouncing the Soviet labor camps at its inception, the convention in its final form reintroduced social rights as a condition of freedom of labor, the latter understood as a human right.

This conceptual development can only be understood by reconstructing the different contexts and interpretive frameworks within which the forced labor question was formulated. The ghostly presence of the Nazi camps, the onset of the Cold War, the condemnation of Soviet labor camps by different American officials—all seem to have played a prominent role in the question’s initial formulation in 1947. Nevertheless, the surrounding discussion is equally inscribed in the “decade of human rights,” the context for the question’s emergence as an “international cause” transcending Cold War parameters, with significant help from organizations such as the ILRM and, above all, the CCRC.

Within this second context, new officials and agencies—in particular the Anti-Slavery Society but also various representatives from southern and Eastern Bloc countries, experts from international organizations, and labor union forces—successfully pushed through a broader understanding of the combat against forced labor. While linking themselves with earlier discussions of the nature of free labor in the Western labor movement, they were mainly inspired by discussions unfolding in a colonial and postcolonial context. Interestingly, despite their political differences, those active in such a framework were in the end allied in a shared understanding of the modernity emerging from Europe’s Enlightenment. It is within this third context that the question of forced labor has been tied to the issue of respect for workers’ rights. The project of abolishing forced labor thus took on its full breadth, at the crossroads of human and social rights, in the course of a long conceptual voyage.

NOTES

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1. On the history of the ILO, alongside older literature, see the following recent publications: Jasmien Van Daele et al., eds., *ILO Histories: Essays on the International Labour Organization and Its Impact on the World during the Twentieth Century* (Bern: Lang, 2010); Isabelle Lespinet-Moret and Vincent Viet, eds., *Le devenir de l’Organisation internationale du travail: Normes, expertises, médiations et acteurs transnationaux* (Rennes: Presses universitaires de Rennes, 2011); and Sandrine

Kott and Joëlle Droux, eds., *Globalizing Social Rights: The International Labour Organization and Beyond* (Basingstoke: Palgrave MacMillan, 2012).

2. Jean-Michel Bonvin, *L'organisation internationale du travail: Étude sur une agence productrice de normes* (Paris: Presses universitaires de France, 1998).

3. For the text of the convention, see <http://www.ilo.org/ilolex/english/convdispr.htm> (accessed February 20, 2011). See also a summary of the proceedings in *Report of the Ad Hoc Committee on Forced Labor* (Geneva: ILO, 1953), 146–58.

4. On this diversity, see Tom Brass and Marcel van der Linden, eds., *Free and Unfree Labour: The Debate Continues* (Bern: Lang, 1997).

5. See the convention's text at <http://www.ilo.org/ilolex/english/convdispr.htm> (accessed February 20, 2011).

6. On this ambiguity, see Tom Brass, "Introduction," in Brass and van der Linden, eds., *Free and Unfree Labour*, 11–42. For a more specific discussion, see Carolyn Brown and Marcel van der Linden, "Shifting Boundaries between Free and Unfree Labor: Introduction," *International Labor and Working-Class History* 78, no. 1 (2010): 4–11. On the problem's place in the history of ideas, see Maria Luisa Pesante, "Slaves, Servants and Wage Earners: Free and Unfree Labour, from Grotius to Blackstone," *History of European Ideas* 35, no. 3 (2009): 289–320.

7. A very good clarification of the transition between slavery and colonial forced labor is found in the special issue "Europe, Slave Trade and Colonial Forced Labour," *Journal of Modern European History* 7 (2009).

8. On this approach, see Margaret E. Keck and Kathryn Sikkink, *Activists beyond Borders: Advocacy Networks in International Politics* (Ithaca, N.Y.: Cornell University Press 1998), 18–22.

9. On this point, see Daniel Maul, *Menschenrechte, Sozialpolitik und Dekolonisation: Die Internationale Arbeitsorganisation (IAO), 1940–1970* (Essen: Klartext, 2007), 39–43; Luis Rodríguez-Piñero, *Indigenous Peoples, Postcolonialism, and International Law: The ILO Regime, 1919–1989* (New York: Oxford University Press, 2005), 30–35; Susan Zimmermann, "'Special Circumstances in Geneva': The ILO and the World of Non-Metropolitan Labour in the Interwar Period," in Van Daele et al., eds., *ILO Histories*, 221–50; J. P. Daughton, "Témoignages sur la violence coloniale: La campagne internationale menée dans l'entre-deux-guerres contre le travail forcé," *Revue d'histoire de la Shoah* 189 (2008): 199–213; and Daughton, "ILO Expertise and Colonial Violence in the Interwar Years," in Kott and Droux, eds., *Globalizing Social Rights*.

