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On the Freedom of Labour in Capitalism

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Content

Peter-Paul Bänziger, Jan Kellershohn, Anna Strommenger

Conceptualizing the Relationship between the Freedom of Labour and Capitalism*

Special Issue: Introduction

Around 60 BCE, three envoys from the northeast of Gaul travelled to Egypt. There, Asterix, Obelix, and Getafix observed the building sites outside Alexandria: Columns of half-naked men, pulling giant bricks on sledges, supervised by whip-wielding foremen. To Asterix's astonished question: "Are those slaves?," Edifis, the architect, responds: "No, there's a slave shortage. They're so emancipated you just can't get hold of them. Those are free labourers."[1]

Obviously, this anecdote says nothing about ancient history. However, it stands as an example of the popularization of Marxism in post-Second World War Europe, while also shedding light on a central and longstanding question in the history of labour and capitalism: Did the political and economic revolutions of the eighteenth and nineteenth centuries abolish unfree labour? And consequently, does capitalism inherently liberalize both trade and labour markets? Or is it instead a relationship of coproduction in which the developing capitalist economy both transformed existing forms of un/free labour and established new ones while remaining dependent on both? As is well known, these questions sit at the core of Marxist approaches to labour history since the notion of "free labourers" remains crucial to Marx's theory of "primitive accumulation":

> Free labourers, in the double sense that neither they themselves form part and parcel of the means of production, as in the case of slaves, bondsmen & c., nor do the

* This special issue assembles selected contributions presented at the first conference of the German Labour History Association (GLHA), which took place from 6 to 8 February 2020 in Bochum, Germany (a conference report by Patrick Böhm is available on H-Soz-Kult). The GLHA organized this event together with the Hans-Böckler-Stiftung, the Rosa-Luxemburg-Stiftung and the Friedrich-Ebert-Stiftung, with the support of the Fritz-Thyssen-Stiftung. The Stiftung Geschichte des Ruhrgebiets supported the organization with open arms. Agnes Weidkuhn from the Department of History, University of Basel, provided vital administrative assistance. Sebastian Braun, Alessandra Exter, Hendrik Olschewski, Julian Kruse, Melisa Sabanci, Susanne Becker and Lena Mühlnickel ensured an efficient and trouble-free conference.

1 René Goscinny and "Albert" Uderzo, *Asterix and Cleopatra* (London: Waterstones, 2021 (first ed. 1965)), 14.

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> means of production belong to them as in the case of peasant-proprietors; they are, therefore, free from, unencumbered by, any means of production of their own.[2]

Marx not only considered "free" wage labour central to a theoretical understanding of capitalism, but also linked it to a historical argument. He assumed that it would successively replace "unfree" forms of labour. Since his prediction has not come true, the question arises as to its significance for theorizations of capitalism.[3] Beyond such theoretical considerations, the problem of the freedom of labour is also crucial for the historiography, connecting two fields of labour-related research that have blossomed in the last two decades: the new cultural and social history of labour and global labour history. The former is interested in the production of labour and labouring subjects in the context of individual companies, the nation and the welfare state in the Global North during the "long" twentieth century, as well as its gendered and socioeconomic aspects.[4] Historians have extensively examined processes of scientization and nationalization of labour, institutional and discursive exclusions and inclusions of individuals and groups, modes of leadership, the establishment of social insurance and labour markets and the relationship between labour and consumption.[5] Particularly with respect to the contemporary history of the German-speaking regions, an assumption has emerged of an economic and labour-related caesura in the 1970s, which has had a major impact on the debate.[6] Conversely, global labour history has brought the diversity

2 Karl Marx, *Capital. A Critical Analysis of Capitalist Production, Vol I* (Moscow 1974), 668.

3 See Thomas Welskopp, "Kapitalismus und Konzepte von Arbeit. Wie systemisch zentral ist 'freie Lohnarbeit' für den Kapitalismus?," *Geschichte und Gesellschaft* 43 (2017), 197–216.

4 See Kim Christian Priemel, "Heaps of Work. The Ways of Labour History," H-Soz-Kult, 23 January 2014, www.hsozkult.de/literaturereview/id/forschungsberichte-1223 [20.02.2023]; Stefan Berger, "Introduction. The Revival of German Labour History," *German History* 37 (2019), 277–294. On the relation between discourses and practices, see Knud Andresen et al., eds., *Der Betrieb als sozialer und politischer Ort. Studien zu Praktiken und Diskursen in den Arbeitswelten des 20. Jahrhunderts* (Bonn: Dietz, 2015).

5 See Peter-Paul Bänziger, "Von der Arbeits- zur Konsumgesellschaft? Kritik eines Leitmotivs der deutschsprachigen Zeitgeschichtsschreibung," *Zeithistorische Forschungen* 12 (2015): 1, 11–38; Jörg Neuheiser, "Arbeit zwischen Entgrenzung und Konsum. Die Geschichte der Arbeit im 20. Jahrhundert als Gegenstand aktueller zeithistorischer und sozialwissenschaftlicher Studien," *Neue Politische Literatur* 58 (2013), 421–448. See as *pars pro toto* the examples in Lars Bluma and Karsten Uhl, eds., *Kontrollierte Arbeit – Disziplinierte Körper? Zur Sozial- und Kulturgeschichte der Industriearbeiter im 19. und 20. Jahrhundert* (Bielefeld: Transcript, 2012).

6 See Lutz Raphael, *Jenseits von Kohle und Stahl. Eine Gesellschaftsgeschichte Westeuropas nach dem Boom* (Berlin: Suhrkamp, 2019); Anselm Doering-Manteuffel and Lutz Raphael, *Nach dem Boom. Perspektiven auf die Zeitgeschichte seit 1970*, 3rd ed. (Göttingen: Vandenhoek & Ruprecht, 2012); Sebastian Voigt, ed., *Since the Boom. Continuity and Change in the Western Industrialized World after 1970* (Toronto: University of Toronto Press, 2021); Knud Andre-

of labour relations under global capitalism to the fore, highlighting the importance and persistence both of the division of labour and, in the broadest sense, of unfree labour on a global scale: from slavery and bonded labour to the domestic labour performed by migrants with insecure residency status.[7] At the same time, it has explored practices of resistance and social movements related to these various, entangled forms of free and unfree labour, looking at their interconnections and contradictions.[8]

Both strands of this new labour history are reacting—partly implicitly, partly explicitly—to an increasing societal awareness of the issues at stake. This is expressed in the widespread preoccupation with the future of work on a global scale in light of ongoing processes such as globalization, digitalization and precarity.[9] Both strands also share an understanding of labour under capitalism as a highly complex form of production and service provision. Previously, following Marx, only free wage labour was considered closely connected to capitalism, while other forms of labour were deemed remnants of the past.[10] Global labour history, however, argues that capitalism has always been based on the exploitation of both free and unfree forms of labour. Opinions differ as to whether this is a historical development or a necessary precondition of capitalism, as well as what theoretical conclusions are to be drawn from this in order to better understand capitalism. However, there is a consensus that free wage labour

sen et al., eds., *'Nach dem Strukturbruch'? Kontinuität und Wandel von Arbeitsbeziehungen und Arbeitswelt(en) seit den 1970er-Jahren* (Bonn: Dietz, 2011). For the nineteenth century: Sebastian Conrad et al., "Die Kodifizierung der Arbeit. Individuum, Gesellschaft, Nation," in *Geschichte und Zukunft der Arbeit*, eds. Jürgen Kocka and Claus Offe (Frankfurt am Main: Campus, 2000), 449–475.

7 See Marcel van der Linden, *Workers of the World. Essays toward a Global Labor History* (Leiden: Brill Academic, 2008); Karin Hofmeester and Marcel van der Linden, eds., *Handbook Global History of Work* (Berlin: De Gruyter Oldenbourg, 2018); Andrea Komlosy, *Work. The last 1,000 Years* (London: Verso Books, 2018); Alessandro Stanziani, *Labor on the Fringes of Empire. Voice, Exit and the Law* (New York: Palgrave MacMillan, 2018); Colin Palmer, ed., *The Worlds of Unfree Labour: From Indentured Servitude to Slavery* (Brookfield: Ashgate Variorum, 1998); Heather Wilpone-Welborn, "Finding Labor History in the History of Capitalism," *Labor. Studies in Working-Class History of the Americas* 14, no. 2 (2017), 13–20.

8 See Stefan Berger and Holger Nehring, *The History of Social Movements in Global Perspective. A Survey* (London: Springer 2017). From a conceptual perspective, see Stefan Berger and Alexandra Przyrembel, "Moral, Kapitalismus und soziale Bewegungen. Kulturhistorische Anmerkungen an einen 'alten' Gegenstand," *Historische Anthropologie* 24, no. 1 (2016), 88–107, and the publications from the European Union funded COST Action network Worlds of Related Coercions in Work (Worck): https://worck.eu/ and https://dkan.worck.digital-history.uni-bielefeld.de/ [20.02.2023].

9 For an example from the controversial global debate on the future of work, see Lisa Herzog, *Die Rettung der Arbeit. Ein politischer Aufruf* (Berlin: Hanser Literaturverlage, 2019).

10 For an overview, see Thomas Welskopp, "Kapitalismus und Konzepte von Arbeit."

in its pure form rarely existed anywhere in the world until well into the twentieth century. Rather, a heterogenous mix of labour relations, organizations and legal statuses was the rule.[11] At the same time, labour historians have revealed how the system of free wage labour was and is, even in industrialized regions during the twentieth and twenty-first centuries, rich in preconditions and historic specificity.

As such, the freedom of labour represents a vanishing point within both these historiographies: for the new cultural and social history of labour, it stands as the (never achieved) goal of the institutions and practices under study, whereas for global labour history it acts as a counter-model through which the object of study is demarcated. However, this point of connection remains understudied. By more directly connecting these two approaches, it becomes possible to discuss the relationship between capitalism and the freedom of labour more comprehensively—as well as establish stronger links between new labour history and the new history of capitalism.[12] While the latter was initially shaped by economic and social historians, a new focus on capitalist practices, the moral economy of capitalism and the perception of and knowledge about capitalism has emerged in the last decade, for instance with respect to the history of wealth.[13] Apart from a few exceptions, this interest has thus far resulted in the uncov-

11 See for example Andreas Eckert, "Von der 'freien Lohnarbeit' zum 'informellen Sektor'? Alte und neue Fragen in der Geschichte der Arbeit," in: *Geschichte und Gesellschaft* 43 (2017), 297–307; Marcel van der Linden, "How Normal is the 'Normal' Employment Relationship?," in *Transnational Labour History: Explorations*, ed. Marcel van der Linden (Aldershot: Routledge, 2003), 197–204.

12 See Friedrich Lenger, "Die neue Kapitalismusgeschichte. Ein Forschungsbericht als Einführung," *Archiv für Sozialgeschichte* 56 (2016), 1–36; the special issue on theories of capitalism, "Theorien des Kapitalismus," *Mittelweg* 36, no. 6 (2017/18).

13 On economic and social history, see Jürgen Kocka, *Capitalism. A Short History* (Princeton: Princeton University Press, 2016); Werner Plumpe, *Das kalte Herz. Kapitalismus: die Geschichte einer andauernden Revolution* (Berlin: Rowohlt, 2019). On practices of capitalism ("Praktiken des Kapitalismus"), see *Mittelweg* 36, no. 1 (2017); Jens Beckert, *Imagined Futures. Fictional Expectations and Capitalist Dynamics* (Cambridge, MA: Harvard University Press, 2016); fundamental on this topic: Thomas Welskopp, *Unternehmen Praxisgeschichte. Historische Perspektiven auf Kapitalismus, Arbeit und Klassengesellschaft* (Tübingen: Mohr Siebeck, 2014). On the moral economy of capitalism, see Martin H. Geyer, *Kapitalismus und politische Moral in der Zwischenkriegszeit. Oder: Wer war Julius Barmat?* (Hamburg: Hamburger Edition, 2018); Berger and Przyrembel, "Moral, Kapitalismus und soziale Bewegungen." On knowledge about capitalism, see the contributions in *Moving the Social* 67 (2022); Timo Luks, *Die Ökonomie der Anderen. Der Kapitalismus der Ethnologen – eine transnationale Wissensgeschichte seit 1800* (Tübingen: Mohr Siebeck, 2019). On the history of wealth, see the 5th Swiss Congress of Historical Sciences, which took place from 5 to 7 June 2019 in Zürich, where the topic was wealth; see also the special issue on wealth, *WerkstattGeschichte* 73 (2017); Simone Derix, *Die Thyssens. Familie und Vermögen* (Paderborn: Schöningh 2016); Eva Maria Gajek, Lu Seegers, and Anne Kurr, eds., *Reichtum in Deutschland. Akteure, Netzwerke und Lebenswelten im 20. Jahrhundert* (Göttingen: Wallstein Verlag, 2019); Alexandra

ering of only a few interconnections in empirical research.[14] Yet as the contributions in this special issue vividly demonstrate, the new histories of labour and capitalism have an enormous potential to cross-fertilize and, in parts, correct each other.

