

Why is there no maternity leave in the United States?

European models for a law that was never passed

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1 - Maternalism and maternity leave: a U.S. incompatibility?

Provisions for maternity leave are common among industrialized countries, but their institutional design varies distinctly. The aim of this paper is to investigate if and how the different historical origins affect contemporary policies, and try to identify the mutual influences of the respective models for protecting working mothers on the two sides of the Atlantic. The discussion leading up to the implementation of maternity leave in the United States will be analysed, together with the Italian National Maternity Fund (Cassa Nazionale di Maternità) and the activities of the The National Organisation for the Protection of Motherhood and Infancy in Fascist Italy (Opera Nazionale Maternità e Infanzia - ONMI), which was founded during the Fascist regime (1925).

In the first two decades of the century more so than in the Thirties, the United States followed the example of Europe (including Italy) when constructing its assistance programs. During this period, upon which my work is mainly focused (with particular attention on the Italian experience), one has to deal with a more complex and contradictory context. I will try to place my paper within the context of current debate on the New Deal among Italian historiographers. One of its most important points is the attempt to relate certain aspects of New Deal socio-economic policies to similar orientations in fascist politics, not only through an analysis of corporativism, but also by studying public works and assistance policies.

The participation of women in the labor force, both full and part-time, grew significantly after World War II. In the U.S., today, about two-thirds of mothers with children are in the labor force, despite the relative lack of public child-care provision and limited maternity and parental leaves. America was a distinct laggard on these matters, and it took a major struggle before a national parental leave policy was enacted. Not until February 1993 did the Clinton Administration launch the modest “Family and Medical Leave Act”, according to which both parents are entitled to a twelve-week unpaid leave of absence for family reasons, including childbirth, “to promote national

interests by preserving family integrity”; it established the right to twelve-week unpaid parental leave for family reasons, including pregnancy and childbirth.

The lively public debate surrounding such issues has emphasized the United States’ role as a “latecomer” in the implementation of support policies for working mothers¹. Although to date the campaign for the preservation of the family institution is gaining in intensity, especially in the Republican camp, the United States – alone among industrialized countries – is without a set of policies geared toward family needs, and which acknowledge the social responsibility of the state in this area. In fact, there is a complete lack of the basic components of an adequate maternity policy: health insurance, job protection, supplementary income during pregnancy. While in the seventies some companies began to allow brief periods of leave, in the early eighties such forms of maternity insurance were provided only by medium and large companies (about 75%), and over the past decade 9% of women between the ages of 15 and 54 have resulted to be covered by private insurance schemes that exclude confinement. In general, therefore, the provisions for maternity leave (mainly unpaid) in the United States are inconsistent, poorly regulated and, by and large, unpaid.

For supporters of maternity insurance, Europe continues to be a model of reference. Still in the second half of the eighties, in fact, the economist, Sylvia Ann Hewlett noted how Europe, starting from the recognition of the social function of maternity, had been better able to provide social policies in support of working mothers², at the same time as denouncing the hostility of American feminists towards policies of this kind. If her vision is certainly excessive and partially misleading, it is undoubtedly true that the US women’s movement – part of which remains influenced by the early-twentieth-century “maternalist” ideology - has proved very hesitant in its will to import European-style welfare policies. Indeed, the “maternalist” reformers of the Children’s Bureau had sought to limit the access of women to the paid workforce, whether they were mothers, or even mothers and heads of family. To reconstruct the

¹ Lise Vogel maintains that a family and maternity policy has distant, albeit heterogeneous and uncodified roots. It is contained in state legislations, court opinions, government regulations, and in the practices of entrepreneurs concerning pregnancy, confinement and family. See Lise Vogel, *Mothers on the Job. Maternity Policy in the U.S. Workplace*, New Brunswick, N.J., Rutgers University Press, 1993.

tortuous route that has failed to lead to a Federal legislation on maternity leave in the United States, one has to take into account the heritage of “maternalist” thought that has undermined its paradigm. It is therefore necessary to integrate the instruments of labor history with those of the history of welfare in order to reconsider the work of women and men in terms of family economics, so as to emphasize the points of intersection between labor, care work and public policy³.

2 – A backward glance: the early-twentieth century

In 1915, Lee K. Frankel, vice-president of the Metropolitan Life Insurance Company wrote:

The need for sickness insurance can no longer be denied. The next decade will probably see, in the United States, the development of a comprehensive system which will protect the worker against the contingencies of sickness and invalidity due to sickness. It would be quite simple, if it were found necessary, to incorporate in such plans of sickness insurance the necessary provisions under which all women, whether employed or not, could be made beneficiaries at the time of maternity.⁴

In fact, maternity leave in the United States would continue to be an unsolved problem for many decades.

At the beginning of the twentieth century several European countries developed social welfare policies providing support to working mothers which were extremely comprehensive by US standards. Germany was the first to introduce such policies in the 1880s, and later, in 1911, it instituted paid maternity leave. In France female teachers and postal worker obtained it in 1910, and in subsequent years it was extended to other categories of female workers. In 1919 the International Labor Organization (ILO) adopted the first series of measures aimed at the protection of working mothers: a six-week leave period after childbirth, free medical care, job protection guarantee, daily suspension from work for feeding, and supplementary pay. Subsequently, the need to protect the health and rights of women workers found expression in many national

² Sylvia Ann Hewlett, *A Lesser Life. The Myth of Women's Liberation in America*, New York, W. Morrow, 1986.

³ Eileen Boris and S.J. Kleinberg, *Mothers and Other Workers (Re)Conceiving Labor, Maternalism, and the State*, “Journal of Women's History”, 15, 3, Autumn 2003, pp. 90-116.

legislations, and was incorporated in general terms in the Universal Declaration of Human Rights (art. 25, par. 2)⁵. The European emphasis on the protection of maternity and future generations variously permeated American ideology of the period (c.f. the case of *Muller v. Oregon*, 1908). However, the idea that it should be the state to assume responsibility for it remained a purely European characteristic. The Maternity Protection Convention of the ILO served as an international standard for maternity insurance policies up to its revision in 1952, when it was emended to extend cover to the categories of women excluded up to that time, including agricultural and domestic workers.