10. Robert Castel, *Les métamorphoses de la question sociale: Une chronique du salariat* (Paris: Gallimard, 1999), 274–94.

11. For Germany, see Sandrine Kott, *L'Etat social allemand: Représentations et pratiques* (Paris: Belin, 1995), 60–68, 78–84.

12. See <http://www.ilo.org/ilolex/english/convdispr.htm> and <http://www.ilo.org/ilolex/english/convdispr.htm> (accessed February 20, 2011).

13. Castel, *Métamorphoses*, 46.

14. *Ibid.*, 285; Colette Bec, *De l'État social à l'État des droits de l'homme?* (Rennes: Presses universitaires de Rennes, 2007).

15. See Universal Declaration of Human Rights, Article 23(1): "Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment."

16. For the French context, see esp. Giovanna Procacci, *Gouverner la misère: La question sociale en France, 1789–1848* (Paris: Seuil, 1993), 257–75.

17. The idea of a debt of each individual to the collectivity and that each has to work to pay is a correlate of the social policies in many capitalist countries. Such a debt is thus proclaimed by the French Revolutionary Committee on Begging of 1790 and is inscribed in the French constitution of 1946. See Bec, *De l'État social à l'État des droits de l'homme*, 161–62.

18. On this notion of “asociality” in the Soviet Union, see Sheila Fitzpatrick, “Social Parasites: How Tramps, Idle Youth, and Busy Entrepreneurs Impeded the Soviet March to Communism,” *Cahiers du monde russe* 47 (2006): 377–408. For East Germany, see Sven Korzilius, “Asoziale” und “Parasiten” im Recht der SBZ/DDR: Randgruppen im Sozialismus zwischen Repression und Ausgrenzung (Cologne: Böhlau, 2005).

19. Marcel van der Linden, “Forced Labour and Non-Capitalist Industrialization: The Case of Stalinism (ca. 1929–ca. 1956),” in Brass and van der Linden, eds., *Free and Unfree Labour*, 351–63; R.W. Davies, “Forced Labour under Stalin: The Archive Revelations,” *New Left Review*, no. 214 (1995): 62–89; Stephen Kotkin, *Magnetic Mountain: Stalinism as Civilization* (Berkeley: University of California Press, 1997), 72–107.

20. See Peter Heumos, “Stalinismus in der Tschechoslowakei: Forschungslage und sozialgeschichtliche Anmerkungen am Beispiel der Industriearbeiterschaft,” *Journal of Modern European History* 2, no. 1 (2004): 82–109.

21. Archives of the ILO, Geneva, Switzerland (hereafter AILO), FLC 2 /1–5/3 from Zwahlen to Simon, February 2, 1953: “The committee found that the problem of forced labor under the National Socialist regime was not under its mandate because it belonged to the past. On the other hand you will recall that in the course of the third session the committee incidentally took up the question again and confirmed its principled attitude on two occasions.”

22. For a general account, see Antony Alcock, *History of the International Labour Organisation* (New York: Octagon Books, 1971), 270–83.

23. Mary L. Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton, N.J.: Princeton University Press, 2000).

24. In 1947 they thus raised the questions of labor union freedom and equal pay for men and women. See Harold Karan Jacobson, *The USSR and the UN's Economic and Social Activities* (Notre Dame, Ind.: University of Notre Dame Press, 1963); and Jacobson, “Labor, the UN and the Cold War,” *International Organization* 11, no. 1 (1957): 55–67.

25. We should nevertheless note that Louis Saillant, general secretary of the IFTU, was not himself a communist and belonged before the war to the reformist wing of the Confédération générale du travail (CGT).

26. Reformist labor unionism (British Trades Union Congress [TUC], Deutscher Gewerkschaftsbund, American Congress of Industrial Organizations) as well as the new central unions supported by the CIA (in France, Force ouvrière, which split from the CGT) joined the new international labor union confederation. Jean-François Michel, “La scission de la Fédération syndicale mondiale (1947–1949),” *Le Mouvement social*, no. 117 (1981): 33–52.