This special issue approaches the relationship between the freedom of labour and capitalism by bringing together contributions from both strands of new labour history, which operationalize the notion of freedom in two ways. On the one hand, in line with the long tradition of the study of capitalism and labour since Karl Marx and Max Weber wherein scholars have attempted to use the freedom of labour as a heuristic concept,[15] Marco Tomaszewski conceptualizes free wage labour as one form of livelihood among others. On the other hand, Jan De Graaf, Anna Elisabeth Keim, Sibylle Marti and Sibylle Röth begin from the perspective of discourse history and historical semantics, wherein the freedom of labour and related notions are not heuristic concepts but communicative events, appellations and claims.[16] David Mayer, in turn, brings together both perspectives by asking, through the lens of the history of historiography, about the use of the term by Latin American historians. In the interplay between these two vectors of analysis, certain wider questions arise, which seem to be decisive for outlining the relationship between the freedom of labour and capitalism:

First, about the history of practices and appropriations of un/free labour: To what extent has recent research changed and expanded our knowledge about free forms of labour on a global scale? How was legally guaranteed contractual freedom of labour shaped in colonial and non-colonial labour contexts since the nineteenth century? As Jan De Graaf shows in his contribution, the categorizations of un/free labour within

Przyrembel, "Moralizing Wealth. German Debates About Capitalism and Jews in the Early Twentieth Century," in *Moralizing Capitalism. Agents, Discourses and Practices of Capitalism and Anti-Capitalism in the Modern Age*, eds. Stefan Berger and Alexandra Przyrembel (Cham: Palgrave MacMillan, 2019), 59–77. On poverty as counterpart to wealth, see Beate Althammer, *Vagabunden. Eine Geschichte von Armut, Bettel und Mobilität im Zeitalter der Industrialisierung, 1815–1933* (Essen: Klartext, 2017); Christoph Lorke, *Armut im geteilten Deutschland. Die Wahrnehmung sozialer Randlagen in der Bundesrepublik und der DDR* (Frankfurt am Main: Campus Verlag, 2015).

14 See for instance Andreas Eckert, "Capitalism and Labor in Sub-Saharan Africa," in *Capitalism. The Reemergence of a Historical Concept*, eds. Jürgen Kocka and Marcel van der Linden (London: Bloomsbury, 2016), 165–185; Kocka, *Capitalism*; Jürgen Kocka and Jürgen Schmidt, "Arbeitergeschichte. Global und national," *Geschichte und Gesellschaft* 43, no. 2 (2017), 181–196; Welskopp, *Unternehmen Praxisgeschichte*.

15 See Welskopp, "Kapitalismus und Konzepte von Arbeit."

16 See for example Patrick Eide-Offe, "Weisse Sklaven, oder: Wie frei ist die Lohnarbeit? Freie und unfreie Arbeit in den ökonomisch-literarischen Debatten des Vormärz," in *Geld und Ökonomie im Vormärz*, ed. Jutta Nickel (Bielefeld: Aisthesis, 2014), 183–214; Willibald Steinmetz, *Begegnungen vor Gericht. Eine Sozial- und Kulturgeschichte des englischen Arbeitsrechts (1850–1925)* (Munich: Oldenbourg, 2002).

the post-Second World War heavy industry, for example, were fluid. In order to resume production in the coal mines of Belgium and the Ruhr region, the Allies and the Belgian government resorted to compulsory labour laws that dated back to National Socialism. In this context, the freedom to work became an argument made by the trade unions and workers to contest the perceived illegal restriction of their contractual freedom. In so doing, De Graaf's findings emphasize the crucial role of the moral economy of labour in the reconstruction of postwar European economies. Hence, the term moral economy brings together the history of consumer, commodity and property markets with the history of labour markets, thereby linking the history of capitalism and labour history.

Second, on the contemporary history of labour: How does the historiography of work relate to interpretations—most often put forward by social scientists—of the dissolution of the boundaries of work beginning in the late twentieth century? Can the diagnosed emergence of a "self-entrepreneurial workforce," the "entrepreneurial self" and the "flexible individual" be understood as a transition from empowerment to disempowerment through freedom, or is this ambivalence instead constitutive of free wage labour under capitalism? Furthermore, what might a historiographical perspective on such contemporary diagnoses of current labour transformations look like? In her contribution, Anna Elisabeth Keim examines a phenomenon widely considered emblematic of the contradictions and constraints of "new work": temporary work. Using the German case as an example, she analyses the changing connotations and perceptions of freedom that structured the discussion around this form of work organization. Since the Weimar Republic and until the 1950s in West Germany, a broad consensus rejected "Leiharbeit" (subcontracted employment) as a form of slavery—and thus as a restriction to the freedom of work. This consensus radically changed with the 1960s: Renamed "Zeitarbeit" (temporary work), it increasingly appeared as an expression of a particularly progressive form of free labour. Temporary work thus served as leverage to attract more women to the labour market and to break up the structures of the traditional employment relationship of the male industrial worker to his employer, which was now understood as unfree.

On the basis of the debates on "informal work," Sibylle Marti also deals with (re)interpretations of the freedom of work in contemporary history, whereby clear parallels to the discussion on temporary work become apparent. In her contribution, Marti examines the terms and visions used to paint a positive picture of informal forms of economic activity in the Federal Republic of Germany in the late 1970s and early 1980s. Different political orientations started to appreciate the freedom associated with informal work while at the same time criticising the lack of freedom in existing labour relations. Proponents of neoliberal economic ideas were thus able to legitimize their demands for a "deregulation" of labour markets and a "flexibilization" of wages and working hours, whereas proponents of alternative economies emphasized the potential of the informal or self-service economy to create "freer"—ostensibly more fulfilling—working and living arrangements.

Third, as the contributions mentioned thus far have shown, we need to consider the function of freedom in the struggles over the meaning of labour. What concepts of free labour have been used in the historiography on the one hand and by various historical actors concerned with labour (politicians, authorities, scientists and the like) on the other, including, not least, the labouring subjects themselves, across world regions, historical periods and relations of production? What role did freedom as a norm play in the labour movement and in other social movements? In turn, what notions of unfree labour did different actors contrast to free wage labour? How did they understand the entanglements of the different labour relations in global capitalism? In her contribution, Sibylle Röth examines the prehistory of Marx's conceptualization of the "doubly free wage labourer," who was characterized by personal or legal freedom on the one hand and economic propertylessness on the other, which forced him to sell his labour power. Röth examines the debate on the abolition of serfdom in late German Enlightenment discourses. She demonstrates that liberal Enlightenment thinkers justified abolition by appealing to the notion of personal freedom, which they considered to be guaranteed by natural law. In contrast, they almost completely ignored the economic preconditions necessary for the realization of this freedom. Röth argues that this liberal blind spot cannot be explained by a "bourgeois" Enlightenment ideology or by the emergence of a previously unknown pauperization, but was the result of the very structure of the contemporary discourse. The fact that conservative advocates of serfdom emphasized the importance of economic independence blocked liberal opponents of serfdom from referring to this problem. The arguments for and against the abolition of serfdom were thus co-determined by the political positions of the participants in the debate.

Like Röth, David Mayer examines a subject seemingly peripheral to the debates on the relationship between the freedom of labour and capitalism. In his contribution, he analyses changing conceptions of labour in the Latin American labour historiography of the late twentieth century. Focusing on Argentina, he demonstrates that the broader concept of labour in use in academic discussions about free labour in the 1960s narrowed in the 1980s. This was the result not only of scholarly controversies about Latin America's place in the history of capitalism, but also correlated with contemporary political debates and constellations. While many intellectuals linked their advocacy of revolutionary upheavals in the 1960s to a broad understanding of labour, their support for (re)democratization in the 1980s was connected to a focus on the "doubly free wage worker." Here, notions of democratic inclusion went hand in hand with conceptions of a relatively homogeneous society. Mayer's contribution further illuminates the relationship between the history of labour and the history of capitalism by highlighting how historiographical conceptions of labour and capitalism are often mutually dependent. Mayer also challenges the often implicit assumption of a linear development of the understanding of labour in global labour history from a narrow focus on free wage labour to a broader emphasis on multiple forms of dependent labour.

Fourth, with a view to the future of labour history-writing and its relevance to a history of capitalism, what are the advantages and disadvantages of a more explicit emphasis on the freedom of labour or its increased theorization? Are there blind spots in the existing research on labour that become apparent through a focus on free wage labour? Might this be a way of linking different research strands on labour and capitalism, as well as the new social and cultural history of labour and global labour history, more closely? Additionally, what other concepts might be useful for the future development of the historiography of labour? Does it make sense, for example, to start from a non-specific concept of labour and to understand free wage labour simply as one variety? As Marco Tomaszewski argues in his contribution, the diversity of forms of labour and labour relations explored within new labour history requires analytical tools that overcome the geographical and temporal biases inherent to the concept of labour. Instead, he suggests the use of the broader concepts of "livelihood activities," which refers to the social and material practices of earning a livelihood, and "Lebenslage" (life situation), which describes the external conditions for action of a person or a group, including their social and legal status, place of residence and origin, age, gender, access to information and economic resources, and thus determines the structural foundation of livelihood activities.

The contributions to this issue are characterized by the systematic use of freedom as an analytical perspective on the history of labour in capitalism. Since the late eighteenth century, striving for and reclaiming the freedom of labour has constituted a continuous field of symbolic, social and political conflict, and laid the groundwork for the establishment of an economic and legal codification of labour after the ancient régime. At the same time, the notion of freedom was used to not only stabilize and defend the traditional employment contract system, but also to undermine it. The notion was thus pivotal in negotiating the relationship between capital and labour. Against this background, focusing the history of capitalism and the history of labour through the lens of conflicts on freedom refers to fundamental questions in economic, social and cultural history. To what extent and under what circumstances has labour been conceived of as commodified and commodifiable? If so, was the commodification of labour interpreted as a gain in freedom or as its inverse? Did the societal organization of labour exclusively follow economic constraints, or did it also appeal to societal norms, derived from criteria such as gender, nationality, religion, race and class? Further research must focus on the double role of free labour in the moral economy of capitalism: Referring to notions of freedom, organized labour acted as moralizing force. At the same time, driven by diverse political interests, the "freedom of labour" figured as a crucial object of moralization in society as a whole.

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Jan De Graaf

The Meaning of Free Labour after the Second World War: Worker Protest against *Arbeitsverpflichtung* and *Mobilisation Civile* in Postwar Germany and Belgium

Abstract

This article analyzes the impact of notions of "free labour" on industrial conflicts in postwar Europe. More specifically, it compares worker resistance against the (re-) introduction of labour conscription in two coal basins: the Ruhr in Germany and the Hainaut in Belgium. As coal was vital to the reconstruction effort, governments in both countries issued decrees that either compelled workers to accept a job in the coal sector or prohibited miners from changing jobs. If *mobilisation civile* in Belgium and *Arbeitsverpflichtung* in Germany were similarly ineffective in addressing the fundamental problems plaguing the coal sector, miner resistance against these schemes took very different forms in the two regions. In the Hainaut, the reintroduction of wartime constraints triggered a strike wave that was couched in a language of worker rights and freedoms. In the Ruhr, workers representatives steered clear from such ideological arguments, but saw the labour conscripts vote with their feet and abandon the coal mines en masse. In linking these differences to their pre-war and wartime legacies, the article draws attention to the longue durée of controversies over (un)free labour in democratic Western Europe.

Keywords: *free labour; labour conscription; coal mining; Western Europe; postwar reconstruction*

The end of the Second World War represented a watershed moment in the recognition of workers' rights as human rights. Where an earlier generation of international activists and reformers had mostly focused their energies on improving working conditions, the horrors of Nazi labour policies convinced those drawing up blueprints for the postwar world that the rights and freedoms of workers had to be enshrined in law. In its Philadelphia Declaration of May 1944, ceremonially signed by President Franklin D. Roosevelt at the White House, the International Labour Organization stipulat-

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ed that "labour is not a commodity" and listed a whole series of worker prerogatives: freedom of expression and association at work, the right to freely pursue their material well-being, and the right of collective bargaining.[1] These efforts on the part of labour campaigners to push the issue of workers' rights up the human rights agenda bore fruit. The Universal Declaration of Human Rights, ratified by the United Nations in December 1948, not only proscribed slavery in all of its forms (Article 4) but also accorded workers free choice of employment, equal pay for equal work, an existence worthy of human dignity, the right to form and join trade unions (Article 23), and the right to rest and leisure (Article 24).[2]

Much as "the spirit of Philadelphia" has been celebrated by labour activists and historians alike, controversies over workers' rights and freedoms would continue to rage over the following years.[3] The proper definition of (un)free labour was hotly debated between the Eastern and Western camps within the United Nations, with the former wanting to broaden the concept of forced labour to include work under the threat of unemployment in capitalist countries and the latter keeping to a narrower understanding of work under duress in the labour camps that were so widespread in the Communist bloc.[4] These arguments over what constituted free labour were not limited to theoretical debates in the smoke-filled conference rooms in which international organizations deliberated, but were also fought on the ground in liberated Europe. For the end of the war did not immediately spell the end of unfree labour across the continent. Governments in East and West drew extensively on the forced labour of prisoners of war and former collaborators to address a desperate manpower shortage in vital sectors such as agriculture and mining.[5]

To understand the continuity of such constraints across the 1945 divide, it is crucial to consider the deep imprint that forms of unfree labour had left on wartime societies. The war had of course seen military conscription, but also normalized labour conscription. In fact, compulsory labour for civilians was implemented not only in Nazi Europe, but also in democratic Great Britain. Here, many thousands of young

1 Declaration concerning the aims and purposes of the International Labour Organisation, 10 May 1944. www.ilo.org/dyn/normlex/en/f?p=1000:62:0::NO:62:P62_LIST_ENTRIE_ID:2453907:NO#declaration (last consulted: 18 January 2021).

2 Universal Declaration of Human Rights, 10 December 1948. www.un.org/en/universal-declaration-human-rights/ (last consulted: 18 January 2021).

3 Alain Supiot, *L'esprit de Philadelphie: La justice sociale face au marché total* (Paris: Éditions du Seuil, 2010).

4 Sandrine Kott, "The Forced Labor Issue between Human and Social Rights, 1947–1957," *Humanity: An International Journal of Human Rights, Humanitarianism, and Development* 3, no. 3 (2012): 321–335.

