Anna Elisabeth Keim

Between "Slave Labour" and "More Freedom" in Working Life: Debating *Leiharbeit* in Germany from the Weimar Era to the End of the Boom^{*}

Abstract

This article provides an outline of the debates on the nature of *Leiharbeit* (contract or temporary work) from the Weimar Era to the end of the economic boom in West Germany, and traces how notions of slavery and freedom were associated with this kind of work through various political systems. It describes long continuities in the pejorative public reception of *Leiharbeit* since it was first debated in the context of Weimar labour law. Leiharbeit became increasingly associated with slavery, especially during the 1950s, leading to a broad consensus in West German society to eliminate it. This paper argues that the established pejorative notion of *Leiharbeit* endured increasing pressure during the long 1960s, when the concept of Zeit-Arbeit was pushed forward by a temporary work industry that emerged in response to a high demand for labour resulting from almost uninterrupted full employment during the boom period. Furthermore, this shift was tightly linked to general processes of 'value change' and individualization characteristic of 1960s West German society, whereby Zeit-Arbeit became connected to notions of freedom in working life. The article also considers how gender played a crucial role in the establishment of Zeit-Arbeit during the boom period. In so doing, this article offers new insights into the history of non-standard employment relationships and their public reception in twentieth-century (West) Germany.

Keywords: twentieth century; Germany; Federal Republic of Germany; history of work; job placement; labour market; Leiharbeit; temporary work; Zeit-Arbeit; value change

* I thank John Walsh for the first proofreading and Anna Catharina Hofmann, Dietlind Hüchtker as well as the anonymous reviewers for their thoughtful comments. According the recent German historiography, the phenomenon of *Leiharbeit* only appears at the beginning of the 1970s. *Leiharbeit*—if mentioned at all—plays only a minor role in the oft repeated (but not yet thoroughly historicized) story of the erosion of the traditional employment relationship¹ as part of a set of so-called atypical employment relationships in the period 'after the boom.' In this narrative, the rising number of temporary workers is generally used to illustrate 'neoliberal' processes of increased flexibility of labour markets or the fragmentation of the workforce and of workers' biographies.² Aside from these scarce references, the various manifestations of *Leiharbeit* and the debates that accompanied them remain absent from the historical research covering the period after the boom and (even more so) in research dealing with the first two-thirds of the twentieth century,³ despite the fact that temporary work relationships (*Leiharbeitsverhältnisse*) created labour market and societal problems in Germany during most of the century.

In this article, I outline the public reception of *Leiharbeit* from the Weimar period to the end of the boom in West Germany, with a focus on the notions of freedom and unfreedom associated with this kind of work relationship. I argue that until the 1960s the dominant attitude toward *Leiharbeit* was pejorative, irrespective of the political system in force. Although practised extensively in the coal, iron and steel industries as well as the chemical industry, mostly under the guise of sub-contracting firms, the lending of workers was not acceptable from a normative perspective and was to be reduced as much as possible. This dominant attitude toward *Leiharbeit* came under fire as the result of a counter-narrative during the long 1960s that promoted *Zeit-Arbeit* as something completely different than *Leiharbeit*, namely a service that was supposed to offer "more freedom" in the working life of employees. In the following, I highlight the shift in the

- On the erosion narrative, see: Josef Ehmer, "Zur Geschichte des Normalarbeitsverhältnisses: Rekonstruktion und Kritik," in *Normalarbeit: Nur Vergangenheit oder auch Zukunft?*, eds. Johanna Muckenhuber, Josef Hödl, and Martin Griesbacher (Bielefeld: transcript, 2018), 21–39.
- 2 See, for example: Jürgen Schmidt, Arbeiter in der Moderne: Arbeitsbedingungen, Lebenswelten, Organisationen (Frankfurt am Main: Campus, 2015), 83; Ulrich Herbert, Geschichte Deutschlands im 20. Jahrhundert, 2nd ed. (Munich: C. H. Beck, 2017), 968, 1246; Lutz Raphael, "Arbeitsbiografien und Strukturwandel 'nach dem Boom': Lebensläufe und Berufserfahrungen britischer, französischer und westdeutscher Industriearbeiter und -arbeiterinnen von 1970 bis 2000," Geschichte und Gesellschaft 43, no. 1 (2017), 46; Bernhard Dietz, Der Aufstieg der Manager: Wertewandel in den Führungsetagen der westdeutschen Wirtschaft, 1949–1989 (Berlin/Boston: DeGruyter Oldenbourg, 2020), 415.
- 3 For exceptions, see: Oliver Trede, Zwischen Misstrauen, Regulation und Integration: Gewerkschaften und Arbeitsmigration in der Bundesrepublik und in Großbritannien in den 1960er und 70er Jahren (Paderborn: Ferdinand Schöningh, 2015), 175–182, 286–292; Andreas Förster, "Westliche Leiharbeiter in der DDR und die Rolle des MfS," Deutschland Archiv (5 January 2021), www.bpb.de/themen/deutschlandarchiv/324991/westliche-leiharbeiter-in-der-ddrund-die-rolle-des-mfs/.

debate from *Leiharbeit* to *Zeit-Arbeit* during the boom period and offer some preliminary explanations for this shift. For reasons of space, other relevant aspects—working conditions, labour struggles, worker experiences—must be reserved for future research.⁴

Some explanatory remarks are in order in terms of terminology. In German, three terms are used synonymously for the phenomenon of *Leiharbeit: Leiharbeit*, *Zeitarbeit*, and *Arbeitnehmerüberlassung*. The first roughly means 'loan work,' the second temporary work, and the third employee leasing. As mentioned above, creating a distinction between *Leiharbeit* and *Zeitarbeit* was itself a crucial component of the formation process of the temporary work industry in the Federal Republic. As this distinction is less apparent in English, it is necessary to use the respective German terms throughout the article. The article proceeds chronologically, beginning with the appearance of the *Leiharbeiter* as a problem in labour law during the Weimar Republic and under National Socialism. Section two deals with the increasing consensus against *Leiharbeit* in the early Federal Republic and the emerging public association of *Leiharbeit* with slavery, whereas the third section describes strategies through which the emerging temporary work industry tried to establish the concept of *Zeit-Arbeit* and to link it with notions of freedom in working life during the long 1960s.