27. James T. Shotwell, “The International Labor Organization as an Alternative to Violent Revolution,” *Annals of the American Academy of Political and Social Science*, no. 166 (1933): 18–25.

28. The USSR first joined the ILO automatically in 1934 in the course of its membership in the League of Nations, but it was virtually inactive. In 1939 it withdrew from both the League and the ILO. It entered the UN at its founding but did not rejoin the ILO. In contrast, from 1919 onward, Czech and Polish officials were continuously very active in the ILO. See Harold K. Jacobson, “The USSR and ILO,” *International Organization* 14, no. 3 (1960): 404; Sandrine Kott,

“Par delà la guerre froide: Les Organisations Internationales et les circulations Est-Ouest (1947–1973),” *Vingtième Siècle* 109 (2011): 143–55.

29. *Minutes of the Governing Body*, no. 128 (March 1955), 52, and no. 129 (May/June 1955), 35. Starting in 1954 the employers refused to accredit representatives of the communist countries, whom they saw as government envoys.

30. See esp. the AILO FLC 2, very rich correspondence between the committee’s secretary and technical advisor between 1951 and 1953.

31. AILO FLC 2 1–1, letter of July 7, 1951, from Simon, and FLC 2 1–4, letter from Salkin to Zwahlen, November 26, 1951.

32. AILO FLC 2 1–4, Zwahlen to Salkin, November 23, 1951. On the role of these research centers in the production of knowledge furthering the Cold War, see David Engerman, *Know Your Enemy: The Rise and Fall of America’s Soviet Experts* (Oxford: Oxford University Press, 2009).

33. AILO FLC 2 1–4, Slakin to Zwahlen, January 22, 1952; Albert Konrad Herling, *The Soviet Slave Empire* (New York: Wilfred Funk, 1951).

34. The ad hoc committee’s members were very concerned about this instrumentalization of their work. See AILO FLC 2 1–1, letter of April 30, 1952. See also in the same file a *New York Times* article of June 7, 1952, and a *Daily Telegraph* article of January 19, 1953.

35. In Geneva, Zwahlen thus confirmed the huge disproportion between those testifying against the Eastern Bloc countries and the others. AILO FLC 2 1–1, Zwahlen to Simon, April 23, 1952.

36. AILO FLC 2 1–1, Mudaliar to Simon, April 14, 1952.

37. For an apologetic history of the association, see Howard B. Tolley, *The International Commission of Jurists: Global Advocates for Human Rights* (Philadelphia: University of Pennsylvania Press, 1994). Tolley sees a kind of “youthful error” at work in the association’s beginning. For a more critical perspective, see Yves Dezalay and Bryant Garth, “Droits de l’homme et philanthropie hégémonique,” *Actes de la recherche en sciences sociales* 121 (1998): 25–26.

38. See Daniel R. Maul, “The International Labour Organization and the Globalization of Human Rights,” in *Human Rights in the Twentieth Century*, ed. Stefan-Ludwig Hoffmann (Cambridge: Cambridge University Press, 2010), 301–20. For the text of the declaration, see http://www.ilo.org/global/About_the_ILO/Origins_and_history/Constitution/lang—fr/index.htm#annex (accessed February 22, 2011).

39. AILO FLC 2 1–1, Mudaliar to Simon, May 19, 1952.

40. The attachés were first Salkin (until February 1952) and then Manfred Simon, French Council of State member. The technical expert was Henri Zwahlen. See *Report on Forced Labour* (Geneva: ILO, 1955), 6: 2; (1956), 6: 1; and (1957), 6: 2. On the role of international jurists, see in the European case the critical view of Antonin Cohen and Antoine Vauchez, “Sociologie politique de l’Europe du droit,” *Revue française de science politique* 60, no. 2 (2010): 223–26.

41. On Kotschnig, see <http://library.albany.edu/speccoll/findaids/gero53.htm> (accessed June 15, 2011).

42. Roger Nash Baldwin, a former communist, became very hostile to the USSR after signature of the German-Soviet pact; he was co-founder of the American Civil Liberties Union. See Robert Cottrell, *Roger Nash Baldwin and the American Civil Liberties Union* (New York: Columbia University Press, 2001). On the International League for Human Rights, see the website of the New York Public Library, which holds the archives for the 1948–90 period: <http://www.nypl.org/research/chss/spe/rbk/faids/ilhr.pdf> (accessed June 17, 2011).