5 Hanna Diamond, "'Prisoners of the Peace': German Prisoners-of-War in Rural France 1944–48," *European History Quarterly* 43, no. 3 (2013): 442–463; Jerzy Kochanowski, *W polskiej niewoli: niemieccy jeńcy wojenni w Polsce, 1945–1950* (Warsaw: Neriton, 2001).

men—the so-called "Bevin Boys," named after the Minister of Labour who had ordered labour conscription—were sent to work in the mines from 1943 onwards, with the last conscripts only released in 1948.[6] This already points to the fact that the problems that governments were facing in the coal sector did not disappear in 1945. In many European countries, coal mines were kept on a war footing for years after the liberation. As "battles" to produce more coal were proclaimed, miners were often likened to soldiers in a narrative that went back to the First World War.[7] Yet, soldiers, especially those in active battle, are of course not free labourers in a Philadelphian sense. This article thus focuses on the tensions between the demands of postwar reconstruction and workers' rights and freedoms.

To that end, the article deals with one set of workers' rights that was infringed upon in the name of postwar reconstruction: the free choice of employment and the right to change jobs. More specifically, it explores the response to decrees either compelling workers to accept a job in the coal sector or prohibiting miners from terminating their contracts. Coal, without which industry as a whole could not be put back on its feet, was of course vital to the reconstruction effort, and governments were desperate to stop the post-liberation exodus from the mines. Yet, the coercive measures they implemented to drive up coal production reminded coal miners and trade unionists alike of Nazi campaigns to requisition workers for key sectors.

The article compares labour movement reactions to the (re-)introduction of labour conscription in two postwar coal basins: the Hainaut in Belgium and the Ruhr in Germany. In both regions, a roughly similar scenario played out in the wake of the war. As the coal sector struggled to recruit and—in particular—to retain manpower, governments issued ordinances forcing workers to the mines and criminalizing no-shows. Yet, these measures were resisted by the miners and did not deliver the expected results, forcing governments to eventually trade the stick of coercion for the carrot of improved conditions. Insofar as the struggles over the restrictions placed upon workers' rights have been addressed in historiography, it is mostly in the context of the postwar production drive, the trade union rivalries between communists and social democrats, or the legal framework that facilitated labour conscription.[8] In contrast,

6 Tim Hickman, *Called Up, Sent Down: The Bevin Boys' War* (Stroud: The History Press, 2008).

7 Nicolas Verschueren, "Mineur au front, soldat au fond. La formation d'une icône de la classe ouvrière," *Revue du Nord* 417, no. 4 (2016): 855–870.

8 Martin Conway, *The Sorrows of Belgium: Liberation and Political Reconstruction, 1944–1947* (Oxford: Oxford University Press, 2012), 143–146; Mark Roseman, *Recasting the Ruhr, 1945–1958: Manpower, Economic Recovery, and Labour Relations* (New York: Berg Publishers, 1992), 28–45; Guy Coppieters, "L'État, un mauvais industriel? De strijd om het Belgische steenkoolbeleid, 1901–1951," PhD diss., Vrije Universiteit Brussel (2017); Rik Hemmerijckx, *Van Verzet tot Koude Oorlog: 1940–1949. Machtsstrijd om het ABVV* (Brussels: VUB Press 2003), 175–178; Matthias Krempl, "'Eine wirkliche Menschenpflege'. Ar-

this article studies these struggles from the perspective of free labour. It explores how miners responded to the violation of workers' rights by governments that were, rhetorically at least, committed to freedom and democracy. To what extent was resistance against labour conscription informed by conceptions of free labour? What impact did the Nazi experience have on the framing of grievances over the retention of wartime restrictions? And did the struggles to restore the free choice of employment expose any rifts within the postwar labour movement?

The article answers these questions on the basis of primary sources from state and trade union archives, including strike reports, resolutions adopted by workers, and trade union bulletins. In doing so, it brings to light interesting contrasts between miner pushback against state coercion to in the two regions under review. Whereas industrial protest in the Hainaut was outspoken and couched in a language of fundamental workers' rights, resistance in the Ruhr was subtler and mostly steered clear from grand ideological arguments. To account for these divergences, the article first sketchs the post-liberation situation in the two coal basins. Although pits in both regions suffered from a disastrous shortage of manpower, the diverse legacies of the war years not only affected the policy instruments that governments had at their disposal to restrict workers' rights, but also shaped the responses of trade unionists and miners to these policies. The second and third sections deal with these responses, addressing the strike wave in the Hainaut coal mines after the Belgian government passed its *mobilisation civile* (civil mobilization) decrees in April 1945 and the mass absenteeism among those who were requisitioned for work in Ruhr pits under the *Arbeitsverpflichtung* (labour compulsion) order issued by the Allied Control Council in January 1946. In doing so, the article demonstrates how worker defiance of labour conscription in postwar Belgium and Germany, even if the outcome was similar, drew its inspiration from completely different experiences.

Mobilisation civile and *Arbeitsverpflichtung* were above all responses to the sluggish revival of the coal sector in the initial months after the liberation. The twin effects of war and liberation—the disruptions and devastations caused by bombing campaigns, the social conflicts that characterized the liberation era, and the release of forced labourers—had seen coal production in both the Hainaut and the Ruhr drop to the lowest levels on record. Despite the best efforts of incoming governments to facilitate a speedy revitalization of the coal sector, daily output stalled far below prewar averages.[9] If this was the result of the collapse of both the number of miners and their productivity, it was only the former that governments could affect in the short term.

beitsmarktbehördliche Zwangsmaßnahmen nach dem Zweiten Weltkrieg in Österreich und Deutschland im Vergleich," *Beiträge zur Rechtsgeschichte Österreichs* 6, no. 1 (2016): 43–57.

9 In Belgium, coal output in February 1945 stood at only 20 percent of 1938 levels. Philippe Sunou, *Les prissoniers de guerre allemands en Belgique et la bataille de charbon, 1945–1947* (Brussels: Musée Royal de l'Armée, 1980), 5.

Within months of the liberation, therefore, officials in both countries were drawing up decrees directing desperately-needed manpower to the mines. In Belgium, this process was set in motion when a fresh government—a broad coalition of socialists, communists, Catholics, and liberals under the leadership of the socialist Achille Van Acker—took office in February 1945. It immediately launched a "battle for coal" (*bataille du charbon*), upon which Van Acker staked his reputation: alongside his duties as prime minister, he took responsibility for the newly-created portfolio of minister of coal and chaired the Coal Cabinet that coordinated coal policy. Quickly nicknamed Achille Charbon (Achille Coal), Van Acker initially set out to make the mining profession more attractive. In his governmental declaration before parliament, he held out the prospect of a miner's statute (*Statut du Mineur*) that would offer miners full pensions after thirty years of service, exemptions from military conscription, a bonus for new recruits, and cheap mortgages to buy or build a house.

In the acute subsistence crisis that swept the Hainaut in the first months of 1945, however, such promises made little impact. The desperate shortages of basic foodstuffs saw miners leave the pits in droves to seek more profitable employment elsewhere. An April 1945 report on the "alarming exodus of miners" explained how management at the Grand Hornu pits in Boussu had received so many resignations that it feared underground operations would have to be wound down the following week. Worse, the majority of those who had given notice were experienced pitmen who could not be easily replaced, especially locomotive drivers, operators of special machines, and greasers. There was great demand for such skilled workers, who could easily find new jobs in the American military depots or across the border in the coal mines of northern France. In addition, these jobs came with wages and, especially, with benefits in kind—cigarettes, chocolate, wine, all of which were much sought after on the flourishing black market—that the Belgian coal sector simply could not match.[10]

With reports warning that the relentless "desertion from the mines" was threatening Belgian industry "in its very existence,"[11] the government decided to take radical measures. On 14 April 1945, it ordered a mobilisation civile for those sectors that were considered vital to the national economy: coal, electricity, and gas; water distribution, flour mills, yeast plants, and bakeries; and transport enterprises.[12] Under this decree, all workers currently employed in these sectors were prohibited from changing jobs, and all workers who had left these sectors since the liberation in September 1944 were forced to return to their old jobs or accept a job offered by the state. Coupled with a further decree freezing wages and banning strikes for a period of three months,

10 Report on exodus from the mines, 5 April 1945, Archives Généraux du Royaume, Brussels (hereafter AGR), Cabinets Affaires Économiques, 603.

11 Désertion des mines, 11 April 1945, AGR, Cabinets Affaires Économiques, 603.

12 André Woronoff, "Le mouvement social en 1945," *Bulletin de l'Institut de Recherches Économiques et Sociales* 12, no. 3 (1946): 258.

these measures completely undercut the strong bargaining position that (skilled) miners had enjoyed vis-à-vis their employers.

In occupied Germany, the Allied military governments did not in principal have to issue new decrees to direct workers to the mines, as the Nazi era Compulsory Service Law (*Dienstverpflichtungsgesetz*) remained in force. Enacted in February 1939, this law gave the labour exchanges (*Arbeitsämter*) the power to compel subjects of the Reich to perform work that was considered "particularly significant and urgent" in the context of the Four Year Plan and force companies to surrender their workers for the same purpose.[13] In practice, however, these powers were seldom brought to bear on (Aryan) Germans—on a large scale, only in the context of major programmes like the erection of the *Westwall* on the Franco-German border or the construction of the Hermann Göring Works in Braunschweig. Initially, the Allies used them conservatively as well. In the first months of the occupation, labour orders (*Arbeitsbefehle*) were primarily handed to former Nazis, who were forced to participate in rubble clearing and reconstruction work. All the while, though, problems were brewing in the mining sector that could hardly be resolved with punitive *Arbeitsbefehle*. In 1945, following the exodus of forced labourers, the Ruhr coal sector lacked approximately 80 000 miners. Simultaneously, there seemed to be a huge reservoir of manpower among the refugees and/or expellees who were entering the Western Zones in large numbers. It was against this backdrop that, in January 1946, the Allied Control Council ordered all working age people to register with and accept a job offer from the labour exchanges.[14] Even if the duty to work was re-branded as labour compulsion (Arbeitsverpflichtung), all Nazi era restrictions on free labour were kept in place. Most importantly, those who refused to accept a job stood to lose their ration cards and were thus faced with the prospect of acute destitution and starvation.

It must be stressed that both mobilisation civile and Arbeitsverpflichtung failed to achieve the desired increase in coal production. In the Hainaut, miners responded to the restriction on their freedoms with a weeks-long strike that forced the government into important concessions. It was only by turning to foreign labour—first German prisoners of war and later also Italian migrant workers—that Van Acker prevailed in his battle for coal.[15] In the Ruhr, the labour conscripts *en masse* voted against Arbeitsverpflichtung with their feet, with the majority of new recruits leaving the mines

13 Andreas Kranig, *Lockung und Zwang: Zur Arbeitsverfassung im Dritten Reich* (Stuttgart: Deutsche Verlags-Anstalt, 1983).

14 This was laid down in Control Council Decree Number 3 of January 1946. See: Enactments and Approved Papers of the Control Council and Coordinating Committee. Allied Control Authority, Germany, 1945-Feb. 1946, Berlin 1946.

15 Anne Morelli, "L'appel à la main d'oeuvre italienne pour les charbonnages et sa prise en charge à son arrivée en Belgique dans l'immédiat après-guerre," *Belgisch tijdschrift voor nieuwste geschiedenis/Revue belge d'histoire contemporaine* 19, no. 1–2 (1988): 83–130.

within a matter of days. The struggle against absenteeism would only be won when a "points system" was introduced in January 1947 that linked access to scarce consumer goods to completed shifts. If miners in both coal basins thus succeeded in defeating the assault on their freedoms at work, their resistance to labour conscription not only took different forms but was also framed in a wholly different language.

On Strike against Mobilisation Civile

One of the more striking aspects of the strike wave against the mobilisation civile was that it only broke out a few weeks after the measures were announced in mid-April 1945. That is of course not to argue that miners initially welcomed labour conscription. Toward the end of the month, reports from the pits were already warning of protest strikes against the restrictions of the right to freely choose and change jobs.[16] In fact, even the mention of the mobilisation civile seems to have had an inflammatory effect on miners. This was experienced first-hand by a state official who intervened in an unrelated strike (triggered by a pit-based conflict over production measurements) at the Anderlues pits on 2 May. In his efforts to broker a deal that would see a return to work, he "gently" reminded miner-delegates that strikes were not allowed under the mobilisation civile decrees. This elicited an angry response from the delegates, who responded in no uncertain terms that "they would be no more intimidated by Belgians than they had been by Germans during the occupation."[17]

The memory of the German occupation would be invoked time and again in protests against the mobilisation civile. From that perspective, it makes more sense that the beginning of the strike wave would coincide not so much with the coming into force of the decrees in mid-April as with the final Allied victory over Nazi Germany in early May, as the end of the war in Europe contributed to the strikes in more than one way. The return of political prisoners from German camps, with horror stories about their treatments at the hands of the Nazis, ushered in a febrile atmosphere both on the streets (with fresh retributions against former collaborators) and on the shop floor (with fresh demands for the expropriation of the coal barons). The cessation of hostilities also meant that those skilled miners who had taken up employment with the US Army, a group that the Belgian government had been unable to requisition for the duration of the war, faced a substantial loss of income as they were forced to return to the mines. Most importantly, there was a widespread feeling that the liberation of Eu-

16 Report on miner demands in relation to mobilisation civile, 21 April 1945, AGR, Cabinets Affaires Économiques, 603.

17 Report on strike at Anderlues pits and applicability of mobilisation civile decrees, 2 May 1945, AGR, Cabinets Affaires Économiques, 603.

rope should mean the end of wartime restrictions on individual freedoms—in short, that far-reaching measures might justifiable in the struggle against Nazi Germany, but had no place in a free Belgium and a free Europe.[18]

The strikes against the mobilisation civile formally began on 7 May, after an ultimatum set by the communist Syndicats Uniques des Mineurs to withdraw the decrees (and meet a series of other bread-and-butter demands) ran out. After communist delegates voted for a general strike at a meeting in Quaregnon, a placard was affixed to pits across the Tournai region falsely claiming that the decision to call a general strike had been made jointly by the Syndicats Uniques and the socialist Miner's Confederation.[19] Nonetheless, it would be a mistake to see the strikes as merely a communist ploy. For that, the strike movement spread too quickly and too spontaneously across the Hainaut coal basin.