Beginnings: The *Leiharbeiter* in Labour Law During the Weimar Republic and National Socialism

The initial debates about *Leiharbeit* took place in the context of Weimar labour law, although the legal debate surrounding certain forms of employment that comprised three participants in an employment relationship instead of two had already emerged in the German Empire. As part of such an arrangement, a worker did not have a contract with a main employer, but with a middleman of some sort.⁵ These triangular work relationships were criticized as exploitative and disadvantageous for the workers in question, who often depended on the solvency and good will of the middleman to whom they were contractually bound.⁶ With the institutionalization of labour law in the Weimar Republic, this criticism intensified. Labour law had been devised by its proponents as a "social law" in addition or contrast to liberal private law to correct the shortcomings of the latter by considering the "real existence" and dependency of the

- 5 For examples, see: Arnold Appel, *Die rechtliche Stellung der Zwischenpersonen (Kolonnenführer, Akkordmeister, Zwischenmeister) beim gewerblichen Arbeitsvertrage* (Berlin: Unger, 1916), 18.
- 6 Ulrich Herbert, Geschichte der Ausländerpolitik in Deutschland: Saisonarbeiter, Zwangsarbeiter, Gastarbeiter, Flüchtlinge (Munich: C.H. Beck, 2001), 60.

⁴ In my dissertation, I analyze the aspects mentioned in this article in more detail.

working person and thus providing a "free system of order for the working person" (*Freiheitsordnung für den arbeitenden Menschen*).⁷ In addition, labour lawyers criticized the free labour contract and instead proposed that employment relationships be based on what they called the "actual" employment relationship.⁸ The labour contract, as Heinz Potthoff put it, had to be "dethroned."⁹

In this context, the term *Leiharbeiter* arose to describe one sub-group involved in these triangular work relationships. Hugo Marx (born 1892), a Jewish Social Democrat and judge at the Mannheim Labour Court,¹⁰ who as part of his duties often visited large iron, steel, and chemical industry factories,¹¹ was the first to introduce the term into labour law in 1929.¹² He distinguished triangular work relationships according to the degree of the "tie" (*Band*) between the worker and his contractor.¹³ For him, the "system of the Leiharbeiter" was marked by a working relationship wherein the worker only had a formal tie to his contract partner, while the third party (the main employer) exercised all employer rights without being contractually bound to fulfil his duties as an employer.¹⁴ According to Marx, this "system" was used by "major enterprises" in "great measure" to deploy contingents of workers to cover short-term workloads. He illustrated this system through the example of a large chemical plant that borrowed workers from a smaller company specialised in producing boilers, to whom it paid compensation, and then deployed these workers together with its core workforce.¹⁵

This was just one example of a widely used practice that invariably peaked in times of (near or complete) full employment, when labour was in high demand.¹⁶

- 7 Hugo Marx, "Der Richter im Arbeitsgerichtsprozeß," Die Justiz 6, no. 2 (1930), 84; Hugo Sinzheimer, Das Problem des Menschen im Recht: Rede gehalten bei Amtsantritt als besonderer Professor für Rechtssoziologie an der Universität von Amsterdam am 6. November 1933 (Groningen: Noordhoff, 1933), 11.
- 8 Heinz Potthoff, "Nicht Vertrag mit dem Arbeitgeber, sondern Beschäftigung im Betriebe ist die Grundlage des Arbeitsverhältnisses," *Arbeitsrechtspraxis* 1, no. 1 (1928), 5–7.
- 9 Heinz Potthoff, "Die 'Entthronung' des Arbeitsvertrags," Neue Zeitschrift für Arbeitsrecht 11, no. 5 (1931), cols. 283–288.
- 10 On Marx's life, see: Biographisches Handbuch der deutschsprachigen Emigration nach 1933, vol. 1 (Munich: K.G. Saur, 1980), 565; Horst Göppinger, Juristen jüdischer Abstammung im "Dritten Reich": Entrechtung und Verfolgung (Munich: C.H. Beck, 1990), 302.
- 11 Hugo Marx, Werdegang eines jüdischen Staatsanwalts und Richters in Baden (1892–1933): Ein soziologisch-politisches Zeitbild (Villingen: Neckar, 1965), 213.
- 12 Hugo Marx, "Die rechtliche Stellung des sog. Leiharbeiters," *Arbeitsrecht* 16, no. 6 (1929), cols. 345–352.
- 13 Ibid., col. 347.
- 14 Ibid., col. 348.
- 15 Ibid.
- 16 Günther Trieschmann, "Der Leiharbeiter" (Phd diss., Univerity of Cologne, 1952), 7; Helmuth Sturn, "Kritische Fragen zum Leiharbeitsverhältnis," *Der Betriebs-Berater* 24, no. 33 (1969), 1436.

Throughout the century, these labour market phenomena occurred regularly, rather independent of any political attempts at regulation. In the Weimar Republic, the public labour administration had been expanded and endowed with a near 'monopoly' on job placement.¹⁷ As part of Weimar labour legislation (the 1922 Arbeitsnachweisgesetz and the 1927 Gesetz über Arbeitsvermittlung und Arbeitslosenversicherung, AVAVG), commercial employment agencies as well as the allocation of employees to third parties were banned as of January 1931.¹⁸ Yet, with the advent of the economic crisis of the early 1930s, the practice of lending workers seems to have become unprofitable anyway, as the number of unemployed people waiting to fill the scarce job vacancies rose precipitously.¹⁹

In many regards, these developments continued into the National Socialist period: the 'monopoly' of the public employment services was extended even further, and labour lawyers continued to discuss triangular work relationships.²⁰ The composition of the academic community, of course, changed as Social Democratic and Jewish lawyers like Hugo Marx were forcibly excluded from the debate.²¹ They were replaced with career-oriented lawyers sympathetic to the new regime, such as Reinhard Beine (born 1906), who also tried to systematize the phenomenon of *Leiharbeit*.²² With the return to full employment in the mid-1930s, the problem of lending workers between smaller construction firms and larger companies began to occupy the various National Socialist labour administrations and the labour lawyers working for them, too.²³