While in the early decades of the twentieth century, European countries enacted extensive social programs for working mothers, the United States did not ratify the Maternity Protection Convention of 1919, instead developing half-hearted policies for maternity protection characterized by strong racial preferences. In spite of the period's rhetoric glorifying motherhood, "whiteness" ended up constituting a very powerful criterion of exclusion. While in Europe "maternalist" ideology has led to a universalistic concept of social welfare, strengthened and expanded in time, the US policies have rarely been inclusive.

In the same year of the approval of the Maternity Protection Convention, 1919, Julia Lathrop, chief of the Children's Bureau of the Department of Labor, sent a report drawn up by Henry J. Harris, chief of the document division of the Library of Congress and former statistical expert of the Bureau of Labor, to the Minister of Labor, W. B. Wilson. The report was about the systems of maternity aid available in other countries and Lathrop expressed her hope that- "it might prove useful to the people of one of the few great countries which as yet have no system of State or national assistance in maternity - the United States"⁶.

Lathrop thought that it would be useful for the facts as to the scope, organization, and experience of these foreign systems of maternity aid to be made available to American

⁴ L. K. Frankel, *Maternity Insurance*, A.R. Elliot Publishing Company, 1915 (Reprinted from the New York Medical Journal for December 18, 1915), p. 27.

⁵ International Labour Office, *Maternity Protection. A World Survey of National Law and Practice*, "La Tribune de Genève", Ginevra, 1965.

⁶ H. J. Harris, *Maternity Benefit Systems in Certain Foreign Countries*, U.S. Government Printing Office, Washington 1919, p. 10. See also C. R. Henderson, *Infant Welfare in Germany and Belgium. General Conclusions*, in "The American Journal of Sociology", xvii, 1912, 6, pp. 800-3.

readers. Apart from Australia and New Zealand, various European countries were included: Great Britain, France, Italy, Germany, Austria, Denmark, Norway, Russia, Sweden, Switzerland, Luxembourg, and the Netherlands. In those countries, wrote Harris, the maternity benefit systems were not an experiment, they were designed to protect the health of mothers and children by providing adequate medical and nursing care in childbirth and by so lessening the financial burden of childbearing that mothers may be insured a reasonable period free from excessive labor. They varied from systems under which every woman, regardless of her financial status, received a fixed sum on the birth of a child, to systems under which voluntary insurance funds – membership of which was open only to wage-earning women in certain industries and receiving certain minimum wages – received subsidies from the State. In some systems the benefit consisted primarily of a money payment; in others it consisted primarily of medical and nursing services.⁷ In Harris's report, the largest amount of space was devoted to the British system, partly because industrial conditions in Great Britain more closely resembled conditions in the United States than those in other foreign countries, and partly because the benefit paid on account of maternity directed attention to the needs of the wage-earning mother at the time of childbirth "in a most striking manner"⁸.

As far as Italy was concerned, the focal point was the National Maternity Fund⁹. This Fund was set up in July, 1910 and began operating in 1912, after a thirty-year long struggle on the part of Italian women's movement "on the issue of the relationship between motherhood, the state and women's citizenship"¹⁰, and after a long, complicated trek to win parliamentary approval. It provided maternity insurance for various categories of female workers, though many were excluded (such as those in domestic service, and agricultural and seasonal workers). Despite pressure from the women's movement, the fund was insufficient and rarely applied.

Nevertheless, at the time, the United States singled out the Italian program as an important example of public social welfare for maternity and childhood⁸. Harris stressed

⁷ H. J. Harris, *Maternity Benefit Systems in Certain Foreign Countries*, p. 9.

⁸ *Ivi*, p. 16.

⁹ On the Italian National Maternity Fund see. A. Buttafuoco, *Questioni di cittadinanza. Donne e diritti sociali nell'Italia liberale*, Protagon Editori Toscani, Siena, 1993, pp. 159-95.

¹⁰ A. Buttafuoco, "Motherhood as a political strategy: the role of the Italian women's movement in the creation of the Cassa Nazionale di Maternità", in G. Bock and P. Thane, *Maternity and Gender Policies*.

that Italy had no health insurance system and that its compulsory maternity insurance for women wage-earners was a separate system. Membership of the national maternity insurance fund was restricted to wage-earners in the manufacturing industries, and women employed in the rice-fields. The restrictions were usually attributed to the difficulty of providing administrative machinery to meet the special conditions – for instance, in the home-working industries, in the case of casual workers who change employers frequently, or in the case of agricultural workers who were scattered thinly over wide areas. However, the Italian model was considered as being too limited and not applicable to the United States, where it was thought more appropriate for any maternity leave system to be part of a more broadly-based health insurance system:

It should be noted in passing that in Italy, the maternity scheme is a more narrow one, membership being limited to women between ages fifteen and fifty years. Doubtless the Italian maternity insurance organization was created because of the lack of a sickness insurance system, with which maternity insurance could be articulated. Whether such a maternity insurance can be made practicable and economical is an open question. It is as yet too early to make any definite statement with regard to the results obtained in Italy. The dubious efficiency of this plan is pointed out now for the reason that, if any scheme of maternity insurance is developed in the United States, the probability is that it will have to be a phase of a larger scheme of sickness insurance.¹¹

During those same years in Italy, those in favor of a system of maternity benefits did not look to the United States, but to European models of maternity protection: the experiences of Switzerland, Germany, Austria, Hungary, Belgium, Norway, England¹², and above all, the French “Mutualité Maternelle”. The best forms of legislation were considered those which provided not only payments after the child was born, but cash benefits during pregnancy and bonuses for breastfeeding, because this was seen as a way of ensuring the health of the future workers¹³. Although lacking in any compulsory health insurance system, Italy was considered as having a pioneering role in maternity welfare legislation: “Italy has the honor (and the accompanying responsibility) of being

Women and the Rise of the European Welfare States, 1880s-1950s, London and New York, Routledge, 1991, pp. 178-195.