Over the following days, the strike wave paralyzed the Hainaut coal sector, setting in motion a process that would eventually overwhelm communist trade unionists just as much as their socialist and Catholic counterparts. In many ways, this had already been clear before the beginning of the strike wave. A report on the threat of a general strike dated 5 May noted how the movement was often "not led and commanded by pit delegates," who were faced with the prospect of being arrested if they fomented a strike, but who were "overtaken in their demands by the masses themselves."[20] As it was clearly unfeasible to arrest thousands of striking miners at once, the movement was nearly impossible to control. In fact, the strikes frequently appeared completely leaderless to police observers: "When miners arrive for work in the morning, they assemble around the tram exit and talk among themselves. There are no designated speakers. After brief discussions, someone says, 'we will not work' and the miners return home."[21]

At the outset, the strike wave offered communist trade unionists a great opportunity to strengthen their position among the miners. For even though the Belgian Communist Party was a member of the governmental coalition that had implemented mobilisation civile, the decrees very much bore Van Acker's signature. In countless leaflets and tracts spread across the basin, the Syndicats Uniques thus appealed to miner anger

18 A tract published by communist trade unionists in the Charleroi region at the height of the strike wave argued that the mobilisation civile had "lost its raison d'être, given that the war in Europe is over." Tract published by Regional Federation of the Syndicats Uniques des Mineurs in Charleroi, May 1945, Institut de Histoire Ouvrière, Économique et Sociale, Seraing (hereafter IHOES), Fonds Théo Dejace, 11 Syndicats 1945–46, 3 Mines 1945.

19 Report on strikes in the coal mines of the Hainaut, 19 May 1945, AGR, Haut-Commissariat à la Sécurité de l'État, 1656.

20 Report on situation at Maurage pits and threat of a general strike, 5 May 1945, AGR, Cabinets Affaires Économiques, 603.

21 Report on strikes in the coal mines of the Hainaut, 19 May 1945, AGR, Haut-Commissariat à la Sécurité de l'État, 1656.

over the restrictions on their freedoms by attacking Van Acker and, by extension, the Miner's Confederation, for re-introducing Nazi methods. "Free labour," explained a leaflet published by the Syndicats Uniques in the Borinage region, "is rooted in the Belgian Constitution. It has always been respected by the governments that came and went since 1830 [when Belgium became an independent country—JG]. Only the fascism of totalitarian countries has destroyed this right, which belongs exclusively to the working class." With "methods from the other side of the Rhine," it went on, mobilisation civile "strangled" workers; not only by preventing them from "profiting from their professional qualifications and technical knowledge," but also by placing them "at the mercy of the bosses." The decrees, "adopted by representatives of the working class," were therefore "unjust and odious," representing "an insult to the sovereignty of labour so fiercely defended by the various trade unions in Belgium."[22]

The backlash against the decrees was further fuelled by the dismissive attitude that socialist leaders initially took toward the strikes. During meetings with miner representatives in Mons and La Louviere on 11 May, socialist Minister of Labour and Social Security Léon-Éli Troclet lamented the "futile pretexts" of the strikes.[23] While his pleas for work to be resumed immediately were backed by speakers of the socialist and Catholic mining unions, the communist speakers defended the strikes; the meetings ended in acrimony. With reports that the strikes now threatened to spread to sectors that did not even fall under the mobilisation civile, socialist trade unionists changed tack. On 15 May, socialist and communist leaders of the newly-unified General Federation of Belgian Labour met with Van Acker personally to try and get the decrees off the table.[24] Their opening demand for the mobilisation civile to be suspended for a period of one month, during which miners were to demonstrate that production could also be increased without labour conscription, was rejected out of hand by the prime minister.[25] The only concession that Van Acker was willing to make was to allow miners to change jobs within the coal sector and across regions (i. e. between different pits). In return, however, trade unionists had to accept that the mobilisation civile and the concomitant strike ban would be extended to all sectors. They were also expected

22 'Pourquoi les mineurs font la grève?', May 1945, Rijksarchief Brugge, Archief Achille Van Acker, 641.

23 Report on intervention of government members with miners, 11 May 1945, AGR, Cabinets Affaires Économiques, 603.

24 On the cross-sectoral and national level, communist and socialist trade unions had merged in April 1945. Nevertheless, the fusion had not yet been carried through at the sectoral level, where communist and socialist trade unions still operated independently. The looming merger of Syndicats Uniques des Mineurs and the Miner's Confederation, and the struggle for leadership positions in the unified mining union, helps explain why the question of mobilisation civile was so fiercely contested between communist and socialist trade unionists.

25 Protocol of meeting of National Committee of *Syndicats Uniques des Mineurs*, 19 May 1945, IHOES, Fonds Théo Dejace, 11 Syndicats 1945–46, 3 Mines 1945.

to interrupt all strikes until the Comité National Mixte des Mines (CNMM), the corporatist body that brought together state representatives, coal barons, and trade unionists in the mining sector, had taken a position on the various bread-and-butter demands that accompanied the strikes.

This compromise was celebrated as a major victory for freedom by the Miner's Confederation. "We have achieved that miners can change jobs within the mining sector, thereby safeguarding their freedom", exulted a pamphlet of the Miner's Confederation in the Borinage region. Yet, it divided elites and grassroots within the Syndicats Uniques.[26] The resolution that national communist trade union leaders put before their regional branches—promising an eight-day interruption of the strikes to allow the CNMM to meet on 22 May, but threatening to resume the strikes for 48 hours per week (i. e., to strike for two working days each week) if miner demands were not met—attracted much criticism from regional delegates. The implicit acceptance of mobilisation civile (since this fell outside of the CNMM's competencies) was alluded to by the delegate for the Basse-Sambre region, who declared that "we are free men in a free country" and that he would vote against the resolution. The delegate for the Borinage made clear that miners in his region would not accept these marching orders: "the situation is such that it is impossible to retreat."[27]

Even if the resolution was eventually adopted by a majority, it proved difficult to implement on the ground. A situational report of 22 May noted that, of the three regions that made up the Hainaut coal basin, there had only been a general resumption of work in Charleroi. Out of the 20 pits in the Centre region, only eight had voted to resume work, with a further nine wanting to wait until after the CNMM had met. In the Borinage region, miners had rejected the resolution altogether and decided to continue the strike. In each of the regions, the report went on, the abolition of mobilisation civile remained the "principal focus" of miner demands, suggesting that the olive branch offered by Van Acker and accepted by trade union leaders had failed to dent miner resistance to the restriction of their freedoms. What was worse for the Syndicats Uniques was that miners were refusing to pay their membership dues, which was attributed not only to a recent increase of the contribution, but also to "miner dissatisfaction with the S.U."[28]

26 As a pamphlet of the Miner's Confederation in the Borinage region claimed: "We have achieved that miners can change jobs within the mining sector, thereby safeguarding their freedom." See: 'Aux mineurs, À la population', May 1945, IHOES, Fonds Théo Dejace, 11 Syndicats 1945–46, 3 Mines 1945.

27 Protocol of meeting of National Committee of *Syndicats Uniques des Mineurs*, 19 May 1945, IHOES, Fonds Théo Dejace, 11 Syndicats 1945–46, 3 Mines 1945.

28 'Situation des Mineurs', 22 May 1945, IHOES, Fonds Théo Dejace, 11 Syndicats 1945–46, 3 Mines 1945.

When the CNMM failed to meet the demands of the Syndicats Uniques, the movement had already lost much of its momentum. At a meeting of its regional leaders, many speakers vented their frustration over the reprieve that had been handed to the government. They made it clear that miners were opposed to the scheme to strike for 48 hours per week and had wanted to remain on strike until all of their demands were met. Now that work had resumed in many pits, however, it would be very difficult to set the strike in motion once more. Even in the Borinage, which had been at the forefront of the struggle, miners had gone back to work on 23 May, since they had "understood that their strike had become pointless, as it was isolated and abandoned by all trade union organizations."[29] To save it from embarrassment, the national leadership of the Syndicats Uniques tried to call a referendum, which gave miners four options to continue the struggle: actions outside of working hours, a 24-hour general strike, to strike for one day every week, or a non-stop strike. Yet the referendum, which was disavowed by the socialist and Catholic mining unions and did not resonate with miners, never got off the ground. By late May, calm had been restored in the Hainaut coal mines.

What remained was much anger. In a pamphlet of the Syndicats Uniques in the Centre, Van Acker was virulently attacked. His mobilisation civile recalled "fascist methods" in "handing workers, hands and feet tied, to their exploiters." Miners had shown restraint by suspending the strikes to allow their trade union representatives to defend their interests before the CNMM. But "neither the government nor collaborator bosses [*patrons Kollaborateurs*] wanted to do justice to miner demands." After the government ministers who had participated in the CNMM "resolutely took the side of the exploiters," a worker delegation was dispatched to Van Acker. He "wanted to hear nothing of it" either: "Here are the words of that aspiring dictator: 'The strikes must end, and I will make them end.'" The prime minister "had better reconsider," warned the pamphlet, "as workers will remember and will not let themselves be fascistized [*fascistiser*] by anyone, not even by a former worker like Mr. Van Acker." For "miners want to live and work as free men. Why else […] were millions of lives sacrificed? Was that sacrifice a ploy?"[30]

Even though Van Acker managed to defeat the strike wave in the short term, the mobilisation civile failed on its own terms. It did not contribute to winning the "battle for coal," which was only achieved by tapping into new veins of manpower. It did not deter further strikes in the mines, which broke out with fresh vigour when King Leo-

29 Protocol of meeting of National Committee of *Syndicats Uniques des Mineurs*, 24 May 1945, IHOES, Fonds Théo Dejace, 11 Syndicats 1945–46, 3 Mines 1945

30 'À la Population, À tous les Travailleurs', May 1945, IHOES, Fonds Théo Dejace, 11 Syndicats 1945–46, 3 Mines 1945.

pold III expressed his intention to return to Belgium in mid-June.[31] Most importantly, it did lethal damage to Van Acker's efforts to restore the mining profession to its former glory, since forcing miners to stay in their jobs hardly enticed new recruits to the pits. Small wonder, then, that absenteeism remained high, morale low, and output per worker kept dropping into 1946; as reports to the Prime Minister made clear, "far from being an elite occupation, the mines had tended to become a refuge for the marginal elements of society."[32]

Arbeitsverpflichtung and Absenteeism

The amelioration and rejuvenation of the mining profession was also a key concern for German elites. Even during the war years, when a steady supply of forced labourers propped up the Ruhr coal mines, functionaries remained occupied with solving recruitment issues. A report, drawn up by an overseer at the Rheinelbe pits in Gelsenkirchen in 1941, warned that the challenges facing the Ruhr coal sector could not be solved by (forced) foreign labour alone. To win over German recruits, it was imperative that miners receive better wages, as "we cannot normalize poverty." This would also require improving the health and safety situation underground, for "many miners are not sending their sons to the pits because of [the risk of] silicosis [an occupational lung disease]."[33]

The exodus of forced labourers in the wake of the liberation rendered this problem acute and helps explain why some trade union leaders were initially willing to go along with or facilitate the Arbeitsverpflichtung. When the labour conscription decree was issued by the Allies in January 1946, there was no reaction whatsoever either from trade unionists or indeed from the miners themselves. While the leaders of the Mining Union (Industrieverband Bergbau, IVB) later declared that they had opposed the decree all along, it was only when the mass arrival of newcomers started to make

31 Having clashed with the Belgian government over who had the supreme command over the army in the wake of the Nazi invasion of 1940, King Leopold refused to be evacuated with the government and surrendered to Germany on 28 May. He was initially made a prisoner of war at his palace in Brussels but met with Hitler in November. After the D-Day invasions, he was shipped off to the Reich and was liberated by the US Army near Salzburg in May 1945. His plans to return to Belgium the following month evoked a strong reaction especially in Wallonia, which had suffered more under the occupation than Flanders and where the King was widely seen as a traitor. See on this theme, Jan Velaers and Herman van Goethem, *Leopold III: de koning, het land, de oorlog* (Tielt: Lannoo, 2001), 912–945.

32 Conway, *The Sorrows of Belgium*, 266.

33 Report on recruitment problems in coal sector, 1941, Bergbau-Archiv Bochum, BBA 41/779.

itself felt on their rank and file in the works councils and on the shop floor that they spoke up.

The integration of thousands of "untrained" (*berufsfremde*) workers, who were not there out of their own free will, presented insurmountable problems. The bulk of the forced recruits either never made it to the pits, managing to slip away *en route* to the Ruhr, or escaped within days of starting their new jobs, often taking valuable work clothing and equipment with them. As a result, there was a massive turnover among the labour conscripts: out of the 60 000 workers who had been dispatched to the coal basins, only 18 000 remained by late March.[34] Works councillors, who were responsible for the integration of the newcomers at pit level, complained bitterly about both the overly rosy prospects of life as a coal miner proffered by the labour exchanges and the brazen attitudes that the young recruits took toward their superiors. Worse, the labour conscripts generally showed "little desire and determination to fully commit themselves to their job,"[35] which not only impacted their own productivity, but also negatively affected the labour morale of the permanent workforce.