- 17 Hans-Walter Schmuhl, Arbeitsmarktpolitik und Arbeitsverwaltung in Deutschland 1871–2002: Zwischen Fürsorge, Hoheit und Markt (Nürnberg: Institut für Arbeitsmarkt- und Berufsforschung der Bundesanstalt für Arbeit, 2003), 110, 148.
- 18 Arbeitsnachweisgesetz, 22 July 1922, paragraph 48, in: Reichsgesetzblatt I 1:56 (1922), 667. In the AVAVG, the respective paragraph was renumbered as 54.
- 19 W. A. Priebe, "Beschäftigungsverhältnis und Arbeitsvertrag. Ein Beitrag zum Rechte des Arbeitnehmers im Betrieb," *Arbeitsrecht und Schlichtung* 13, no. 1 (1931), col. 125.
- 20 Schmuhl, Arbeitsmarktpolitik und Arbeitsverwaltung in Deutschland 1871–2002, 245; Wilhelm Herschel, "Das mittelbare Arbeitsverhältnis," Juristische Wochenschrift 66, no. 18 (1937), 1115–1118; Alfred Roeder, "Das 'mittelbare' Arbeitsverhältnis in Theorie und Praxis," Monatshefte für NS-Sozialpolitik 4, no. 15 (1937), 339–347.
- 21 In March 1933, Marx fled to Switzerland out of fear of imminent arrest. In April 1933, he was dismissed from his position at the Mannheim Labour Court. Via stations in Paris, Brussels, the south of France, Africa, and Portugal, he reached, in summer 1941, the United States with a *Notvisum*.
- 22 Reinhard Beine, "Die rechtliche Stellung des Leiharbeiters" (Phd diss., Martin-Luther-Universität Halle-Wittenberg, 1943), 11–15. On his life, see: Curriculum Vitae, in: Ibid., 141.
- 23 Reinhard Beine, "Die tarifrechtliche Stellung des Unternehmerarbeiters im rheinisch-westfälischen Steinkohlenrevier," *Deutsches Arbeitsrecht* 5, no. 6 (1937), 187–191; Enß, "Unternehmer- und Leiharbeiterwesen," *Monatshefte für NS-Sozialpolitik* 5, no. 24 (1938), 562– 566.

For the National Socialist regime, the lending of workers between companies presented both an economic and an ideological problem. From an economic perspective, *Leiharbeit* interfered with armament plans when the practice led to rising wages, cost of production, or prices.²⁴ This applied even when prisoners of war, "foreign workers," or concentration camp inmates were illicitly lent between companies.²⁵ Employers who focused solely on profit and attempted to increase revenue by lending their workers to other companies were seen as participating in an illicit labour exchange. They were declared "immoral" and "unworthy," since they were enriching themselves at the expense of the "national community" and participating in the "trade with human labour power."²⁶ Nevertheless, the growing shortage of skilled workers also led to critiques about the hoarding of labour power, in response to which the lending of workers became accepted in certain cases, and even requested as long as it was practised without a view to profit.²⁷ Still, the large number of decrees produced by various authorities reveal the difficulties in regulating these working relationships according to the regime's "*Arbeitseinsatzpolitik*" (work deployment policies).

From an ideological perspective, the practice conflicted with the National Socialists' ideology of work. According to their principles, German "comrades of work" ought not to be lent, because labour was not supposed to be a "commodity," as it was supposedly in the liberal understanding, but a "duty" (*Dienst*) toward the "national community."²⁸ Triangular employment relationships were thought to destabilize the "work community" (*Betriebsgemeinschaft*) and thus also the "national community." Both were supposed to be tightly organized, as labour lawyer Wilhelm Herschel put it in 1937: "It must be our ideal, to shape the relation between leader (*Führer*) and

- 24 Arbeitseinsatz in der Bauwirtschaft: hier: Einsatz von handwerklichen Arbeitsgemeinschaften und Ausleihung von Arbeitskräften, in: Reichsarbeitsblatt I 20:30 (1940), 514; Runderlaß Nr. 8/42: Ausleihen von Arbeitskräften bei der Durchführung von Bauleistungen, in: Mitteilungsblatt des Reichskommissars für die Preisbildung I 5:7 (1942), 89; Runderlaß Nr. 17/44: Vergütung für das Ausleihen von Arbeitskräften, in: Mitteilungsblatt des Reichskommissars für die Preisbildung I 7:24 (1944), 252.
- 25 Arbeitseinsatz von Kriegsgefangenen, Ausleihen von Kriegsgefangenen, in: Reichsarbeitsblatt I 22:17 (1942), 288–289; Kurt Enderlein/Fritz Riedel: Die Preisbildung beim Einsatz von Kriegsgefangenen und Ausländern in der Bauwirtschaft: Erläuterungen zum Runderlaß Nr. 13/42 des Reichskommissars für die Preisbildung, Berlin 1942; Ausleihen von ausländischen Arbeitskräften in der Bauwirtschaft, in: Mitteilungsblatt des Reichskommissars für die Preisbildung I 6:20 (1943), 337–338.
- 26 Günther Schulze-Fielitz, *Die Bauwirtschaft im Kriege* (Berlin: Junker und Dünnhaupt, 1941), 38.
- 27 Bulla, "'Ausleihen' von Arbeitskräften," *Monatshefte für NS-Sozialpolitik* 9, no. 5/6 (1942), 54f.; Carl Birkenholz, *Der Bauarbeiter* (Berlin: Otto Elsner Verlagsgesellschaft, 1940), 10.
- 28 Beine, "Die rechtliche Stellung des Leiharbeiters," 79. See also: Michael Wildt, "Der Begriff der Arbeit bei Hitler," in *Arbeit im Nationalsozialismus*, eds. Marc Buggeln and Michael Wildt (Munich: De Gruyter Oldenbourg, 2014), 17.

followers (*Gefolgschaft*) as pure, immediate, and personal as possible and to discard everything that might weaken this personal immediacy."²⁹ In terms of the lending of workers, no German "follower" (*Gefolgsmann*) ought to bear the mark of being "second class."³⁰ These concerns, of course, were based on a segregation of the races, and did not hold for forced labourers, individuals declared "racially inferior," "asocial," or "alien to the community" (*gemeinschaftsfremd*).³¹