¹¹ Frankel, *Maternity Insurance*, p. 25.

¹² See L. Bernacchi, *La tutela legale e l'assicurazione per la maternità in Italia e all'estero*, Abstract by the Journal “L'Attualità Medica”, Milano, 1910.

¹³ Ivi, p. 22.

among the first to experiment with this new form of social legislation. The present solution of the problem in Italy is therefore of great international importance”.¹⁴

Notwithstanding the measures in favor of working mothers approved in Washington in 1919,¹⁵ many of the women reformers close to the Children’s Bureau were still too attached to the male breadwinner model to support forms of assistance for working mothers. As Alice Kessler Harris says, predominant “maternalist” thinking in the United States made it impossible to even consider many of the strategies which might have improved women’s lives for fear that they might encourage an increase in women’s participation in the workforce:

In practice, protective labor legislation reflected a discourse of male prerogative and female dependence that participated in, and perpetuated, a range of public policies that reaffirmed racialized and gendered claims to jobs and citizenship. If all women came before the laws as potential mothers, and motherhood vitiated the last vestiges of women’s rights to work, then wage work for women appeared as a privilege for the well-off and an obligation for the destitute.¹⁶

In the first two decades of the twentieth century, indirect provision for the protection of motherhood is found in the statutes of various states of the United States. Specific regulations forbidding work during and after pregnancy, however, appeared only in a few of the most densely settled manufacturing States in the east. Women were forbidden to engage in certain occupations. For example, in Alabama mine work was not allowed; in Arizona, Iowa and Louisiana women were not allowed to work in saloons. Colorado, Illinois, and Indiana had a provision similar to that of Alabama. These laws, as well as many others for the protection of the woman wage earner, while not primarily designed to protect working mothers, had the indirect effect of protecting the children. Another group of laws more general than those limiting occupation, but with probably the same indirect intent and effect, were those specifying the maximum working day. These laws were general in almost all States. California and Washington limited working to eight hours a day, while South Carolina had a maximum of twelve

¹⁴ E. Scodnik, *L’assicurazione materna e le casse per la maternità*, Tipografia Angelo Trani, Napoli, 1909, p. 8.

¹⁵ League of Nations, *International Labour Conference, Draft Conventions and Recommendations adopted by the Conference at its first Annual Meeting, 29 October-29 November 1919*, His Majesty’s Stationery Office, London 1920. See also *With the First International Congress of Working Women*, in “Life and Labor”, IX, 1919, 12, p. 314.

¹⁶ A. Kessler-Harris. *In Pursuit of Equity. Women, Men, and the Quest for Economic Citizenship in 20th-Century America*, New York, Oxford University Press, 2001, p. 34.

hours a day and sixty hours a week. Minimum wage legislation - although not specifically directed toward the protection of mothers but aimed very definitely to provide women with a sufficient salary so that their health and morals may be preserved - was enacted in California, Colorado, Massachusetts, Minnesota, Nebraska, Oregon, Utah, Washington, and Wisconsin.¹⁷

Whereas in Europe laws forbidding employers to allow women to work for a certain period prior or subsequent to maternity were widespread, in the United States (where a large number of married women were entering the workforce) laws regulating rest periods before and after confinement were enacted only in Connecticut, Massachusetts, New York, Vermont and Missouri. In Connecticut (1913), a compulsory rest period of four weeks before and four weeks after childbirth was established, while in Massachusetts there was a compulsory rest period of six weeks, two weeks of which were before childbirth; New York did not provide for a rest period before childbirth, but the employment of women was forbidden for four weeks after the birth. The requirements of the Vermont statute were the same as those of Massachusetts. The few states that adopted these requirements in their statutes had no provision of pay for the mothers thus prevented from working. The subject was the focus of considerable debate on the part of the American Association for Labor Legislation (AALL). Although the Association's reformers also looked upon Europe as their model, they believed that maternity insurance could not be run as an isolated program, but that instead it should be part of a broader scheme of compulsory health insurance. For this reason they had included it in their proposal of law on health insurance of 1915, a project that did not win the favor of Florence Kelley, one of nation's most prominent advocates of protective legislation for women. Covering married working women and wives of insured men would incur disadvantages on unmarried working women, which Kelley seems to have regarded as the only legitimate members of the female workforce. Kelley's position turned out to be devastating, since the AALL, to avoid controversy, rejected the inclusion of maternity insurance in its proposal, even while continuing to proclaim the necessity of adapting to a continually changing labor market, in which the

¹⁷ Frankel, *Maternity Insurance*, pp. 6-7. For a comparative approach to women's protective legislation see: U. Wikander, A. Kessler-Harris, J. Lewis, *Protecting Women. Labor Legislation in Europe, the United States, and Australia, 1880-1920*, Urbana and Chicago, University of Illinois Press, 1995.

numbers of married women and mothers continued to increase.¹⁸ Despite the early failures, the debate was not interrupted.

In 1920, the state of Massachusetts set up a “Commission to investigate maternity benefits” designed to create a maternity benefit system dedicated to pregnant women who had insufficient means to pay for their subsistence and the medical care needed at the time of confinement, and to those women who, because of the unfitness of their homes or because of physical complications, needed hospital care and yet were unable to pay for it.¹⁹ Once again, attention was direct towards the experience of other countries, including Italy, which were criticized for the fact that compulsory maternity insurance was only for women wage-earners.

That same year, a book called *The Endowment of Motherhood*²⁰ was published in the United States, with an introduction by the editor, Katharine Anthony. Here, taking certain European experiences as her starting-point, she argued the case for universal maternity benefits for new mothers of all social classes with children under 5 to enable them to devote themselves to child-rearing. The plan was based on the declared necessity for women to be financially independent even if they were not wage-earners, and proposed that all mothers should receive a weekly allowance for the period from 8 weeks prior to giving birth until when one or more of the children was 5 years old. In order to receive the allowance, the mothers would have to present a birth certificate, while visits to the home to make sure that the money was being properly spent on the right things were not to be too frequent or inquisitorial. The allowance would also be paid to unmarried mothers.