As it became increasingly clear that the Arbeitsverpflichtung could not deliver the longed-for increase in coal production, trade unionists grew more vocal in their opposition to the scheme. Yet, their criticism of labour conscription was framed around existing demands for higher wages and better housing rather than around universal workers' rights and freedoms. The leader of the Oberhausen branch of the IVB complained bitterly that trade unionists had done all they could "to make life a little more pleasant" for the new recruits by organizing theatre and cinema showings, hosting musical performances, and providing radios and newspapers in their accommodations. That 80 per cent of them had nonetheless left the Ruhr, he went on, was due to their malnourishment, poor wages, and inadequate housing.[36] The living conditions of the labour conscripts were "unbearable. We have often seen that these workers do not earn enough to cover social security contributions, rent, canteen catering, and the cost of their work clothing. That is, they still owe their employer money at the end of the month." The housing situation was also terrible, "as they have to live in the barracks in which prisoners of war used to be held." What made this all the more poignant was that quite a few of the conscripts were returning prisoners of war themselves.[37]

Even though the conditions under which the labour conscripts were forced to work not only elaborated upon Nazi-era restrictions on free labour but even mim-

34 Roseman, *Recasting the Ruhr*, 28–34.

35 Report on the situation in the Ruhr coal sector, December 1946, Landesarchiv Nordrhein-Westfalen, Abteilung Westfalen, Münster, 7579.

36 Radio report on Arbeitsverpflichtung in the coal sector, 16 August 1946, Landesarchiv Nordrhein-Westfalen, Abteilung Rheinland, Duisburg (hereafter LAV-NRW R), RW 202 Nr. 40, fo. 18.

37 Situational report on miners in the Ruhr, 1946, LAV-NRW R, RW 202 Nr. 40, fo. 22.

icked the(ir) wartime experience of captivity, worker protests against the Arbeitsverpflichtung did not invoke the notion of freedom. This became very clear in mid-1946, when the military government, in a desperate attempt to stop the exodus of the new recruits, published the punishments (up to four months in prison) that the labour courts had recently handed to workers for "idling" (*Bummelei*). While these rulings caused "great dissatisfaction and distrust vis-à-vis the military government among miners," this was not because of their violation of the freedom to change (or quit) jobs. Rather, miners felt that "these punishments were issued with a view to increase coal production," which would be impossible to achieve under the dire food situation and without adequate technical gear.[38]

Insofar as freedom was referenced at all by contemporaries, it was almost exclusively through the prism of expediency. German elites tended to argue that free labour was preferable to labour conscription not so much on grounds of principle, but simply because it delivered better results. In discussions on the limited success of the Arbeitsverpflichtung with British military governors, IVB First Secretary August Schmidt explained that Germans were "free labourers, who are not familiar with coercion in this respect." Yet, rather than reclaiming full freedoms for his rank and file, he went on to suggest that the forced recruits be given the opportunity to sign a declaration as to whether they wanted to stay in the mines after completing one month of labour conscription.[39] Similarly, the former president of the Westphalian labour exchange and incumbent (social democratic) minister of labour in the North Rhine-Westphalian government, August Halbfell, declared that "conscription in the mines has proven itself worse than voluntary labour." For "where there are too few people, even conscription cannot produce more."[40]

At the same time, certain trade unionists were in favour of keeping and even extending the Arbeitsverpflichtung in their quest to revitalize the coal sector. A late 1946 position paper of the Dortmund branch of the IVB argued that the current measures would not solve the recruitment problems of the Ruhr mines. Most of the young conscripts could only be deployed as apprentices (*Hilfskräfte*) to hewers, and the ratio between apprentices and hewers was already completely out of balance. Of course, these youngsters could be trained into skilled hewers, but these efforts were complicated by the fact that the Arbeitsverpflichtung in the pits was limited to one year (or 300 shifts). Although the paper spoke out against a universal Arbeitsverpflichtung, it recommended to "continue to an increased degree the conscription of individual workers, from whom a proper miner performance [*bergmännische Leistung*] could be

38 Police report on situation in Gelsenkirchen, 12 July 1946, Institut für Stadtgeschichte Gelsenkirchen, GE 39–423; Chronik der Stadt Gelsenkirchen, 1946, p. 137.

39 Archiv für soziale Bewegungen, Bochum, Archiv Industriegewerkschaft Bergbau und Energie, Signatur 19247.

40 "Die Ruhr antwortet dem Weltgewerkschaftsbund," *Rhein-Ruhr Zeitung*, 17 January 1947.

expected in the foreseeable future." Their conscription, moreover, was to be extended to 18 months (or 450 shifts).[41]

It was only when it became convenient from a political perspective to invoke free labour that German elites changed their tune. A first opportunity to do so emerged in January 1947, when the communist-led World Federation of Trade Unions adopted a resolution stipulating that forced labour had to be maintained in the Ruhr mines so as to provide the world with coal. By that time, the military government had mostly abandoned the Arbeitsverpflichtung (even though the decree remained in place) in favour of the points system,[42] meaning that trade unionists were on safer ground in their condemnation of the resolution. In doing so, they for the first time used the more ideologically charged rhetoric familiar from the campaign against the mobilisation civile. According to Heinrich Peterburs, a provincial politician for the German Centre Party as well as a coal miner and works council member at the Essen-Rosenweg pits, the resolution "made it crystal clear to the German worker that it will be left to him alone, without international help, to become the master of his own fate once more." In fact, he suggested that German workers would draw their inspiration from the struggles of (European) workers under Nazi rule to show that they were not "the disenfranchised workers of a defeated people." For "we will be able to defend ourselves against those methods, for the abolition of which workers in other countries have also shed their blood."[43] Speaking to a General Assembly of the Mining Union, IVB Secretary Heinrich Gutermuth was blunter about the attack on free labour entailed in the resolution. The only thing that could be said about the resolution, he scolded, was that it "is nothing short of an earlier demand by [Heinrich] Himmler, who also gave the order to enslave [*zwangsverschleppen*] foreign workers."[44]

These attacks had the desired effect insofar as they forced the communist delegation of the World Federation of Trade Unions in Berlin to issue a hurried clarification explaining that the resolution had merely been "a proposal" and that no decisions on the subject would be taken without consulting German trade unionists first.[45] Over the next couple of years, West German trade unionists labour would increasingly use

41 Position paper of the IVB Dortmund on Arbeitsverpflichtung, 15 November 1946, Archiv der sozialen Demokratie, Bonn (hereafter AdsD), Archiv des Deutschen Gewerkschaftsbundes, Bestand Deutscher Gewerkschaftsbund (Britische Zone), 5/DGA000449, fo. 210.

42 Transcript of interview with Henry Collins (the post-war director of North German Coal Control) on Nordwestdeutsche Rundfunk, 27 February 1950, BBA 16/1651.

43 Quoted in: "Punktsystem im Ruhrbergbau eingeführt," *Neue Westfälische Kurier,* 14 January 1947.

44 General Assembly of the Mining Union at the Emscher-Lippe pits, 19 January 1947, BBA 35/234.

45 Declaration of delegation of World Federation of Trade Unions in Germany, January 1947, AdsD, Archiv des Deutschen Gewerkschaftsbundes, Bestand Deutscher Gewerkschaftsbund (Britische Zone), 5/DGA000074, fo. 46.

controversies over labour conscription as a stick to beat the communists with—their own role in facilitating the Arbeitsverpflichtung becoming a distant and distorted memory. A late 1948 article on labour conscripts fleeing the Soviet Zone in a Bavarian trade union journal shows this very clearly: After addressing the horrors told by miners who had escaped Communist rule in East Germany, it went on to sketch the situation in the Western zones of occupation. It insisted that the free choice of employment constituted a "basic demand" of the labour movement in the West, which was "jealously guarded" by the trade unions. All exemptions to this principle that were born out of necessity, it went on, had to subjected to strict oversight, as these could quickly descend into forced labour. The article then outlined which exemptions still existed under Control Council Decree No. 3 before concluding, in a complete misrepresentation of the labour conscription programme that had run for a year in the postwar Ruhr, that "the labour exchanges in the Western zones have used the powers at their disposal only rarely (against black marketeers)."[46]

Freedom versus Duty

How can the differences between the bitterly-fought and vociferous struggles against the mobilisation civile and the much more low-key and informal resistance to the Arbeitsverpflichtung be explained? The obvious answer lies in the very different situations in which Belgium and Germany found themselves in the immediate aftermath of the war. The former was a sovereign nation that had just regained its freedom, which made the re-introduction of wartime restrictions on free labour all the more incomprehensible to the miners. The latter was a defeated and occupied country, which not only allowed the military government to lay down the law (or, in this case, to retain Nazi-era legislation), but also limited the room for manoeuvre for miners and trade unionists to oppose labour conscription with traditional means of industrial action.

Nevertheless, this article has demonstrated that there was more to the divergence between Belgium and Germany than their distinct political constellations at the moment of liberation. For the different responses to labour conscription had much deeper roots in the national histories of the two countries. The protest movement against mobilisation civile invoked freedoms that had been enshrined in the Belgian Constitution since the 1830s. This was part of a wider "rediscovery" of that Constitution "as a charter of Belgian traditions of self-government" in the wake of the war.[47] The claim was that freedoms were a central plank of Belgian identity, which had only ever been

46 "Der flüchtende Bergarbeiter," *Gewerkschaftszeitung*, November 1948.

47 Martin Conway, *Western Europe's Democratic Age: 1945–1968* (Princeton: Princeton University Press, 2020), 103–104.

taken away under foreign oppression and which was to be observed by any democratic Belgian government. Absent such an unbroken tradition of democratic freedoms, the German response to Arbeitsverpflichtung drew its inspiration from more recent experiences. The legacy of Nazi-era ideas surrounding "duty consciousness" (*Pflichtbewußtsein*)[48] seems to have served as a frame of reference not only for trade unionists, but also for the miners themselves, leading to little opposition to labour conscription on principle, but increased exit when rulers failed to keep their side of the bargain.[49]

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48 This had been among the key concepts targeted at the 'Hitler Youth generation', which was to provide the bulk of the labour conscripts in the post-war Ruhr coal mines. See: Alexander von Plato, "The Hitler Youth Generation and Its Role in the Two Postwar German States," in *Generations in Conflict: Youth Revolt and Generation Formation in Germany, 1770–1968*, ed. Mark Roseman (Cambridge: Cambridge University Press, 1995), 210–226.

49 This seems to have been true for both German states. In her work on labour conscription in the uranium mines of the Erzgebirge, Caitlin E. Murdock recounts the story of a conscript who had completed six months (the period for which workers were initially conscripted) of labour in Aue "so that no one could accuse me of wrongdoing." When management insisted that he sign up for another year and withheld his ration card when he refused, he invoked his right to "seek freedom" and departed without permission or his ration card. Caitlin E. Murdock, "A Gulag in the Erzgebirge? Forced Labor, Political Legitimacy, and Eastern German Uranium Mining in the Early Cold War, 1946–1949," *Central European History* 47 (2014): 805.

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*

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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 relationship[1] 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

1 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-ddr-und-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

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

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.

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 300 000—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.

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

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.

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 für 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 Maß*).[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.

71 "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 portrayed 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. […] Precisely 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 Ideen- und 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.

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Sibylle Marti

The Shadow Economy and Ideas of Freedom: Debates and Policies on Informal Work in 1970s and 1980s West Germany and Beyond

Abstract

This article highlights the debates and policies on informal work that resonated publicly in the FRG and beyond in the 1970s and 1980s. Indeed, it is remarkable and little known that during this period, as the debates about the shadow economy in the FRG and other Western industrial countries took shape, informal economic activities were often regarded as rational, reasonable, and effective. Influential voices from the political elite, the social sciences, and the media portrayed work in the shadow economy in a rather positive light and connected it to ideas and visions of entrepreneurial and individual freedom, while existing labour conditions and labour markets were frequently criticized as insufficiently flexible. Advocates of neoliberalism, in particular, referred to both notions of freedom and unfreedom of labour when they discussed the political implications of informal work. Promoters of alternative economies drew on similar ideas, albeit with different political visions in mind, when they depicted their imagined future of work. Quite different political forces thus considered so-called free wage labour less free than various forms of informal work.

Keywords: *shadow economy; informal work; neoliberalism; flexibilization (of labour); moonlighting; alternative economy; self-service economy; change in values; FRG; OECD; 1970s and 1980s*

At the end of the 1970s and the beginning of the 1980s, the shadow economy was a prominent theme in political discourses, the media, and the social sciences around the globe.[1] Scholarly studies claiming that informal economic activities, which were not officially registered and recognized, had increased rapidly in most countries since the

1 Elisabeth Lauschmann, ed., *Schattenwirtschaft: Dokumentation ausgewählter Beiträge in Zeitungen und Zeitschriften* (Kehl: Morstadt, 1983), gives an insightful overview of the global debate at the time.