Continuities: Strengthening the Consensus against *Leiharbeit* around 1957

In the early Federal Republic, the debate about *Leiharbeit* continued to be marked by pejorative language and a rather broad consensus against the lending of workers. In contrast to the National Socialist debate, the racial connotations had mostly vanished. Yet, the arguments that labour was not to be treated as a "commodity" and that personal enrichment through the selling of labour power should not be tolerated remained valid.³² On that, politicians from across the spectrum, together with large segments of the labour administration and the unions, could agree.³³ Further, most of them shared the opinion that *Leiharbeit* was incompatible with the newly established self-conception of the Federal Republic as a "social constitutional state" (*sozialer Rechtsstaat*). No part of this consensus, however, were the Free Democrats (FDP) and large segments of the coal, iron and steel industries as well as the chemical industry, for whom the borrowing of workers from sub-contractor firms had constituted a normal practice for decades.³⁴

During the 1950s, the Confederation of German Trade Unions (Deutscher Gewerkschaftsbund, DGB) and its member unions encouraged in particular the associa-

- 29 Herschel, "Das mittelbare Arbeitsverhältnis," 1117 (translated by the author).
- 30 Beine, "Die rechtliche Stellung des Leiharbeiters," 126.
- 31 Michael Wildt, "Arbeit im Nationalsozialismus: Zugehörigkeit, Ausgrenzung, Vernichtung," in "Deutsche Arbeit": Kritische Perspektiven auf ein ideologisches Selbstbild, eds. Felix Axster and Nikolas Lelle (Göttingen: Wallstein, 2018), 116–134.
- 32 For similar international developments, see Leah F. Vosko, *Temporary Work: The Gendered Rise of a Precarious Employment Relationship* (Toronto: Toronto University Press, 2000), 19 and 67.
- 33 Federal Parliament: Protocol, 14 November 1956, 9395f.
- 34 Ibid. On the employers' perspective, see: Pressedienst der Deutschen Arbeitgeberverbände (PDA): Regierungsentwurf zur AVAVG-Novelle: Abschluss von Leiharbeitsverträgen soll erschwert werden, 2 October 1956, in: Bundesarchiv Koblenz (in the following: BArch), 119/3246 I.

tion of *Leiharbeit* with "human trafficking" and the "slave trade," arguing that trading human labour power in exchange for high profits was a relic of "early capitalism" and was thus a practice from which a progressive social state like the Federal Republic should distance itself.³⁵ Accordingly, the periodical of the construction workers' union (IG Bau-Steine-Erden) wrote in 1956:

A human is not a commodity one can rent or buy from someone else for payment. [...] Such a situation infringes in every case against the conceptions of social order as they were developed and are valid for us. Humans, who for some reason or other are not included in a regular employment relationship, hereby become the object of profiteering (*Geschäftemacherei*), which must be rejected in every regard.³⁶

A 1957 cartoon published in a DGB periodical further illustrates the organization's critique of "profiteering" through the selling of labour power, by depicting a well-fed and smart looking salesman, in front of a sign that says "Leiharbeitervermittlung" (temporary worker exchange), who has arbitrarily deprived a seemingly helpless *Leiharbeiter* of all his clothes, including the shirt on his back. The individual items of clothing each symbolize one of the working class's social achievements, including collective agreements, social benefits, and health insurance. The cartoon thus reflects the unionsts fears of a return to a time when workers had no rights.³⁷

Carried by this rather broad consensus and a distinct increase in cases of *Leiharbeit* resulting from the onset of full employment in the mid-1950s, a renewed prohibition of the practice of lending employees to third parties was introduced in April 1957 in the context of the 'great amendment' of the AVAVG.³⁸ In the aftermath of the amendment, labour offices at the local level worked to persuade companies, especially in the coal, steel, and chemical industries which still deployed *Leiharbeiter*, to refrain from the practice altogether.³⁹ The companies were asked to incorporate the borrowed workers into their core workforce or to sign 'real' work contracts (*Werkverträge*) with the sub-contracting firms lending the workers. As most companies had no interest in

³⁵ DGB Nachrichtendienst: Sollen Menschen verliehen werden?, 11 October 1956, in: BArch, 149/9904; op, "Schluß mit dem Leiharbeiter-Unrecht!," *Die Quelle* 8, no. 10 (1957), 449f.

³⁶ Der Grundstein: Handel mit Arbeitskräften, 8 July 1956, 1 (translated by the author).

³⁷ Die Quelle 8, no. 10 (1957), 450.

³⁸ Schmuhl, Arbeitsmarktpolitik und Arbeitsverwaltung in Deutschland 1871–2002, 421. For example, in 1948, the Farbwerke Hoechst deployed about 750 Leiharbeiter. In 1956, that number had risen to about 1,800. See: Employment Office Hessen: Annotations of 6 July 1948 and 5 June 1956, in: BArch, 119/3246 I.

³⁹ See, for example: Writing of the Employment Office North Rhine-Westphalia to the Federal Employment Office, 4 August 1957, attachment one, in: BArch, 119/3246 I.

terminating this long-established practice, it became a tedious process with regular setbacks.⁴⁰

Moreover, the aftermath of the amendment witnessed increased media attention on the issue of *Leiharbeit*. Among other factors, this development was fuelled by a provocative article from September 1957 by British journalist Sefton Delmer in the Daily Express.⁴¹ Delmer, who was known for his 'black propaganda' during the Second World War and whose personal mission was to expose the Federal Republic's continuing 'fascism,'42 compared Leiharbeit with forced labour during National Socialism. In contrast to the union publications, which feared a return to times of "early capitalism," Delmer used the more recent past as a warning. In describing the "back-breaking work" of the assumed Leiharbeiter at the Mülheim-Meiderich steelworks, whom he called "slave workers," he concluded that these men had taken positions which, during the war, had been filled by "foreign workers and prisoners." Delmer's dramatic depiction sparked a public debate on whether "slave workers" in fact still existed in the Federal Republic.⁴³ Speculation about the scope of the problem ran high. Activists in the metal workers' union (IG Metall) in the Ruhr area, for example, estimated the number of Leiharbeiter in the whole of West Germany at 300000-a number that commentators perceived as exorbitantly high.⁴⁴ The labour administration, on the other hand, believed there to be about 30 000 Leiharbeiter in the country, while, simultaneously, hoping to reduce this number to zero as quickly as possible.⁴⁵

A central aspect of the debate following the 'great amendment' of the AVAVG also included the question of the milieu of the *Leiharbeiter*. Commentators asked themselves what kind of people were willing to work under such conditions during a period of near full employment. As one commentator phrased it: "Who would voluntarily

40 See, for example: Writing of the Employment Office North Rhine-Westphalia to the Federal Employment Office, 4 June 1959, in: BArch, 119/3246 II; Federal Parliament: Protocol, 18 January 1961, 7860; Sepp Ebelseder, "Weiße Sklaven," *Stern*, 26 March 1961, 95–98.