43. On the CCCR, see Thomas Wieder, “La commission internationale contre le régime concentrationnaire, 1949–1959: Des rescapés des camps nazis combattent les camps de concentration” (M.A. thesis, Université de Paris I, 2001).
44. This trial was studied by committee members. See AILO FLC 2 1–4, Zwahlen to Salkin, February 1, 1952. For the emphasis placed on credibility, see AILO FLC 1 3–1, letter of Theo Bernard, March 28, 1955: “The organization that I have the honor to represent attaches the greatest importance to only referring to unimpeachable documents,” on the CCCR’S relations with the ad hoc and ILO committees. The CCCR was authorized to participate in the ILO debates of 1957. *Minutes of the Governing Body*, no. 132 (June 1956), 102.
45. See *Report of the Ad Hoc Committee*, 496, 499, 501, 505, 513, 520; additionally, see the documents submitted to ECOSOC and the International Labour Office in AILO FLC 1 3–1.
46. For the antislavery movement as the source of various international causes, see Keck and Sikkink, *Activists beyond Borders*, 39–51.
47. For intervention with respect to Latin America, Southern Rhodesia, and South Africa, respectively, see *Report of the Ad Hoc Committee*, 328, 428, 600–601.
48. AILO FLC 2 1–4, Zwahlen to Salkin, January 29, 1952. On this practice and the various forms of forced labor accompanying the establishment of a free market on the American continent, see esp. Larian Angelo, “Old Ways in the New South: The Implication of the Recreation of an Unfree Labor Force,” in Brass and van der Linden, eds., *Free and Unfree Labour*, 173–201; David McCreery, “Wage Labor, Free Labor and Vagrancy Laws: The Transition to Capitalism in Guatemala, 1920–1945,” in *ibid.*, 281–303.
49. See the Soviet anti-U.S. allegation that forced labor “is the basis of the capitalist economy.” *Minutes of the Economic and Social Council*, session 8 (1947), 237; session 12 (1947), 469.
50. See a summary of these allegations, especially concerning the U.S., in *Report of the Ad Hoc Committee*, annex III, 255–60. The Soviet allegations are here supplemented by those of Stetson Kennedy (1919–2011), a folklorist and human rights activist who headed many investigations in the postwar period regarding political and economic discrimination in the American South.
51. See AILO FLC 2 1–5/3, the correspondence regarding Latin America in March 1953. See also AILO FLC 2 1–5/2, Zwahlen to Simon, August 13, 1952. This concern is tied to the often discussed question of the posture of the international organizations’ experts. See, e.g., Sandrine Kott, “Une ‘communauté épistémique’ du social? Experts de l’OIT et l’internationalisation des politiques sociales dans l’entre-deux-guerres,” *Genèses* 71 (2008): 26–46. For another perspective, see Johan Schot and Vincent Lagendijk, “Technocratic Internationalism in the Interwar Years: Building Europe on Motorways and Electricity Networks,” *Journal of Modern European History* 6, no. 2 (2008): 196–217.
52. AILO FLC 2 1–5/1, Simon to Zwahlen, April 11, 1952. On the French vagabond as a negative figure of poverty, see Jean-François Wagniar, *Le vagabond à la fin du XIXe siècle* (Paris: Belin, 1999).
53. In addition to the effects of de-Stalinization, another source of unity for the unions vis-à-vis the employers was the controversy with them at the ILO regarding designation of workers’ representatives by the Franco government. See Alcock, *International Labour Organization*, 295.
54. Article 2(f) anticipated a condemnation of labor that constituted “as a consequence of the method of payment to the worker whereby his employer defers payment to a given date or postpones payment after the agreed date, thereby depriving the worker of a genuine possibility of terminating his employment, or where work is exacted from the worker in the form of bondage

for debts or through systems of peonage.” *International Labour Conference: Record of Proceedings* (Geneva: ILO, 1956), 729.

55. Text of the convention at <http://www.ilo.org/ilolex/english/convdispr.htm>. (accessed February, 20, 2011): “Each Member of the International Labour Organization which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labour (a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system; (b) as a method of mobilising and using labour for purposes of economic development; (c) as a means of labour discipline; (d) as a punishment for having participated in strikes; (e) as a means of racial, social, national or religious discrimination.”

56. *International Labour Conference*, 361–77, 464.