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1960s raised particular awareness about the phenomenon. As a result, the range of activities related to, the attempts to measure the size of, and the conditions of growth of the shadow economy were widely and controversially discussed. Consequently, international organizations like the International Labour Organization (ILO), the Organisation for Economic Co-operation and Development (OECD), and the International Monetary Fund promoted research on the issue.[2] At international conferences, scholars from Western industrial as well as socialist and so-called development countries studied and compared informal economic activities and informal economies in various regions of the world.[3] To designate the types of economy that were analyzed and discussed, a variety of different notions with distinct semantic connotations coexisted and were often used interchangeably. Apart from "informal," the terms "underground," "hidden," "submerged," "subterranean," "unobserved," "clandestine," "illegitimate" or "irregular" economy were prevalent in English.[4] In German, the expression most frequently applied was the "shadow" economy ("Schattenwirtschaft").[5] In the Federal Republic of Germany (FRG), economists and social scientists subsumed quite diverse activities and occupations within this term. Although often and regularly referring to definitional problems, most authors differentiated between the formal economy, consisting of the public and the private sector, and the informal or shadow economy that remained 'in the shadows' since the respective economic activities were not captured in official statistics. The shadow economy, in turn, was generally divided in two parts. The first included the need-oriented self-service economy, that is, do-it-yourself activities, neighbourly help, and other services in the realm of private self-organization,

2 See for example Raffaele De Grazia, "Clandestine Employment: A Problem of Our Times," *International Labour Review* 119, no. 5 (1980): 549–563; Derek Blades, "The Hidden Economy and the National Accounts," *OECD Occasional Studies* (Paris: OECD, 1982), 28–45; Vito Tanzi, "Underground Economy Built on Illicit Pursuits Is Growing Concern of Economic Policymakers," *IMF Survey* 9, no. 3 (1980): 34–37.

3 See e. g., Consiglio Italiano per le Scienze Sociali, ed., *Economia informale, conflitti sociali e futuro delle società industriali. Abstracts* (Rome: Consiglio Italiano per le Scienze Sociali, 1982); Wulf Gaertner, Alois Wenig, eds., *The Economics of the Shadow Economy. Proceedings of the International Conference on the Economics of the Shadow Economy Held at the University of Bielefeld, West Germany October 10–14, 1983* (Berlin: Springer, 1985); Edgar L. Feige, ed., *The Underground Economies: Tax Evasion and Information Distortion* (Cambridge: Cambridge University Press, 1989); Alejandro Portes et al., eds., *The Informal Economy: Studies in Advanced and Less Developed Countries* (Baltimore: Johns Hopkins University Press, 1989).

4 Hannelore Weck, Werner W. Pommerehne, and Bruno S. Frey, *Schattenwirtschaft* (Munich: Vahlen, 1984), 2.

5 Günter Schmölders coined the term in "Der Beitrag der "Schattenwirtschaft," in *Wandlungen in Wirtschaft und Gesellschaft. Die Wirtschafts- und die Sozialwissenschaften vor neuen Aufgaben. Festschrift für Walter Adolf Jöhr zum 70. Geburtstag*, ed. Emil Küng (Tübingen: J. C. B. Mohr, 1980).

usually provided free of charge. In the second, often referred to as the underground economy, profit-oriented motives dominated; moonlighting was a prime example.[6]

For many people in the FRG of the 1970s and 1980s, work in this second segment of the shadow economy provided much-needed income and served a means of reducing suffering from rising unemployment, poverty, and discrimination.[7] Especially migrant and (other) less qualified workers might have little choice but to accept informal work that was extremely insecure, low-skilled and low-paid.[8] Investigative reports exposed such inhuman working conditions and fuelled public debates about precarious work.[9] Not the first, but arguably the most prominent of these was Günter Wallraff's bestselling book *Lowest of the Low* (*Ganz unten*) from 1985, which denounced the unfair and abusive employment practices engaged in by temporary employment agencies to the detriment of Turkish migrant workers.[10]

Nevertheless, although there were public discussions about precarious and exploitative working conditions in the shadow economy, informal work was rarely widely condemned. In fact, it is remarkable and barely known that in the late 1970s and the early 1980s, as the debates about the shadow economy in the FRG and other Western industrial countries took shape, informal economic activities were often regarded as rational, reasonable, and effective. Indeed, influential voices from the political elite, the social sciences, and the media portrayed work in the shadow economy in a positive light and connected it to ideas and visions of entrepreneurial and individual freedom. Moreover, analyses considering its causes and making suggestions on how to curb the shadow economy were intertwined with discussions about the freedom of labour under contemporary capitalism. Existing labour conditions and labour markets were frequently criticized as insufficiently flexible, and so-called free wage labour was in many ways considered less free than various forms of informal work. In sum, these debates drew on notions of

6 See for example Dieter Cassel, "Schattenwirtschaft – eine Wachstumsbranche?" *List Forum für Wirtschafts- und Finanzpolitik* 11, no. 6 (1982): 344; Enno Langfeldt, *Die Schattenwirtschaft in der Bundesrepublik Deutschland* (Tübingen: J. C. B. Mohr, 1984), 1.

7 On the debates about the "new poverty" in the FRG after 1970 see Sarah Hassdenteufel, *Neue Armut, Exklusion, Prekarität. Debatten um Armut in Frankreich und der Bundesrepublik Deutschland, 1970–1990* (Berlin: De Gruyter Oldenbourg, 2019).

8 On the living and working conditions of migrant workers in the FRG see, among others, Karin Hunn, *"Nächstes Jahr kehren wir zurück…": Die Geschichte der türkischen "Gastarbeiter" in der Bundesrepublik* (Göttingen: Wallstein, 2005); Sarah Thomsen Vierra, *Turkish Germans in the Federal Republic of Germany: Immigration, Space, and Belonging, 1961–1990* (Cambridge: Cambridge University Press, 2018); Lauren Stokes, *Fear of the Family: Guest Workers and Family Migration in the Federal Republic of Germany* (Oxford: Oxford University Press, 2022).

9 See Frank Biess, "'Ganz unten.' Günter Wallraff und der westdeutsche (Anti-)Rassismus der 1980er-Jahre," *Zeithistorische Forschungen* 19, no. 1 (2022): 20.

10 Günter Wallraff, *Lowest of the Low* (London: Methuen, 1988) (German original: 1985). On the contemporary perception of *Lowest of the Low* see Biess, "*Ganz unten*."

free entrepreneurship and the semantics of individual fulfilment, which the sociologist Ulrich Bröckling has attributed to the emblematic figure of the "entrepreneurial self."[11]

The idea that, in the informal economy, workers acted as 'entrepreneurs' was at the heart of the concept from the very beginning.[12] The notion of informality emerged at the beginning of the 1970s in development studies; the term was coined by the British social anthropologist Keith Hart, who had conducted a field study in Ghana, examining men and women in urban areas who provided services in trade, transport, housing, home-manufacturing, shipping and the like.[13] He held that, due to Western-centric stereotypes, most development economists had thus far overlooked these economic activities because they were "preoccupied with the problems of 'firms' and 'businessmen,' while tending to ignore the activities of those who currently perform the entrepreneurial function in Ghana."[14] As a result, he described the men and women he had studied as "small-scale entrepreneurs."[15] Subsequently, Hart conceptualized his findings and depicted the activities and services of the Ghanaian small-scale entrepreneurs as "informal income opportunities," "informal economic activities," "informal employment," and "informal occupation" taking place in an "informal sector."[16]

In 1972, the concept of the informal sector played a decisive role in a pilot mission of the ILO's World Employment Programme in Kenya. The pathbreaking and widely acknowledged report from that mission appraised the informal sector rather positively as "a sector of thriving economic activity and a source of Kenya's future wealth."[17] The report stressed that the informal sector was often wrongfully judged as "unproductive and stagnant," while it, in fact, provided "a wide range of low-cost, labour-intensive, competitive goods and services."[18] Moreover, it did so "without the benefit of the

11 Ulrich Bröckling, *The Entrepreneurial Self: Fabricating a New Type of Subject* (London: Sage Publications, 2016) (German original: 2007).

12 On the invention of the concept of informality see Paul E. Bangasser, *The ILO and the Informal Sector: An Institutional History* (Geneva: ILO, 2000); Aaron Benanav, "The Origins of Informality. The ILO at the Limit of the Concept of Unemployment," *Journal of Global History* 14, no. 1 (2019): 107–125; Sibylle Marti, "Precarious Work—Informal Work: Notions of 'Insecure' Labour and How They Relate to Neoliberalism," *Journal of Modern European History* 17, no. 4 (2019): 396–401.

13 Keith Hart, "Small-scale Entrepreneurs in Ghana and Development Planning," *Journal of Development Studies* 6 (1970): 103–120; Hart, "Informal Income Opportunities and Urban Employment in Ghana," *Journal of Modern African Studies* 11, no. 1 (1973): 61–89.

14 Hart, "Small-scale Entrepreneurs in Ghana and Development Planning," 104.

15 Ibid.

16 Hart, "Informal Income Opportunities and Urban Employment in Ghana."

17 International Labour Office, *Employment, Incomes and Equality: A Strategy for Increasing Productive Employment in Kenya. Report of an inter-agency team financed by the United Nations Development Programme and organised by the International Labour Office* (Geneva: ILO, 1972), 5.

18 Ibid., 21.

government subsidies and support" and "without the formal sector's protection from competition, or its favoured access to credit and sophisticated technology."[19] The report thus assessed informal work to frequently be "economically efficient, productive and creative" and concluded that existing government policies toward the informal sector had involved "too few elements of positive support and promotion, and too many elements of inaction, restriction and harassment."[20] As a result, the report criticized existing state regulations—in particular, restrictive licencing in trade and transport—and pleaded for liberalization. It also suggested that the Kenyan government implement measures permitting the outsourcing of labour-intensive occupations, such as construction work, to the informal sector.[21] Demands for more state intervention and fewer regulations thus arose conjointly. This is noteworthy as later, claims for 'deregulation' or 'flexibilization' would be viewed as cornerstones of neoliberal politics. With the aim to facilitate work and income opportunities in the informal sector, however, such ideas had already been voiced a decade before neoliberalism took off.[22]

The invention of the informal worker as a small-scale entrepreneur brought new and influential discursive patterns and interpretative schemes to the fore. Formative for the concept of the informal sector was both the semantics of creativity, productivity and efficiency linked with the notion of free entrepreneurship and the claim of a lack of entrepreneurial freedom due to certain state restrictions. These interlinked key ideas and discourses associated with informal work proved to be attractive and relatable to different political ideologies and projects gaining strength at the time. Hence, the concept of the informal economy was soon circulating in various contexts outside of development thinking.

In what follows, this article elucidates the debates and policies on informal work that resonated publicly at the end of the 1970s and the beginning of the 1980s in the FRG and beyond, thereby revealing which notions, ideas, and visions were used to depict a rather positive image of informal economic activities. Both ideas of freedom associated with informal work and claims of a lack of freedom related to existing labour conditions were voiced by proponents of quite different political ideologies. Advocates of neoliberalism referred to notions of freedom and unfreedom of labour, respectively, when they discussed the political implications of informal work. Likewise, albeit with other political visions in mind, promotors of alternative economies drew on similar ideas when they depicted their imagined future of work. Before turning to these debates, however, it is necessary to outline the major developments of the FRG's economic and social policies in the 1980s.

19 Ibid., 21 and 51.
20 Ibid., 51 and 226.
21 Ibid., 228–230.
22 Benanav, "The origins of informality," 119; Marti, "Precarious work—Informal work," 401.

The FRG's Social and Labour (Market) Policies in the 1980s

With regards to the political changes of the 1980s, historians continue to debate the effects of the rise of neoliberalism. In the historiography of the FRG in the 1980s, the notion of a neoliberal turn, instigated by the Christian-Liberal coalition of the Helmut Kohl/Hans-Dietrich Genscher government, has been widely rejected in favour of discussions around political continuities and fractures with the preceding Social-Liberal coalition. There is a consensus among historians that in terms of economic, financial, industrial, and social policies, no fundamental change occurred, much less a turning point. In social politics, in particular, continuities largely prevailed, mainly due to the Christian Democratic Union's employee-friendly wing.[23] As the historian Winfried Süss has put it, the welfare state as societal order model was never fundamentally questioned (as was the case in the United Kingdom, for instance).[24] Social security benefits, however, were more strongly tied to the factor 'labour,' intensifying the 'new social question' for those not integrated into the labour market. Mainly the elderly unemployed could benefit from social security, and from early retirement schemes in particular, whereas women, juveniles, and the less qualified were increasingly forced into temporary employment and precarious work. Furthermore, eligibility for unemployment benefits and unemployment assistance was tightened, resulting in both an increase of, in particular, the young and less qualified unemployed being pushed from unemployment benefits to unemployment assistance and social assistance, and recipients of these types of assistance were put in a worse position.[25] An increase in wage taxes alongside cuts to the corporate tax and maximum tax rates lead not only to a bottom-up redistribution but also, as in many rich OECD-countries, to an overall heavier taxation of 'labour.'[26]

23 Martin Werding, "Gab es eine neoliberale Wende? Wirtschaft und Wirtschaftspolitik in der Bundesrepublik Deutschland ab Mitte der 1970er Jahre," *Vierteljahrshefte für Zeitgeschichte* 56, no. 2 (2008): 303–321; Winfried Süss, "Umbau am 'Modell Deutschland.' Sozialer Wandel, ökonomische Krise und wohlfahrtsstaatliche Reformpolitik in der Bundesrepublik 'nach dem Boom,'" *Journal of Modern European History* 9, no. 2 (2011): 215–240; Dietmar Süss and Meik Woyke, "Schimanskis Jahrzehnt? Die 1980er Jahre in historischer Perspektive," *Archiv für Sozialgeschichte* 52 (2012): 3–20; Frank Bösch, Thomas Hertfelder and Gabriele Metzler, eds., *Grenzen des Neoliberalismus. Der Wandel des Liberalismus im späten 20. Jahrhundert* (Stuttgart: Franz Steiner, 2018).