42 Karen Bayer, "*How dead is Hitler?*": Der britische Starreporter Sefton Delmer und die Deutschen (Mainz: Philipp von Zabern Verlag, 2008), passim.

43 "Sklavenhandel," General-Anzeiger für Bonn und Umgegend, 5 September 1957; Sefton Delmer, "Sklavenarbeit in Deutschland," Wormser Zeitung, 5 September 1957; Kurt Gehrmann, "Kein Mittel gegen Sklavenhandel?," Neue Ruhr Zeitung, September 5, 1957.

44 "Versand von Muskelpaketen," Der Spiegel, 6 August 1957, 21; Stephan Slupianek, "Die Stiefkinder des Wirtschaftswunders," Länder-Informations-Dienst, 17 August 1957, 3f.; "Wir brauchen 50 Arbeiter, können Sie etwas schicken?," Metall, 4 September 1957, 5.

45 Sheet entitled "Leiharbeiter" [September 1957], in: BArch, 119/3246 I; Presseinformationen der BAVAV: Keine Leiharbeiter mehr, 12 August 1958, in: BArch, 149/9904.

⁴¹ Sefton Delmer, "What I see here looks like slave labour to me," *Daily Express*, 4 September 1957, 6.

join a gang of slaves, instead of easily being employed by a company?"⁴⁶ Without access to statistical data, commentators were forced to speculate, which resulted in a colourful picture of "invalids," people "unfit for work," retirees, refugees from the German Democratic Republic (GDR), "people with a criminal record," "vagrants" (*Unstete*), "people on holiday," students, pupils, people working overtime (in addition to their regular jobs), "dismissed workers," "discontented agricultural workers," and "workers over 35."⁴⁷

Indeed, the refugees from the GDR were a prominent group of contingent labourers during the 1950s, often recruited directly from the refugee camps by agents hired by sub-contractors.⁴⁸ For example, 15-year-old Klaus Bahr was hired by an agent of a Hessen based sub-contractor firm in the Berlin-Marienfelde refugee camp, where the latter supposedly had "felt his arm muscles" and offered him a number of "alcoholic drinks."49 In Frankfurt am Main, he first transferred cargo in the harbour for a lower amount than the promised wage. Later, he was lent as an unskilled worker to the Farbwerke Hoechst, where he left his job after receiving nothing but an advance payment.⁵⁰ Yet, generalizations remain difficult, as *Leiharbeiter* were not always exploited or worse off compared to the core workforce. They could even earn higher wages than their colleagues, for example, when the wage agreements in the building sector were higher than the ones for unskilled workers in the chemical industry.⁵¹ In parallel, the reactions of foremen (*Meister*), labour administration officials, and co-workers were not always as benevolent as in the case of young Klaus Bahr. On the contrary, Leiharbeiter were often framed in terms of "antisocial behaviour," criticized for their "sloppy" appearance, suspected of insufficient work performance ("minderleistungsfähig"), and accused of being "unreliable" compared to the core workforce.52

- 46 "Gespenst Sklavenarbeiter," *Freisinger Zeitung*, September 7, 1957 (translated by the author).
- 47 "Wir brauchen 50 Arbeiter, können Sie etwas schicken?"; Delmer, "What I see here looks like slave labour to me"; Anton Müller-Engstfeld, "Schluß mit dem Menschenhandel!," *Neue Ruhr Zeitung*, September 7, 1957; "Mitten in der Bundesrepublik: Arbeiter werden verkauft," *Das grüne Blatt*, September 7–13, 1957, 1 (translated by the author).
- 48 "35 Mark Schleppgeld f
 ür einen Facharbeiter," Frankfurter Allgemeine Zeitung, 4 October 1955.
- 49 Report of the branch office in the refugee camp Gießen to the Employment Office Hessen, 29 November 1955, in: BArch, 119/3246 I.
- 50 Annotation of the supervisor of the refugee camp for adolescents in Krofdorf, 26 November 1955, in: BArch, 119/3246 I.
- 51 Report of the Employment Office North Rhine-Westphalia to the Federal Employment Office, 4 August 1957, Attachment two, 3, in: BArch, 119/3246 I.
- 52 Report of the Employment Office North Rhine-Westphalia to the Federal Employment Office, 4 August 1957, Attachment four, 7f., in: BArch, 119/3246 I; Circular of department III in the Ministry of Labour and Social Affairs of North Rhine-Westphalia, 13 September 1957, in: BArch, 149/9904.

Changes: Inventing *Zeit-Arbeit* during the long 1960s

As we have seen, the long-standing image of *Leiharbeit* in public debates remained pejorative. From the 1960s onwards, emerging companies for *Zeit-Arbeit*, which presented themselves as service providers, attempted to shift this image into a more positive light. They began to advocate for *Zeit-Arbeit* as a supposedly new service offering "more freedom" in working life to people uninterested in a traditional employment relationship. Though the negative image of *Leiharbeit* persisted (and was at times even reinforced by new issues such as the illegal lending of 'guest workers'), the concept of *Zeit-Arbeit* challenged the established consensus which rejected the lending of labour power. The main drivers of this development were the unique confluence of full employment and a high demand for labour power during the boom period, which occasioned 'innovative' solutions in labour placement and made them a highly profitable undertaking.