Despite the undoubted interest in maternity leave generated in various circles, and the serious concern of those interested in child welfare about the fact that a measure containing maternity benefits for wage-earning women was regarded as practically impossible to enact, the proposal of paid maternity leave for women workers supported by part of the women’s movement in Europe²¹ failed to gain much of a following in the

¹⁸ Cfr. David A. Moss, *Socializing Security. Progressive-Era Economists and the Origins of American Social Policy*, Cambridge, Mass. and London, England, Harvard University Press, 1996.

¹⁹ *Report of the Special Commission to investigate Maternity Benefits*, December 1920, Boston, Wright & Potter Printing Co., State Printers, 1920.

²⁰ K. Anthony (ed.), *The Endowment of Motherhood*, The Freeman Pamphlets, B. W. Huebsch Inc., New York, 1920.

²¹ See. G. Bock, P. Thane (eds.), *Maternity & Gender Policies*.

United States, where traditional family models were rarely called into question²². The mothers' pensions, which so many women's organizations connected to "maternalist feminism" were in favor of, were designed to provide a substitute for the wage earner so that children may have the home care of the mother; the idea was to provide adequate protection for children, rather than to protect women or women workers.

Lathrop herself was ambiguous about the question of women's work. The way she perceived the systems existing in other countries reflected her own background and upbringing. After studying at Vassar College, she had resided at Hull House from 1899 onwards, played an active part in numerous reform movements, carried out research into the treatment of mental illnesses and into the laws on juvenile crime; she had made numerous journeys to foreign countries to observe and study different systems of social welfare²³. Her wish to understand foreign maternity insurance systems is reflected also in the brief correspondence between Lathrop and Alexandra Kollontay of January 1917, in which the latter requested a copy of the volume, *Laws relating to mothers pensions in the U.S.*, published in 1914 by the Children's Bureau, offering in return her work, *Society and Motherhood*, containing a summary of existing laws on maternity leave, a gift in which Lathrop expressed great interest.²⁴ Nonetheless, in the course of a discussion about maternity leave which took place at the Conference on Social Insurance in 1916, she had been very cautious about taking a position on the issue. In her opinion, there was a more general question involved. Nobody knew how many mothers were at work in shops and factories and what was more, how to estimate the proportion of working mothers on farms and ranches. During the same discussion, Mary Conyngton, representative of the United States Bureau of Labor Statistics, had stressed the main objections to approving maternity benefit legislation as part of a scheme of social insurance were based on two controversial suggestions: firstly, there were no exact statistics on married women in industry, and secondly, the work of married

²² See Frankel, *Maternity Insurance*. Frankel argued that in the United States, the European principle according to which the wife's earnings made up part of the family budget and that maternity benefits should thus be part of a general sickness insurance plan had still not been accepted.

²³ See A. N. Marquis (ed.), *Who's Who in America*, vol. 15, 1928-1929, The A. N. Marquis Company, Chicago 1928, pp. 1261-2. From 1925 onwards, Lathrop was given responsibilities with the Child Welfare Committee of the League of Nations.

²⁴ Mrs. Alexandra Kollontay to Julia C. Lathrop, January 11, 1917, National Archives and Records Administration (NARA), R.G. 102, Box 122, Folder 10.471 Maternity Laws (General).

women was not consistent with American standards, and so the government did not want to do anything to encourage it. According to the figures available to the Bureau of Labor Statistics, there were between one and two million married women gainfully employed and this number was not certainly diminishing, and was in all probability increasing; for that reason she emphasized the need for maternity benefit legislation in the United States:

Refusing the maternity benefit may make the situation much harder for the individual woman, may help to maintain the present high mortality among mothers at the time of confinement, may increase suffering and invalidity among mothers who do not die, may help to perpetuate a long train of harmful consequences, but will not lessen by a single iota the conditions which now drive married women into industry nor return a single one to her home.²⁵

In January 1917 Lathrop remained uncertain in her reply to a request for clarification on the question of maternity insurance made by a member of the Committee on Industrial and Social Conditions of Columbus, Ohio: “The question of maternity insurance is a very complicated one, and it will be necessary to study carefully in this country. It is really only one aspect of the question of the public protection of maternity”.²⁶

Certainly, the position of the women at the Children’s Bureau as regards women’s waged work was far from homogeneous, because some of them did show interest in the laws being enacted in certain states. By 1929, five states (Connecticut, Massachusetts, Missouri, New York, and Vermont) had laws limiting the employment of pregnant women before and after the birth of their child, but as Grace Abbott pointed out, without any maternity benefit system this legislation “is mostly just words in the statute book”.²⁷

In November 1929, Blanche M. Haines, chief of the Division of Maternity and Infant Hygiene of the Children’s Bureau, wrote of the Maternity and Infancy Act of 1921: “The *Maternity and Infancy Act* prohibits any subsidies, benefits or pensions from being paid to mothers. Experiences in other countries, especially Australia and Great Britain, when compared with New Zealand, indicate that this is not the best way to reduce

²⁵ Mary Conyngton’s speech in U. S. Department of Labor. Bureau of Labor Statistics, *Proceedings of the Conference on Social Insurance*, Washington, DC. Government Printing Office, 1917, p. 792.

²⁶ Julja Lathrop to Mrs. Chas D. Cussins, January 22, 1917, NARA, R.G. 102, Box 122, File 10,470.1.