24 Winfried Süss, "Arbeitslosigkeit als Erfahrung und politisches Problem," in *Die Rückkehr der Arbeitslosigkeit. Die Bundesrepublik Deutschland im europäischen Kontext 1973 bis 1989*, eds. Thomas Raithel and Thomas Schlemmer (Munich: De Gruyter Oldenbourg, 2009), 66.

25 Süss: "Umbau am 'Modell Deutschland.'"

26 Marc Buggeln, "Steuern nach dem Boom. Die Öffentlichen Finanzen in den westlichen Industrienationen und ihre gesellschaftliche Verteilungswirkung," *Archiv für Sozialgeschichte*

From the mid-1980s onward, however, unemployment benefits were once again increased and re-employment programmes for the long-term unemployed created.[27] All in all, as Andreas Wirsching has argued, this period revealed the contradictory politics of the Christian-Liberal coalition, as it used liberal policies to foster structural change, but social democratic policies to cushion (some of) their effects.[28]

With regards to labour (market) policies, opinions among scholars are more divided. Whereas Martin Werding rejects the assertion of a deliberate flexibilization of the FRG's labour market until the early 2000s,[29] Dietmar Süss and Meik Woyke point to the nascent deregulation, the rise of insecure employment, and increased conflicts between unions, management, and politicians that had already emerged in the 1980s. They hold that, because of the high unemployment rate, labour unions were pushed into a more and more defensive position and unable to fight privatization and flexibilization as effectively as before.[30]

With regard to the vivid debates about the flexibilization of working hours, Dietmar Süss has stressed the decisive semantic shifts that occurred in the 1980s. The flexibilization of working hours could mean quite different things, from a reduction in working hours to job sharing to flex-time arrangements and timekeeping. Labour unions, not without good reason, feared that flexible working hours would actually mean a reduction in working hours without wage compensation, the intensification of labour, increased control and the undermining of employee participation due to individual instead of collective work hour regimes. But they also soaked up discourses of freedom, humanization, and quality of life associated with a more liberal and individual organization of work hours. These discourses were heavily gendered, and stabilized rather than undermined the traditional breadwinner-model since part-time work, job sharing, and flex-time arrangements were ostensibly especially well-suited to women who purportedly wanted to continue fulfilling their responsibilities as housewives and mothers. Within this discourse, work hour flexibilization thus promised to liberate employees from old, rigid labour conditions and provide for employees assumed new needs. As a result, in the mid-1980s, labour unions aimed to combat mass unemployment with reductions in work hours (and thus fought for the 35-hour week in 1984), and thereby concurrently improve working and living conditions. The unions

52 (2012): 47–89; idem, "Gab es eine neoliberale Wende in der Steuerpolitik? Der Umgang von FDP und CDU/CSU mit den öffentlichen Finanzen in den 1970er und 1980er Jahren," in *Grenzen des Neoliberalismus*, eds. Frank Bösch, Thomas Hertfelder and Gabriele Metzler (Stuttgart: Franz Steiner, 2018), 179–211.

27 Süss, "Arbeitslosigkeit als Erfahrung und politisches Problem."

28 Andreas Wirsching, "Eine 'Ära Kohl'? Die widersprüchliche Signatur deutscher Regierungspolitik 1982–1998," *Archiv für Sozialgeschichte* 52 (2012): 667–684.

29 Werding, "Gab es eine neoliberale Wende?"

30 Süss and Woyke, "Schimanskis Jahrzehnt?"

thus remained ambivalent about the rhetoric of flexibilization, as it successfully linked management and business prospects with seemingly popular promises of individual emancipation, and thus labelled their traditional working hour policies as anachronistic and themselves as obstacles to progress.[31]

The semantics of flexibilization was, however, intertwined with other key terms that formed an influential discursive pattern. Andreas Wirsching contends that in the 1980s, the rhetoric of competition and growth, innovation and creativity, efficiency and success, autonomy and individual fulfilment became more and more ubiquitous, bringing new social types and layers of interpretation to the fore.[32] Similarly, Frank Bösch, Thomas Hertfelder and Gabriele Metzler argue that what they call the neoliberal challenge must be taken seriously already in its rhetoric, as market-liberal discourses shaped the self-images and public images that found their way into the Kohl/Genscher government and encroached upon society.[33]

In sum, in the FRG of the 1980s, the course was set for the more market-driven, supply-oriented, neoliberal politics of the 1990s and 2000s that would also shift social and labour (market) policies. In the 1980s, the prerequisites for a neoliberal transformation were set, not necessarily in actual economic practices but in terms of new discursive premises and interpretive schemes. This development, however, is only visible in retrospect. Thus, one must also acknowledge the openness and indeterminacy of the FRG's politics in the early 1980s. Ideas like 'flexibilization,' for instance, were advocated for by a variety of actors with very different political goals. Nevertheless, during the 1980s, the widely observed debates about the growing shadow economy and the measures to fight it fuelled nascent neoliberal discourses. These discussions about the shadow economy were contested and yet played an actual but thus far neglected role in paving the way for the neoliberal transformation in the years that followed.

31 Dietmar Süss, "Stempeln, Stechen, Zeit erfassen. Überlegungen zu einer Ideen- und Sozialgeschichte der 'Flexibilisierung' 1970–1990," *Archiv für Sozialgeschichte* 52 (2012): 139–162.

32 Wirsching, "Eine 'Ära Kohl'?," 676.

33 Frank Bösch, Thomas Hertfelder and Gabriele Metzler: "Grenzen des Neoliberalismus. Der Wandel des Liberalismus im späten 20. Jahrhundert," in *Grenzen des Neoliberalismus*, eds. Frank Bösch, Thomas Hertfelder and Gabriele Metzler (Stuttgart: Franz Steiner, 2018), 36.

Neoliberal Advocates and the Rationality of Moonlighting

When considering the shadow economy, advocates of a supply-side, neoliberal economics maintained a clear line of argumentation as to its causes. Among these, the German Council of Economic Experts (Sachverständigenrat zur Begutachtung der gesamtwirtschaftlichen Entwicklung, GCEE), the FRG's advisory board on economic policies, played quite a prominent role. In its 1980/81 annual report, the GCEE analyzed the problem of the shadow economy; it is illuminating to see where the GCEE located its causes, and which measures it proposed to curb it:

> The state is confronted with the opposition of its citizens, owing not only to its own growing debt, but also to the increasingly heavy burden of taxes and social insurance contributions, and ever more numerous and complicated laws and regulations. In the FRG, as in other countries, alienation between the general public and the state might make itself felt in the so-called shadow economy, which is to say, in a rejection of the existing norms for economic activity. […] Subjecting it to harsh controls would likely be inappropriate; it would merely increase opposition to the state. It is better to ensure that rules are established—on taxation, among other things—that the public can regard as fair. The prudent state avoids making excessive demands on the loyalty of its citizens. Should citizens increasingly see the shadow economy as their natural escape route, the risks would be considerable.[34]

According to the GCEE, an overly interventionist state had thus forced the public to retreat into the shadow economy. It identified, so to speak, a certain degree of unfreedom in the formal labour market. In contrast, work in the shadow economy not only seemed to be freer, but the GCEE also held that the shadow economy could permit "a quite efficient use of labour and capital, or possibly a very efficient use," as it was "productive beyond the restrictions that result from state taxes and an excess of regulations."[35] Consequently, the GCEE's recipe to respond to the shadow economy was not to a call for stronger state sanctions but for a reduction in taxes and regulations.

It is no coincidence that the GCEE's 1980/81 annual report, which emphasized the possible productivity and efficiency of informal work, bore the title *Under Compulsion to Adjust (Unter Anpassungszwang)*. Within the OECD, neoliberal policies—in par-

34 Sachverständigenrat zur Begutachtung der gesamtwirtschaftlichen Entwicklung, *Unter Anpassungszwang. Jahresgutachten 1980/81* (Bonn: Sachverständigenrat zur Begutachtung der gesamtwirtschaftlichen Entwicklung, 1980), 145. All quotations in German are translated by the author.

35 Ibid.

ticular, structural adjustment and positive adjustment—emerged at the time (especially from 1984 onward), thought to bolster economic growth.[36] With regard to the labour market, this meant, first and foremost, policies that were expected to increase flexibilization and deregulation, in particular, in the realm of wage-setting and working hours.[37] The GCEE also promoted such neoliberal policies, although they were not easily implementable in practice—mainly because of the continued strength of labour unions and union-affiliated political forces. The widely discussed 1981 resignation of Werner Glastetter, a member of the GCEE with strong ties to the unions, for refusing to support the GCEE's supply-oriented economic policies, is a telling example of how very differently the GCEE's economic recommendations were perceived at the start of the 1980s than in the past (even though they had included market-liberal components at least since the mid-1970s).[38] The GCEE's more vociferous advocacy for neoliberal policies in the early 1980s was also in response to the fact that some of its members were quite active in market-radical networks, including the so-called Kronberger Kreis—a think tank and advisory board to the Frankfurter Institute (later renamed the Market Economy Foundation), founded in December 1981, that became politically influential in the first years of the Kohl/Genscher government.[39]

Economists leading the investigation into the shadow economy shared the GCEE's policies and analysis—Bruno S. Frey and his co-workers at the chair for the theory of economic policies at the University of Zurich among them. Frey was regarded in the 1980s as one of the most eminent researchers engaged in empirical studies or, more precisely, the quantitative measurement of activities in the shadow economy. He published regularly on the subject in international journals and presented his findings on numerous occasions, including in 1982 at the annual conference of the renowned German Economic Association (Verein für Socialpolitik) in Cologne in a

36 Samuel Beroud, "'Positive Adjustments': The Emergence of Supply-Side Economics in the OECD and G7, 1970–1984," in *The OECD and the International Political Economy Since 1948*, eds. Matthieu Leimgruber and Matthias Schmelzer (Cham: Palgrave Macmillan, 2017), 233–258.

37 See for example OECD, *Flexibility in the Labour Market: The Current Debate: A Technical Report* (Paris: OECD, 1986).

38 Werding, "Gab es eine neoliberale Wende?"; Walter Ötsch and Stephan Pühringer, "Marktradikalismus als Politische Ökonomie. Wirtschaftswissenschaften und ihre Netzwerke in Deutschland ab 1945," *ICAE Working Paper Series* 38 (2015). On Glastetter's resignation see the respective file in the German Federal Archives (BArch) in Koblenz: BArch, B102/303280.

39 Ötsch and Pühringer, "Marktradikalismus als Politische Ökonomie"; Stephan Pühringer, "Think Tank Networks of German Neoliberalism: Power Structures in Economics and Economic Policies in Postwar Germany," in *Nine Lives of Neoliberalism*, eds. Dieter Plehwe, Quinn Slobodian and Philip Mirowski (New York: Verso, 2020).

section about *Tax estimate—shadow economy*.[40] In a book published in 1984 directed at laypeople, Frey and his team discussed the causes and the development of the shadow economy in the FRG and the United States, reaching the conclusion that the shadow economy was growing in both countries. The economic-political consequences that Frey and his research group derived from this finding are quite revealing. They emphasized that there were three possible starting points to stop the growth of the shadow economy: first, moral pleas from the government; second, intensified controls and higher penalties; and third, a decrease of the fiscal burden and a reduction in state regulations and restrictions. While they held the first two starting points to be unsuitable, they not only appraised the third as "comparatively unproblematic," but also saw advantages for many actors, including moonlighters and tax evaders "who would willingly abandon their illegal activities."[41] All in all, Frey and his co-authors claimed that politicians must recognize "that the retreat into the shadow economy is a thoroughly logical reaction to the (flawed) policies of political authorities."[42] Frey's analysis was thus strikingly similar to that of the GCEE's: he was likewise convinced that it was the existing labour market's lacking entrepreneurial freedom that sent people into the shadow economy.

Milton Friedman, one of the most popular advocates of neoliberal thinking in the 1980s, further espoused this argument in a pure form. During vivid debates about the growing shadow economy in industrial countries, he frequently repeated this claim that the shadow and underground economy were the place where the market was really free—in the FRG and elsewhere. In an interview with the influential news magazine *Der Spiegel* in 1982, Friedman said: "I would rather it was open and legal. But the underground economy is a safety valve that reduces the harm done by state mismanagement—in particular, in the Western European socialist welfare states and the Communist countries."[43] In another article in *Der Spiegel* a year earlier, Friedman sneered at the formal economy "that treads water." His description of "the other, parallel and clandestine" economy stood in striking contrast: "This very inventive underground economy is about to develop splendidly."[44] Hence, in Friedman's assessment, the only economy that was still flourishing was the (illegal) shadow or underground economy, whereas the formal economy was in a profound crisis.

40 Bruno S. Frey and Werner W. Pommerehne, "Quantitative Erfassung der Schattenwirtschaft: Methoden und Ergebnisse," in *Staatsfinanzierung im Wandel. Verhandlungen auf der Jahrestagung des Vereins für Socialpolitik, Gesellschaft für Wirtschafts- und Sozialwissenschaften, in Köln 1982* (Berlin: Duncker & Humblot, 1983).

41 Weck, Pommerehne, Frey, *Schattenwirtschaft*, 77.

42 Ibid.

43 "Das ganze Sozialsystem ist falsch," *Der Spiegel,* 17 January 1982, 116.

44 "Schwarzarbeit: 'Unglaublich, was da läuft,'" *Der Spiegel,* 8 November 1981, 81.

In short, neoliberal economists such as Milton Friedman, Bruno S. Frey, and the members of the GCEE saw moonlighting and other (illegal) informal economic activities as a purely rational action of a *homo oeconomicus* oriented toward profit maximization and entrepreneurial thinking. For them, the growing shadow economy expressed the "limits of the interventionist state" and pointed to some fundamental lack of freedom caused by the existing, overburdening tax and welfare state.[45] This unfreedom could only be effectively countered with a reduction in regulatory obstacles and tax burdens, and thus the flexibilization and deregulation of the economy and the labour market. In this respect, the shadow economy served as an argument to disseminate and make plausible a discourse of societal and economic crisis that would help spread the neoliberal political agenda.