The high demand in labour power manifested itself in three quite different forms of lending workers and employees. First, certain sub-contractors engaged in a system of wooing unskilled as well as skilled workers and lending them back to the industries they had previously worked in. This was the case, for example, in the shipbuilding industry, where the workers often willingly participated because of the higher net wages (disregarding the often insufficient social security payments).⁵³ Second, 'guest workers'—organized by transnational coyote networks and sub-contractors, and faced with possible expulsion from the country—were lent illegally, frequently at low wages and without social security for the workers.⁵⁴ Third, in contrast to the other two groups, several reputable transnational and home-grown *Zeit-Arbeit* companies tried to establish a legitimate place for themselves within the German labour market by means of various court battles. Initially, they focused on lending employees for office tasks; later, they expanded into the industrial sector and other areas of the service sector.⁵⁵ Of the latter group, Swiss company Adia was the most persistently. In 1962, Adia established its first German branch office in Hamburg, where they lent mostly women for office tasks

- 53 See, for example: Manfred Leve, "Das Vermieten von Menschen," Soziale Arbeit 21, no. 9 (1972), 388f.; Frank Hempel, "Das Spannungsverhältnis zwischen dem sozialen Schutz der Arbeitnehmer und den wirtschaftlichen Interessen der Verleiher und der Entleiher bei der Arbeitnehmerüberlassung" (PhD diss., Goethe-Universität Frankfurt, 1975), 67, 71.
- 54 See, for example: "Aus der Westentasche. Gastarbeiter-Verleih," Der Spiegel, 22 June 1969, 86f.; "Prämien und Prügel," Der Spiegel, 18 April 1971, 98–100. See also: Monika Mattes, "Gastarbeiterinnen" in der Bundesrepublik: Anwerbepolitik, Migration und Geschlecht in den 50er bis 70er Jahren (Frankfurt a. M.: Campus Verlag, 2005), 149, 181; Karin Hunn, "Nächstes Jahr kehren wir zurück...": Die Geschichte der türkischen "Gastarbeiter" in der Bundesrepublik (Göttingen: Wallstein Verlag, 2005), 261.

55 See, for example: Manfred Leve, "Das Vermieten von Menschen," 384.

based on so-called "free employment agreements" (*Verträge über freie Mitarbeit*).⁵⁶ As this practice was interpreted as an illegal job placement by the Federal Employment Office, a drawn-out court battle ensued, which Adia eventually won. In 1967, the Federal Constitutional Court (Bundesverfassungsgericht) reached a judgment that effectively legalized employee leasing.⁵⁷ The court seems to have based its decision on the (rather short) statement of the Association of German Chambers of Industry and Commerce (Deutscher Industrie- und Handelstag, DIHT) that suggested that employee leasing contracts were a negligible labour market phenomenon.⁵⁸ As a consequence of this decision, the Arbeitnehmerüberlassungsgesetz (a law on temporary employment) was adopted in 1972; it was intended to protect leased workers and employees by codifying their employment relationship with their respective temporary employment agency and by regulating these agencies, whose numbers had risen dramatically since 1967.⁵⁹

In 1969, several of the Zeit-Arbeit companies—among them big players like Adia, Manpower, and Randstad—founded the first industry association, the Unternehmensverband für Zeit-Arbeit (UZA).⁶⁰ This association, and especially its president—the managing director of Randstad Germany and member of the Christian Democratic Party (CDU)—Werner Then (born 1931),⁶¹ became notorious for pushing a counter-narrative of Zeit-Arbeit, which they presented as something completely different than Leiharbeit.⁶² In the years to come, the UZA worked steadily to increase the recognition of Zeit-Arbeit as a 'normal' segment of the labour market by establishing contacts with the Federal Department of Employment (Bundesministerium für Arbeit und Sozialordnung), unions and employers' associations. The conclusion of a ba-

- 56 Rosemarie Winter, "Bedarfsbeschäftigungen ein internationales Problem. Deutsche Arbeitsvermittlung auf den Spuren einer Schweizer Firma," *Die Tat*, 14 August 1962, 3; Adia: Agreement on free employment, in: Staatsarchiv Hamburg, 224-5/990.
- 57 Federal Constitutional Court: Judgement of 4 April 1967 (1 BvR 84/65), in: BArch, 149/117818.
- 58 German Chambers of Industry and Commerce: Statement to the Federal Constitutional Court, 25 May 1966, in: BArch, 149/102885.
- 59 For numbers, see: Manfred Leve, "Das Vermieten von Menschen," 384. At the end of June 1972, the number of officially recognised temporary work companies exceeded one thousand.
- 60 On the UZA, see: Unternehmensverband für Zeit-Arbeit: Satzung, Richtlinie für die Berufsausübung, Schiedsgerichtsordnung, Mitglieder, Vorstand, s. l. [1974]. In 1976, the UZA became the *Bundesverband Zeitarbeit Personal-Dienstleistungen* (BZA), which merged in 2011 into the *Bundesarbeitgeberverband der Personaldienstleister* (BAP).
- 61 On Then's life, see: Werner Then, in *Dictionary of German Biography Online* (Berlin: De Gruyter Oldenbourg, 2011), https://db.degruyter.com/view/DBE/_16-155; Curriculum Vitae, in: Rheinisch-Westfälisches Wirtschaftsarchiv Köln, 128-89-4 [Allgemeine Korrespondenz Werner Then]. Then was the leading protagonist of the German temporary work industry until the early 1990s.
- 62 See, for example: Writing of the UZA to the BMA, 24 April 1969, attachment: Unternehmensverband für Zeit-Arbeit, 28 January 1969, in: BArch, 149/105631.

sic agreement with the German Employees' Union (Deutsche Angestellten-Gewerkschaft, DAG) in July 1970 as well as a membership in the Confederation of German Employers' Association (Bundesvereinigung der Deutschen Arbeitgeberverbände, BDA) in 1971 can be interpreted as the first steps in an ultimately successful process of building trust with the wider working public.⁶³

To gain acceptance from other labour market participants and, in particular, employees, the temporary work industry presented their services as useful for West German society. *Zeit-Arbeit*, therefore, was branded as having nothing to do with the exploitational practices that could be observed in other parts of the market for lending workers. Instead, this service stood for self-determination and supposedly free choices in working life in a working environment still dominated by Fordist standardization.⁶⁴ Industry protagonists depicted the alleged loyalty between a company and its employees as outdated. Accordingly, Werner Then noted that West Germans should acclimate themselves to this new reality:

Initially, [Zeit-Arbeit] seems unusual to the German perception and, in many cases, contradicts the traditional conceptions of work, workplace, and loyalty to a company. But the advancing democratization of society and the subsequent increasing desire for freedom occasion a changed attitude toward the workplace as well.⁶⁵

In referring repeatedly to a general "desire for freedom"⁶⁶ on the part of employees, the temporary work industry appealed to contemporary diagnoses of a proceeding 'value change' in West German society, characterized by a changing work ethic and an interest in individualization.⁶⁷ Within this logic, *Zeit-Arbeit* became a valid solution for desires generated by those general societal processes of liberalization.