²⁷ G. Abbott to L. Cottrell, April 15, 1931, NARA, R. G. 102, Box 413, File 10-4-3-5. Cfr. also G. Abbott to L. Davidson, August 27, 1929, NARA, R. G. 102, Box 419, File 10-4-3-6.

mortality rate among mothers and newborn babies”²⁸. In 1932, Katharine Lenroot wrote to the secretary of the American Association for Labor Legislation, John B. Andrews, on the subject of the laws prohibiting the employment of women before and after confinement: “Personally, I feel that they are not of very much value unless they are tied up with a rather comprehensive plan of maternity insurance or otherwise getting help to mothers who need it”.²⁹

3 – The Italian situation between Fascism and the post-war period

From the Thirties onwards, when the interest of some exponents of the New Deal in Fascism focused principally on its social policies, the National Organization for the Protection of Motherhood and Infancy and protective legislation for women workers were part of a more widespread interest in the Fascist social experiment. In 1938, William G. Welk, a professor of economics at St. Thomas College in St. Paul, Minnesota, wrote that with regard to the idea of building a stable social and economic organization, three especially interesting attempts at a solution had been made during the last two decades: one by Russian Communism, another by Italian and German Fascism, and the third by the New Deal. Despite differing greatly in their general creed and philosophy, these three attempts at reform nevertheless had one fundamental aim in common: the creation of a better social order, and the realization of a new scheme for the social and economic advancement of the people”.³⁰ In these terms, the America of the New Deal paid great attention to the programs of social insurance and social welfare set up by Fascist regime: the welfare provisions included in collective labor agreements and the social welfare institutions maintained by the state.³¹ Welk emphasized the importance of the role of the National Organization for the Protection of Motherhood and Infancy and the principles of social insurance present in Declarations XXVI and XXVII of the Charter of Labor, containing among other things, provisions for the improvement and extension of maternity insurance. In Italy, through the activities of the women’s Fascist party groups and the ONMI, the Fascist state attempted to place

²⁸ B. M. Haines, *Memorandum to Miss Abbott*, November 23, 1929, NARA, R. G. 102, Box 421, p. 4.

²⁹ K. F. Lenroot to Mr John B. Andrews, August 12, 1932, NARA, R.G. 102, Box 413, File 10-4-3-6.

³⁰ W. G. Welk, *Fascist Economic Policy. An Analysis of Italy’s Economic Experiment*, Cambridge, Mass, Harvard University Press, 1938: XIX

³¹ Ivi, p. 96.

motherhood and women's care-giving duties within the sphere of the State, thereby transforming a common social practice into a type of "obligation of female citizenship"³².

The ONMI is an example of how Italian women tried to turn the Fascist regime's emphasis on motherhood to their own advantage. In fact, they combined maternalist and pro-natalist policies -- of which ONMI was a clear expression -- to obtain social rights as working and non-working mothers; to acquire a new sense of entitlement to assistance; and to create new female professions in the field of social assistance.

I would argue that the special form of "maternalism" in Fascist Italy (and especially the nascent professionalization of women's jobs in the field of social work) provided an opportunity for women's empowerment. Definitions of "maternalism" implying vigorous activism on the part of civil society cannot really be applied to Fascist Italy because civil liberties were greatly restricted and in the public sphere, women were largely regimented into Fascist organizations. A broader definition of "maternalism", however, by which it is taken to mean the outcome of mothers' expression of their needs; the indirect influence exercised by recipients in the shaping of welfare policy; and that form of non-organized resistance to the regime's pro-natalist policies, sheds considerable light on how Italian women used Fascist "maternalism": theirs was a "top-down" approach.

The ONMI was created by the Fascist regime (which had been in power since October 1922) in 1925 and it was the keystone of the demographic campaign. Its roots are to be found among the assistance programs developed in the time between the last liberal governments and the advent of Fascism, when upper-class Roman women from the National Association of Women (*Associazione Nazionale della Donna*) began to take interest in the plight of poor and single mothers. One of their projects was Mother's Aid for Illegitimate Children and Unwed Mothers (*Assistenza Materna per gli Illegittimi e le Madri Nubili*), set up in 1918.

In some ways, then, the ONMI duplicated the activities of Mother's Aid and other similar programs established at the insistence of Italian organizations for female emancipation after World War I. In addition, Fascist legislation regarding the protection

³² R. Pickering-Iazzi, (ed), *Mothers of Invention. Women, Italian Fascism, and Culture*, Minneapolis-London, University of Minnesota Press, 1995.

of female workers was clearly continuous with prior provisions, most notably the National Maternity Fund. Since the American model “necessitated the formation of a big bureaucracy and a huge increase in Federal spending”, it was the Belgian National Childhood Institute, established in 1919 with considerable success, which provided the model for the far-reaching aims of the ONMI³³.

At its founding, Italy’s institute was designed as a state-controlled body for the coordination of all public and private institutions offering assistance to mothers and children. In some cases, pre-existing structures were completely incorporated into the ONMI. A great deal of resources were devoted to distributing information about scientific norms and methods of prenatal and infant hygiene. This information was spread through a variety of means to both medical practitioners and to the public. It included the setting-up of classes on pregnancy, childbirth, and early childhood for doctors and midwives; the establishment of practical schools for visiting home health assistants; the organization of public seminars and conferences on hygiene and child-rearing; and the launching of mobile classrooms in rural areas for public education on maternity, childbirth, and child-rearing. Beyond public education, the tasks of the organization also included direct assistance, such as the creation of obstetric and pediatric clinics; the provision of mothers’ kitchens (*refettori*) for women from their sixth month of pregnancy up to their seventh month of breastfeeding; mother’s homes to shelter unmarried women during their pregnancies, deliveries, and nursing periods; crèches for infants up to three years of age for women working outside the home; food subsidies; and home visits. Indirect services included the provision of wet-nurses, foster care, admission to education and training schools, and admission to summer camps and anti-tuberculosis colonies. The ONMI also exercised “moral” guidance, providing assistance with job placement, convincing single fathers to recognize their children, and offering bonuses to cohabiting couples who legalized their ‘illegitimate’ unions. Finally, the ONMI served to regulate and ensure the effective application of all the laws and regulations concerning the protection of mothers and children.

One of the tasks that ONMI was meant to take on was that of making sure that the labor laws protecting working mothers were applied. In order to understand how the ONMI

³³ M. S. Quine, *Italy’s Social Revolution. Charity and Welfare from Liberalism to Fascism*, New York, Palgrave, 2002, p. 136.

encouraged “maternalist” policies, it is necessary to describe the protective legislation for working mothers. Here is a brief description of the principle stages and main provisions of each type of legislation.

With the approval of the Consolidated Act (*Testo Unico*) of 24 September 1923 (law n. 2157) coordinated the pre-Fascist legislation concerning maternity insurance for female workers, extending the subsidy from 40 to 100 *liras*. The total allowance was enough to cover the missed wages, but was too low to include any type of health assistance. Coverage was extended to women between the ages of fifteen and fifty years who worked in private businesses or in companies that were subject to child and female labor laws. The latter included workers in manufacturing, the building trades, craft workers, and the mining industries. Again, domestic servants, farmhands and seasonal workers were excluded.

Table I – Italian women workers 1921-1936.

	1921		1931		1936	
	C.a.	%	C.a.	%	C.a.	%
Agriculture	4,236,195	37.68	3,922,063	37.53	4,004,601	38.13
Industry	1,160,141	27.08	1,196,018	24.21	1,311,890	25.40
Services	957,125	27.36	1,140,862	28.27	1,500,607	33.06
Total	6,353,461	33.39	6,258,943	32.22	6,817,098	33.73

Source: O. Vitali, *Aspetti dello sviluppo italiano alla luce della popolazione attiva*, Università di Roma, Istituto di Demografia, Roma 1970, Tav. III.

Maternity insurance was improved and extended through the Labor Charter of April 1927, and two years later, the laws for the protection and assistance of motherhood and childhood were supplemented with female labor laws with the Royal Legislative Decree (RDL) n. 850 of 13 May 1929. At this point, insurance was extended to all female blue-collar workers and to all female office workers employed in industry and trade who earned less than 800 *liras* monthly. State and public employees also received the benefit unless they were already entitled through special regulations to an indemnity that exceeded the value of the one guaranteed through the RDL n. 850. Every insured woman was granted a lump sum of 150 *liras* on the birth of her child or in case of

miscarriage. Factory workers were allowed to stop work during the last month of pregnancy, and could extend their leave for a month after the birth on the understanding that their job would be kept for them until they came back. In addition, the decree provided for the extension of maternity insurance to some categories of agricultural workers. While still not applying all the principles laid down in the 1919 Washington Convention for the protection of women before and after childbirth, Italian legislation was considered fairly advanced for the time³⁴.

Law n.653 of 26 April 1934 prohibited night-work for women of all ages and for children under sixteen years of age. It also limited the working day to eleven hours for women and ten hours for children. Finally, it stipulated that workers be certified as capable for work by either the health office or (with the permission of the Ministry of Corporations) by physicians from the ONMI or other welfare organizations.

In the early 1930s, the debate on the protection of working mothers centered around increases in the level of the maternity leave grant, and on its extension to other categories of workers such as rice pickers and female seasonal workers³⁵, whose discontinuous employment patterns made it impossible for them to accumulate the working time and contributions required to qualify for maternity insurance.

Law n.654 of 22 March 1934, encompassed all of these concerns, addressing above all the physical and moral protection of women working in sectors that posed increased risks to future and new mothers, or that offered fewer guarantees regarding the women's right to return to their same job after a maternity absence. The law also extended the length of the compulsory maternity leave from the last month of pregnancy until six weeks after the birth. Factories employing more than fifty women had to provide special "nursing rooms" where mothers could feed their babies, and the mothers were guaranteed two daily rest periods for this purpose. Finally, the decree ratified the maternity allowance, which increased to 300 *liras* upon the birth of a child, or 100 *liras* in case of miscarriage. There were still no norms protecting against firing or guaranteeing the right of female workers to receive wages equal to men's for the same

³⁴ League of Nation, *International Labour Conference. Fifth Session*. Geneva, International Labour Office, 1930.

³⁵ See *Il coordinamento delle disposizioni sull'assicurazione di maternità nello schema proposto dalla Commissione per la revisione della legislazione del lavoro*, "Bollettino del lavoro e della previdenza sociale", 6, 1931, pp. 895-901.

kinds of work. At that time, women's wages were typically fixed at fifty percent of men's wages for the same work, a disparity accepted by Fascist trade unions³⁶.

Despite its limits, this legislation was a notable improvement on that produced by the pre-Fascist liberal governments. However, the significance of this type of legislation was radically transformed by the Fascist objective of discouraging extra-domestic employment. Indeed, domestic helpers, home workers, and many categories of workers in the agricultural sector were excluded from protection. It was only in 1936, with the RDL no. 1502 of 7 August that maternity insurance would be extended to some categories of agricultural workers. Fascist legislation was thus considered rather advanced in comparison to other nations' provisions, which were almost always cited in disparaging terms and the United States was strongly criticized for its fragmented system of provision, mainly due to the great autonomy of the individual states³⁷, and for the absence of a federal law on maternity leave.

The increased protection for working mothers offered by the Fascist government seemed to be somewhat in contradiction with the growing tendency to expel women from the labor market, also through legislative means. One example of this, the RDL 5 September 1938, no. 1514, went even further than the repeated (and for the most part ineffectual) efforts to invite women to leave the labor market. This decree limited the presence of women in public and private enterprises to ten percent of the company's personnel³⁸.

It would seem that the ONMI made no efforts to keep women engaged in the labor market, and little is known about its above-mentioned functions as a job placement agency. In addition, the mandate to create crèches in or nearby to factories amounted to very little. These should have been created as a service to blue-collar women, as a replacement for the unhygienic "nursing" rooms ("*camere di allattamento*") provided for but rarely enforced by the law of 10 November 1907. There is also little documentation detailing the degree to which the ONMI was effective in protecting working women from dismissal in the weeks prior to their delivery dates, or

³⁶ M. V. Ballestrero, *Dalla tutela alla parità. La legislazione italiana sul lavoro delle donne*, Bologna, 1979, p. 70.