- 63 Agreement between UZA and DAG as of 1 Oktober 1972, in: Werner Then, Zeit-Arbeit: Neue Formen am Arbeitsmarkt, neue Chancen im Beruf (Düsseldorf: Econ-Verlag, 1974), 263–272; Ibid., 22. By contrast, the DGB and its trade unions rejected the conclusion of agreements with the temporary work industry and, until 1996, argued for a renewed prohibition of temporary work.
- 64 See, for example: Klaas H. Apitz, "Zeit-Arbeit: Ein Service," Arbeit und Sozialpolitik 23, no. 8 (1969), 258; Then, Zeit-Arbeit: Neue Formen am Arbeitsmarkt, neue Chancen im Beruf, passim.
- 65 Werner Then, *Zeit-Arbeit: Neue Formen am Arbeitsmarkt, neue Chancen im Beruf*, 144 (translated by the author).
- 66 See also: speech by Werner Then at the first German Congress on Temporary Work in Düsseldorf on 7 October 1971, manuscript 3, in: BArch, 149/105632; speech by Werner Then at the seventh International Conference on Temporary Work in Munich from 22 to 25 May 1973, in: Unternehmensverband für Zeit-Arbeit: Congress-Report 73, Munich 1973, 5, 7, 9.
- 67 Maximilian Kutzner, "Vom 'Fluch der Unterbelastung' zur 'Last der reifen Jahre': Die Wertewandel-Debatte in der bundesdeutschen Presse zwischen 1950 und 1990," in *Wertewandel*

The promise of freedom was directed toward everyone unwilling or unable to work within the confines of a traditional employment relationship and was branded as "work made to measure" (*Arbeit nach Mafs*).⁶⁸ Here, the industry also played on contemporary debates surrounding labour market turnover (*Fluktuation*), which had become a widely discussed problem, with experts trying to understand why workers and employees changed workplaces so frequently. One assumption, the so-called "social junk thesis" (*Sozialschrott-These*) argued that high turnover was generated by so-called "antisocial" individuals and "migratory birds" (*Zugvögel*), who, by shifting workplaces allegedly tried to avoid a "continuous job record."⁶⁹ The temporary work industry claimed that *Zeit-Arbeit* could organize these employees by establishing a "second labour market" for them, thereby presenting itself as a problem solver of labour market issues.⁷⁰ Furthermore, the industry promised to mobilize hidden labour forces, such as housewives, students, people in-between jobs, retirees, and the disabled.⁷¹

As working outside a traditional employment relationship was already the norm for women struggling between household, care, and wage work,⁷² gender played an important role in the temporary work industry's early marketing strategies. By evoking the image of female office employees, the industry tried to evade both the radar of the unions whose focus remained on skilled male workers and public associations with masculinised *Leiharbeit*.⁷³ The message varied depending on the segment of women. Younger women were promised better career opportunities, the opportunity to test out various companies without negative consequences, and an easy combination of work and leisure time. One Adia advertisement from 1968 depicted a smiling young woman in a bathing suit lying in a hammock, holding a pair of sunglasses in her

in der Wirtschaft und Arbeitswelt: Arbeit, Leistung und Führung in den 1970er und 1980er Jahren in der Bundesrepublik Deutschland, eds. Bernhard Dietz and Jörg Neuheiser (Berlin/ Boston: De Gruyter Oldenbourg, 2017), 207–238.

- 68 Unternehmensverband für Zeit-Arbeit: UZA, s. l. [1974], 4.
- 69 Burkhart Lutz and Friedrich Weltz, Der zwischenbetriebliche Arbeitsplatzwechsel: Zur Soziologie und Sozioökonomie der Berufsmobilität (Frankfurt am Main: Europäische Verlagsanstalt, 1966), 38; Heinz Pentzlin, "Von Betrieb zu Betrieb," Die Welt, 9 September 1961, 9.
- 70 Werner Then, Zeit-Arbeit: Neue Formen am Arbeitsmarkt, neue Chancen im Beruf, 146, 245–247.
- "Engpässe überwinden. Zeitpersonal ein neuer Dienstleistungszweig," *Rheinischer Merkur*, 16 February 1968, 23.
- 72 Christine von Oertzen, "Teilzeitarbeit für die 'moderne' Ehefrau: Gesellschaftlicher Wandel und geschlechtsspezifische Arbeitsteilung in den 1960er Jahren," in *Demokratisierung und* gesellschaftlicher Aufbruch: Die sechziger Jahre als Wendezeit der Bundesrepublik, eds. Matthias Frese, Julia Paulus, and Karl Teppe (Paderborn: Ferdinand Schöningh, 2003), 63–81.
- 73 For the United States, Erin Hatton has called this the "Kelly Girl strategy". See: Erin Hatton, *The Temp Economy: From Kelly Girls to Permatemps in Postwar America* (Philadelphia: Temple University Press, 2011), 21, 30. For the Canadian variation, see: Vosko, *Temporary Work*, chapter three.

hand. Introduced as Marion K., she was a temporary worker because "she loves her freedom." The accompanying text promised female readers freedom of choice in terms of their working conditions and working environment: "She needs the feeling: you could be on Ibiza next week. She does not work under conditions set by the bosses, if she can work under her own conditions. [At Adia's office], she chooses everything: the boss she wants to work for, the working hours, the industry."⁷⁴

In the case of married women and housewives, Zeit-Arbeit was portraved as an even more flexible solution than part-time work. Temporary work companies spared no effort to win their attention, for example by establishing kindergartens in their own branch offices as well as providing transportation services for their children.⁷⁵ By advertising Zeit-Arbeit as a "pastime," the industry further offered a 'cure' from isolation and boredom to so-called "green widows"—women living in suburbia.⁷⁶ In addition, women were promised a "feeling of freedom and independence" from their husbands.77 Even retirees (both male and female) were addressed, some of whom (especially women) struggled with poverty in their old age and for whom Zeit-Arbeit could indeed be a last resort for making a living. Sixty-six year old retiree Charlotte Bormann, resident of Hamburg-Wilhelmsburg,78 for example, had only a small pension due to injuries resulting from imprisonment in a Nazi concentration camp as well as long periods of unemployment after the war. To improve her pension and because no company wanted to employ her on regular terms, she started to work as a free employee (freie Mitarbeiterin) for Adia, who dispatched her to do office work for different companies. In a witness report from 1964, she described her work for Adia as "very enjoyable" and emphasized the option to freely organize her time, which enabled her to also engage in volunteer work:

I particularly enjoy that in case I have something urgent to do—like for example a sudden journey to Munich—I can terminate [the work] immediately. [...] Precise-ly this feeling of freedom (*Freisein*), which I had also perceived in other personnel of the Adia company [...], were the reason I registered with the company.⁷⁹

- 74 Stern, 3 March 1968, 147 (translated by the author).
- 75 Report of the Employment Office Hessen to the Federal Employment Office, 5 November 1968, 2f., in: BArch, 119/3248; "Auf Abruf," *Der Spiegel*, 14 October 1968, 105; Lore Schultz-Wild, "Zeitarbeit: Eine Chance für Hausfrauen," *Die berufstätige Frau* (Supplement of the *Süddeutsche Zeitung*), 28 October 1969; "Würde verletzt," *Der Spiegel*, 10 August 1970, 60.
- 76 "Fehlt dir eine, ruf dir eine," *Revue*, 25 November 1962, 16–18; Rudolf Weschinsky, "Sie arbeiten, wann und wieviel sie wollen," *Welt am Sonntag*, 26 October 1969, 24.
- 77 Then, Zeit-Arbeit: Neue Formen am Arbeitsmarkt, neue Chancen im Beruf, 81.
- 78 See: Witness report Charlotte Bormann at the Social Court Hamburg, attachment to the protocol of the court meeting on 16 April 1964, 17–19, in: Staatsarchiv Hamburg, 224-5/990.
- 79 Ibid., 19 (translated by the author).

In Charlotte Bormann's case, the double-sided nature of temporary work becomes obvious: on the one hand, the necessity to continue working after retirement because of her small pension; on the other hand, the wish to freely organize her time, made possible by working temporarily.

This female image created by the early temporary work industry, though, did not correspond with reality for long. Notwithstanding the fact that, during the 1960s, male workers dominated the illegal lending of workers, male temporary workers soon outnumbered female temporary workers in the legal labour leasing market as well.⁸⁰ This led to the increased inclusion of male images in the promotional material of the German temporary work industry beginning in the early 1970s.⁸¹ As early as 1974, Werner Then disclosed his plans to provide, in addition to the female professions, "every imaginable temporary workplace for men," as well.⁸² At the end of the economic boom, industry protagonists were very optimistic about the further development of the temporary work industry. *Zeit-Arbeit* was supposed to rapidly enlarge its market share of the German labour market—by 1980, it was hoped, every second employee would have performed temporary work once in their lifetime.⁸³

In the decades after the boom, the narrative about the temporary work industry offering "greater freedom" to employees remained an essential part of its self-proclaimed image—a picture that is still conveyed today. Like a mantra, it accompanied the industry's rise and was repeatedly used to support the legitimacy of temporary work as an integral component of flexible labour markets.⁸⁴ What gradually changed, however, was the reactions of various labour market participants to this message. Receptivity increased as the challenges of rising unemployment became a recurring factor in the labour market, and greater flexibility became a norm to which labour market participants were forced to react.⁸⁵ Though established in the boom era under completely different labour market circumstances, the temporary work industry nevertheless easily adapted to perfectly fit into the 'neoliberal' era to come. This article has aimed to reveal the beginnings of the narrative of freedom as it infused the temporary work

- 80 In 1973, the official percentage of female temporary workers was merely 25–30 percent. See: Erster Bericht der Bundesregierung über Erfahrungen bei der Anwendung des Arbeitnehmerüberlassungsgesetzes, 9 July 1974, Drucksache 7/2365, 4 and table 1.
- 81 Unternehmensverband für Zeit-Arbeit: UZA, s. l. [1974], 7.
- 82 Then, Zeit-Arbeit: Neue Formen am Arbeitsmarkt, neue Chancen im Beruf, 248.
- 83 Werner Then, "Zukunftsaspekte der Zeit-Arbeit," Der Betrieb 55, no. 29 (1972), supplement 9: Leasing bleibt aktuell, 25f.; Unternehmensverband für Zeit-Arbeit: UZA, s.l. [1974], introduction.
- 84 See, for example: Werner Then, "Mehr Marktwirtschaft für Arbeit: Elemente einer neuen Beschäftigungspolitik," *Die Neue Ordnung* 38, no. 3 (1983), Sonderdruck, 209–217.
- 85 See also: Dietmar Süß, "Stempeln, Stechen, Zeit erfassen: Überlegungen zu einer Ideenund Sozialgeschichte der "Flexibilisierung" 1970–1990," Archiv für Sozialgeschichte 52, no. 1 (2012), 139–162.

industry and to illustrate the long-standing normative tradition of pejorative associations about the lending of workers against which it was erected. Since its initial inclusion in Weimar labour law, Leiharbeit was perceived by commentators as a practice that conflicted with their normative assumptions about acceptable labour market methods and conceptions of the modern social state. Regularly peaking in times of labour power shortage, the practice of lending workers between companies—though repudiated—revealed itself to be rather persistent, despite various efforts at regulation. While the 'great amendment' of the AVAVG in 1957 sparked the most extensive efforts to reduce the practice of lending of workers, the advent of a long period of increased labour shortages gave rise to companies for Zeit-Arbeit that knew how to connect their service to notions of freedom. They succeeded in distinguishing Zeit-Arbeit from the older and discredited *Leiharbeit* by linking their services to contemporary diagnoses of the long 1960s—like 'value change'—which were thought to transform the still Fordist work society of West Germany. In offering "greater freedom" to certain employees in a working world still dominated by Fordist standardization, the protagonists of the temporary work industry became trailblazers of a new interpretation of modern working life characterized by a flexible and mobile workforce.

Anna Elisabeth Keim is a doctoral candidate and research associate (wissenschaftliche Mitarbeiterin, funded by the DFG) at Martin-Luther-Universität Halle-Wittenberg in the Department of Contemporary History. Her research interests include the history of labour market policy and job placement in Germany, the history of society in the early Federal Republic as well as the peace movements in occupied Germany. Her dissertation project focusses on debates about *Leiharbeit* and *Zeit-Arbeit* in the early Federal Republic between 1949 and 1975.