³⁷ L. Riva Sanseverino, "La legislazione fascista sul lavoro femminile", in Federazione delle Donne Giuriste, *La donna e la famiglia nella legislazione fascista*, p. 119.

in the succeeding months. The two most important measures for working-class women were probably the establishment of mothers' kitchens in the nation's cities and towns (84,502 in 1935) and the creation by the ONMI, the *Fasci Femminili* and other Fascist institutions, of women's workshops in depressed urban areas to facilitate women's employment. Concern for the health of pregnant female workers was certainly high, especially because of the risk of miscarriage. Indeed, references to the "plague" of miscarriage are frequent³⁹.

In the writings of Fascist theorists of social policy there was constant reference to the United States and to the trend towards rationalizing systems of social assistance. "Before the 1925 law, in most European countries and American states, and even in some countries of South America and Oceania there had already been intense legislative activity designed to protect children and the necessary services for prevention and assistance had been organized", wrote Sileno Fabbri, an official of the ONMI, in 1933⁴⁰. Despite this, legislation enacted elsewhere was almost described in negative terms and even the frequent references to the United States did not prevent the American legislation from being considered "over-ambitious and"⁴¹. It was criticized for being too decentralized, and however disorganized and ineffective it might have been, the entire American experience prior to the approval of the New Deal Social Security Act and Aid to Dependent Children Act of 1935 was dismissed in a few sentences:

Basically, rather than real laws which establish the obligation of the state authorities to provide measures protecting maternity and infancy, in the United States there are numerous public and private bodies, moved by a humanitarian and philanthropic spirit, which exist to alleviate the suffering of whoever is in need for one reason or another, irrespective of their sex or their age. According to the American way of looking at things, the question of assistance is a general one, and includes anyone who happens to be in need. In other words, the North American mentality does not yet seem to have

³⁸ O. Vitali, *Aspetti dello sviluppo economico italiano alla luce della ricostruzione della popolazione attiva*, Rome, 1970.

³⁹ A. Bonora, *Alcuni problemi sociali considerati soprattutto dal punto di vista ostetrico riguardanti l'Opera Nazionale per la Protezione della Maternità e dell'Infanzia. Relazione compilata per incarico della federazione Provinciale Forlivese dell'Opera Nazionale per la Protezione della Maternità e dell'Infanzia*, Pesaro, 1928, pp. 9-10; A. Masciotta, *L'operaia, donna e madre. Rassegna e considerazioni generali con contributo statistico*, "La Ginecologia", 6, n.12 (1940), pp. 619-638

⁴⁰ See S. Fabbri, Sileno, *L'Opera Nazionale per la Protezione della Maternità e dell'Infanzia*, A. Mondadori Editore, Milano, 1933, p. 33; L. Furlan, "La protezione e l'assistenza della maternità e dell'infanzia in Italia", in Federazione delle donne giuriste, *La donna e la famiglia nella legislazione fascista*, Napoli, Edizioni de "La Toga", 1933, pp. 33-57. Fabbri, Sileno, *L'assistenza della maternità e dell'infanzia in Italia*, Chiurazzi Editori, n. d.

⁴¹ Riva Sanseverino, *La legislazione fascista sul lavoro femminile*, p. 119.

conceived of the ethical concept of the protection of motherhood and infancy as a means of moral regeneration and social improvement⁴².

In fact, it was Sileno Fabbri, who was a firm believer in rationalising social assistance along the lines of the American model, who insisted on the importance of women being appointed leaders of the ONMI Committees (after careful training), and it was he who remembered that in the United States, the training schools for the social work had been set up on the initiative of women such as Anna Dawes, Mary Richmond, and Julia Lathrop (responsible for the creation of Chicago University's School of Social Work). For Fabbri, social work in general could be identified with that American-born approach to the scientific organization of work, given its finishing touch by Italian "genius": "Perhaps no other Nation more than our own will be able to take such inestimable advantage of the scientific organization of work, or of rationally organized work, because no other Nation has more inventiveness and more genius than Italy"⁴³.

The limits of the ONMI were clear to those concerned with it: the distribution of services was concentrated in urban areas and the inexperienced health personnel made the maternal and pediatric clinics highly ineffective; the infant mortality rate fell by just one-fifth between 1925 and 1940. Furthermore, the measures supporting motherhood and infancy were not designed to provide a permanent level of minimum assistance, but rather to be employed as emergency interventions. The circumscribed nature of their application left room for the introduction of family allowances in 1936, and the later establishment of fertility prizes in 1939, both of which obfuscated the centrality of women's role in the assistance programs. The war further hampered the activity of the organization, for which 'civil mobilization' was declared. In the end, the ONMI was subject to ever greater burdens, not least an increase in the risk factors for infant mortality, which rose from ninety-seven deaths per 1000 live births in the first year of life in 1939, to a horrifying 202.6 deaths per 1000 live births in 1940⁴⁴.

⁴² Ivi, p. 121.

⁴³ Fabbri, n.d., *L'Assistenza della maternità e dell'infanzia in Italia (Problemi vecchi e nuovi)*, Roma, Chiurazzi, p. 35.

⁴⁴ Statistics quoted in Archivio Centrale dello Stato – Rome (ACS), Presidenza del Consiglio dei Ministri (PCM), box II.10.1001, file 6.187, 1940-41. Lettera del Ministero dell'Interno alla Presidenza del Consiglio dei Ministri, 23 March 1942.

While in the United States, the protection of single mothers was not a priority during this period, unmarried mothers in Italy were prime targets for Fascist assistance policies and the citizenship rights they acquired through this aid cost them much more dearly than married women in terms of the loss of privacy they suffered. Along with the benefits came the State's invasion of their private lives, and their morals were placed under vigilant observation. Of course, this enthusiasm for social control was not the exclusive preserve of Fascist assistance policies. The morality of mothers in general and of single mothers in particular was supervised even in the context of a "maternalist" welfare state as in the United States, where widows received the most assistance from the state and national governments through the Mothers' Pensions program in the 1910s and 1920s, and the Aid to Dependent Children program from the mid 1930s⁴⁵.

In the Fascist social policy system, it was only through biological reproduction that women became legitimate producers of social value, and it was this function above every other that had to be protected. As a consequence, working mothers were for the most part deprived of legitimation. As Anna Rossi Doria⁴⁶ has mentioned, it was precisely in the context of employment that the maternalist policies of the regime failed to untangle the difficult relationship between citizenship and maternity. The very fact that working women received better protection from the Fascist visitors from the ONMI than from their own trade unions is revealing of the regime's ambiguous stance on female employment, and also of the fact that the protective legislation was primarily designed with pro-natalist objectives in mind⁴⁷. When the ONMI became engaged in the supervision and control of female workers through its social policies, the organization's attention was above all directed towards workers in the industrial plants. The ONMI generally limited its activity to the urban sphere and, despite the entreaties of the regime's propaganda, only occasionally occupied itself with the needs of female agricultural and seasonal workers, such as the rice pickers. The same applied in the U.S.

⁴⁵ See among others: L. Gordon, *Pitied But Not Entitled. Single Mothers and the History of Welfare, 1890-1935*, New York, 1994; E. Vezzosi, *Madri e stato. Politiche sociali negli Stati Uniti del Novecento*, Rome, Carocci, 2002.

⁴⁶ A. Rossi-Doria, *Maternità e cittadinanza femminile*, "Passato e presente", 13, n. 34 (1995): 171-177; De Grazia, *Le donne nel regime fascista*, p. 245.

⁴⁷ I. Piva and G. Maddalena, *La tutela delle lavoratrici madri nel periodo 1923-1943*, in .), *Salute e classi lavoratrici in Italia dall'Unità al Fascismo*, eds. M.L. Betri and A. Gigli Marchetti, Milano, 1982, pp. 841.

where domestic workers and agricultural workers (and thus Afro-American women workers in particular) were excluded from the provisions of the Social Security Act.

While it is true, as De Grazia writes, that there was an enormous difference in Fascist Italy “between the propaganda’s emphasis on the importance of promoting modern motherhood, and the low quality of the services and administration”⁴⁸, there were undeniable attempts to rationalize the system of assistance. Furthermore, the innovative training programs for nurses, obstetricians, social workers and health assistants introduced during that period and based on the American experience, though marred by constraints and ambiguities, set in motion a process of professionalization for women working in many sectors of maternal and child welfare that would see further development immediately after WWII. Thus there were signs, however weak they might have been, of a future that went well beyond the regime’s original intentions.

In the US, it was the Second World war, with the massive entrance of women in the workforce, that imposed an increasingly urgent need for a redefinition of social policies concerning them. In July 1942 the Women’s Bureau, in collaboration with the Children’s Bureau, published the *Standards for Maternity Care and Employment of Mothers in Industry*, whose recommendations did not include a proposal of paid maternity leave⁴⁹. Although a study of the Children’s Bureau of 1942-1943 had highlighted the widespread practice of firing pregnant women or of asking them to take unpaid leave (employers were eager to point out that it was “not nice” for pregnant women to work in a factory), the first Federal law was approved only in 1946, as an amendment to the Federal Railroad Unemployment Insurance Act. In 1963 the Commission on the Status of Women, appointed by President Kennedy, made an extensive study on the situation of working women in order to identify their protection requirements. Its final recommendations included the implementation of paid maternity leave with the guarantee of job protection. For the first time, a national government report gave expression to this need, but its recommendation went unheeded.

⁴⁸ De Grazia, *Le donne nel regime fascista*, p. 95.

⁴⁹ Sheila B. Kaman, Alfred J. Kahan and Paul Kingston, *Maternity Policy and Working Women*, New York, Columbia University Press, 1983, p. 34.

Conclusions

In the United States, the tradition of “maternalist feminism”, with its primacy of the *male breadwinner* model, made possible a lack of universal maternity leave and childcare protection, and increasing differences among women, especially between wealthier and less privileged mothers.⁵⁰

In Italy the imperfect modernization of the system of social protection for mothers and children implemented during the Fascist period, and the role women played in it as either beneficiaries or professional service providers, opened up post-war opportunities and scenarios for a new kind of female citizenship. Thus, whereas Italy saw the enactment of very advanced maternity leave legislation in 1950, with law n. 860 on “The physical and economic protection of working mothers”, the U. S. Women’s Bureau complained in 1952 that, although more than one-half of women in the American labor force were married, maternity protection for employed women had been promoted through general national legislation by most of the industrial countries with the exception of the United States, where almost one-half of the states disqualified pregnant women from receiving unemployment insurance⁵¹.

In the absence of a national health insurance system, the modest and limited “Family and Medical Leave Act” signed by President Clinton in 1993 did not represent a solution to the problems of American working mothers, and this makes Lee Frankel’s words in 1915 (with which this paper opened) even more urgently topical:

If we assume that, under ideal condition, mothers shall not work, the great need of a scheme for maternity insurance immediately disappears. If, however, it is nevertheless deemed essential to develop a scheme of insurance under which maternity benefits may be paid to working mothers, attention should be called at this time to the desirability of extending the benefits of such scheme to other women as well. To do this most effectively it would be advisable, as has been suggested, not to attempt to organize a special maternity insurance, but to incorporate this into a general sickness insurance plan. The need for sickness insurance can no longer be denied⁵².

⁵⁰ L.A. Tilly, *Women, Work, and Citizenship*, “International Labor and Working-Class History”, 52, Fall 1997, p. 21.

⁵¹ E.Erickson, *Maternity Protection of Employed Women*, Women’s Bureau, U.S. Department of Labor, Washington D.C., 1952.

⁵² Frankel, *Maternity Insurance*, p. 27.