The discourse of the state restricting individual freedom and demanding too much was also taken up by the media. In November 1981, *Der Spiegel* published a huge report entitled "Moonlighting: 'Unbelievable, what's going there'" (Schwarzarbeit: 'Unglaublich, was da läuft').[46] The report's lead precisely summarized the findings: More than three million Germans were moonlighting in their spare time, as hairdressers, bricklayers, or as car, washing machine and television mechanics, generating added value of around forty billion of Deutschmark. While the formal economy stagnated, the underground economy flourished. "Moonlighting is booming," read the conclusion.[47] *Der Spiegel* also knew who was to blame for the shadow economy's rise: "That the shadow economy is increasingly gaining ground is a logical consequence of the tax burden." According *Der Spiegel*, the cause for the shadow economy lay with the state demanding too much of its citizens: "In any case, moral outrage is the wrong response."[48] Other leading media outlets, like the conservative *Frankfurter Allgemeine Zeitung*, likewise showed much sympathy for the "march toward the shadow economy." J. Jürgen Jeske, a co-editor of the journal from 1986 onward, claimed that the formal economy must "regain its former appeal": "Almost forty years after the period of [postwar] reconstruction, which proved so successful only thanks to low taxation and significantly more liberal conditions, the state and its bureaucrats must back off again a little, or the public will seek its freedom elsewhere."[49] Jeske thus explicitly linked the existence of the shadow economy with a lack of freedom and flexibility in the FRG's labour market.

The prominently stated causal connection between a lack of both freedom and flexibility and the growing shadow economy also bothered the West German government. As early as 1981, the federal government introduced a revision of the law

45 Weck, Pommerehne, Frey, *Schattenwirtschaft*, VI.
46 Der Spiegel, "Schwarzarbeit," title.
47 Ibid., p. 62.
48 Ibid., p. 78.
49 Jürgen J. Jeske, "Abmarsch in die Schattenwirtschaft," *Frankfurter Allgemeine Zeitung*, 18 September 1984, 13.

against moonlighting and promised further measures against illegal work.[50] In 1983, the Federal Ministry for Economic Affairs asked the Institute for the World Economy in Kiel to research the causes of the shadow economy and its economic, financial, and societal consequences.[51] In 1984, it charged the Rhine-Westphalian Institute for Economic Research in Essen with the study of a "Schwerpunktthema" (key issue) as part of the reporting on structural conditions (Strukturberichterstattung). This key issue included, among others, the question of whether a flexibilization of forms of work in the formal economy would lead to an increase or a decrease in informal sector work.[52]

The empirical findings, however, were not decisive. On the one hand, the reasons behind an occupation in the shadow economy proved to be too multifaceted, so that no simple, general causation could be established. On the other hand, there were sector-specific differences. A growth of informal work, for instance, was observable not in industries with rigid production processes, but in those where activities were easy to learn and not capital-intensive.[53] In 1986, an OECD technical report on *Flexibility in the Labour Market* also investigated the connection between (long-term) unemployment, concealed employment and flexibilization. It concluded that only those with higher qualifications working in the shadow economy would benefit from flexibilization in the formal economy, because being freer and more flexible was a central incentive for them to work in the shadow economy. The less qualified, by contrast, would not profit, as they often lacked the skills for a job in the formal economy—in particular, in those industries that suffered from a shortage of skilled workers. The OECD technical report thus described concealed employment as a form of "perverse flexibility."[54] In 1986, the so-called High-Level Group of Experts under the chairmanship of the renowned German sociologist Ralf Dahrendorf also prepared a report on labour market flexibility, commissioned by the OECD. In line with the neoliberal line, they not only declared that a (too) high tax burden would facilitate concealed employment, but also pleaded for more flexible employees and a more flexible and dynamic society in general (and, thus, aimed at changing individual behaviour by promoting a new form of subjectivization). Nevertheless, they believed that the emergence of secondary (informal) labour markets did not foster the desired type of individual and societal flexibility.[55]

50 Gesetzentwurf des Bundesrates: *Entwurf eines Gesetzes zur Änderung des Gesetzes zur Bekämpfung der Schwarzarbeit*, Bonn 1981.

51 Langfeldt, *Die Schattenwirtschaft in der Bundesrepublik Deutschland*.

52 Rheinisch-Westfälisches Institut für Wirtschaftsforschung, *Schwerpunktthema: Auswirkungen expandierender Produktions- und Beschäftigungsformen auf Produktivität und Strukturwandel,* Analyse der strukturellen Entwicklung der deutschen Wirtschaft (Strukturberichterstattung 1987), vol. 2 (Essen: Rheinisch-Westfälisches Inst. für Wirtschaftsforschung, 1986).

53 Ibid., 196–201.

54 OECD, *Flexibility in the Labour Market*, 131.

55 OECD, *Labour Market Flexibility: Report by a High-Level Group of Experts to the Secretary-General* (Paris: OECD, 1986). On Ralf Dahrendorf's position on liberalism and neoliber-

All in all, the claim that more freedom and flexibilization in the formal economy would reduce the incentive to work in the shadow economy was empirically disputed and provoked ambivalent reactions. Despite such divergences, however, during the 1980s, neoliberal advocates continuously repeated the rhetoric of lacking flexibility and restricted entrepreneurial freedom as the causes for the (growth of the) shadow economy in the FRG, as well as in other (industrial) countries. This (contested) argument, in turn, furthered claims in favour of advancing neoliberal labour (market) policies. Warnings of a growing labour force fragmentation with informally employed workers in precarious, low-skilled, low-paid jobs on the one hand and well-trained, better protected workers in higher-income jobs on the other hand were rather powerless against these ever louder neoliberal voices.[56] Yet, advocates of neoliberalism were not the only actors that used the shadow economy to promote their political ideologies. Promoters of alternative economies also expected the shadow economy to provide some freedom and individual fulfilment lacking in the formal economy. In contrast to the neoliberal line of thinking, however, they did not regard the informal or shadow economy merely as a symbol of crisis, but as an inspiring vision for the future of work.

Alternative Economies and Changing Values

In the early 1980s, the term 'alternative economies' designated a variety of heterogenous endeavours aimed at a new form of the economy that was participatory, ecological, and cooperative. The respective economic ideas and concepts were mainly developed within the left-alternative milieu that had become popular in the 1970s and which discussed and attempted to enact new life scripts and types of society. Work in the alternative economy comprised a broad range of activities, provided both free of charge and for money, including work in cooperative agricultural and artisanal production, rural communes, and self-governing businesses such as organic food, book and print shops, as well as in citizens groups, neighbourly and other self-help organizations, and do-it-yourself projects.[57] Do-it-yourself, in particular, became an important

alism, see Thomas Hertfelder, "Neoliberalismus oder neuer Liberalismus? Ralf Dahrendorfs soziologische Zeitdiagnostik im späten 20. Jahrhundert," in *Grenzen des Neoliberalismus*, eds. Frank Bösch, Thomas Hertfelder and Gabriele Metzler.

56 See for example Guy Standing, *Labour Flexibility: Cause or Cure for Unemployment?* (Geneva: International Institute for Labour Studies, 1986), 29–30.

57 Sven Reichardt, *Authentizität und Gemeinschaft. Linksalternatives Leben in den siebziger und frühen achtziger Jahren* (Berlin: Suhrkamp, 2014); idem, "Authentizität und Gemeinschaftsbindung. Politik und Lebensstil im linksalternativen Milieu vom Ende der 1960er bis zum Anfang der 1980er Jahre," *Forschungsjournal NSB* 21, no. 3 (2008).

feature of an alternative lifestyle that aimed to contribute to a counterculture directed against the prevailing consumer society.[58] In all these work activities that were part of the informal and alternative economy, principles of self-organization and self-determination were crucial, revealing changes in value systems that were moving toward greater self-fulfilment and a pluralization of lifestyles. The alternative movement not only originated out of these social changes, but also advanced them; some of the movement's core concepts would eventually become mainstream.[59] Moreover, in a time that for many seemed to be ridden with crises, alternative projects and ideas aroused particular interest, which explains why, in the 1980s, emerging notions and visions of alternative economies met with a fairly positive resonance far beyond the milieu itself.

In the FRG, one of the most-well known voices in the alternative and self-help movement was the economist and social scientist Joseph Huber.[60] Huber promoted the concept of a dual economy, which was based on the idea of a division of the economy into formal and informal segments and aimed at rethinking the link between gainful employment and autonomous work (Eigenarbeit). Programmatically, the cover of his 1984 book entitled *Two Faces of Work: The Unutilized Possibilities of a Dual Economy* (*Die zwei Gesichter der Arbeit. Ungenutzte Möglichkeiten der Dualwirtschaft*), included the following statement: "Gainful employment and autonomous work are interdependent. If suitably matched, they can help overcome unemployment and make work more meaningful."[61] For Huber, autonomous work first and foremost consisted of "housework, manual do-it-yourself and the self-provision of services," which required access to capital and goods: "Autonomous work under industrial conditions consumes both goods and money."[62] For Huber, the goal was to redefine the relationship between gainful employment and autonomous work and to find a better balance between them. At the core, he believed that a considerable reduction in working hours

58 Jonathan Voges, *"Selbst ist der Mann." Do-it-yourself und Heimwerken in der Bundesrepublik Deutschland* (Göttingen: Wallstein, 2017), 265–283. On the history of do-it-yourself in the FRG see also Reinhild Kreis, *Selbermachen. Eine andere Geschichte des Konsumzeitalters* (Frankfurt am Main: Campus, 2020).

59 See Sven Reichardt: "Authentizität und Gemeinschaftsbindung," 127.

60 Joseph Huber, *Wer soll das alles ändern. Die Alternativen der Alternativbewegung* (Berlin: Rotbuch, 1980). Apart from Huber, the discussion on the dual economy in the FRG was also influenced by the French social philosopher André Gorz, *Paths to Paradise: On the Liberation from Work* (London: Pluto Press, 1985) (French original: 1983). See Volker Teichert, *Das informelle Wirtschaftssystem. Analyse und Perspektiven der wechselseitigen Entwicklung von Erwerbs- und Eigenarbeit* (Wiesbaden: Springer, 1993), 54–56.

61 Joseph Huber, *Die zwei Gesichter der Arbeit. Ungenutzte Möglichkeiten der Dualwirtschaft* (Frankfurt am Main: S. Fischer, 1984), front cover. See also Joseph Huber, ed., *Anders arbeiten – anders wirtschaften. Dual-Wirtschaft: Nicht jede Arbeit muss ein Job sein* (Frankfurt am Main: S. Fischer, 1979).

62 Joseph Huber, *Die zwei Gesichter der Arbeit*, 26.

would ensure employment for all jobseekers, thereby not only resolving the problem of high unemployment, but also giving individuals more time for autonomous work and still more spare time (those outside gainful employment should receive a guaranteed minimal income). Ultimately, the aspiration was "a variety of forms of community and ways of living," the realization of which presupposed flexible working hours and different forms of part-time work.[63]

This fundamental realignment and reconstitution of work in the formal and informal economy would, in Huber's view, also lead to a reconfiguration of traditional gender roles, as unpaid housework, predominantly completed by women, was an essential part of autonomous work. With this concept of a dual economy in mind, he did not advocate for women's reproductive work or housework to be paid (as was frequently demanded by the women's movement at the time), but for men to participate in care work in equal measure. The gain in time and freedom made possible by the dual economy would thus create equal rights and responsibilities for both sexes, in gainful employment as well as in (unpaid) activities in the informal economy.[64] But as his deliberations remained rather vague, Huber (like other proponents of dual economy approaches) did not systematically reflect on how gender justice might be achieved in the dual economy. The dual economy's promises of freedom and potentials for autonomy were thus—to a large degree—gender blind and only barely addressed the relationships between industrial capitalism's organization of work and gender roles. In the end, the perceived crisis within working society—manifested in deindustrialization and high unemployment and which the dual economy concepts aimed to resolve—still seemed embedded in a predominately male perspective.

In *Two Faces of Work*, Huber seized, among others, upon reflections on the dual economy made by the British sociologist Jonathan Gershuny whom he had met personally during a research stay at the division for labour market policy at the Berlin Social Science Centre.[65] Gershuny had coined the term 'the self-service economy' at the end of the 1970s to challenge Daniel Bell's widely received interpretation of post-industrial society as a service society.[66] Based on empirical findings on the United Kingdom, Gershuny argued that people did not consume more services than at the beginning of the 1960s (which was why the idea of the establishment of a service society was unpersuasive). What had changed (and had led to more people actually working in the service sector) was the fact that people purchased more consumer goods, en-

63 Ibid., 30.

64 Joseph Huber: "Anders arbeiten – anders wirtschaften. Die Zukunft zwischen Dienst- und Dualwirtschaft," in Huber, *Anders arbeiten – anders wirtschaften*, 30–32.

65 Huber, *Die zwei Gesichter der Arbeit*, acknowledgment.

66 Daniel Bell, *The Coming of Post-Industrial Society: A Venture in Social Forecasting* (New York: Basic Books, 1973).

abling them to produce services themselves.[67] In the background of Gershuny's analysis was the assumption that it would be impossible to achieve full employment again, since the formal economy had been made too inflexible by "employment-protection legislation, employers' social security contributions, and labour-union restrictive practices." In contrast, he held that the underground or informal economy was "by definition free of external restrictions."[68] Along general lines, Gershuny thus shared the assessment of the neoliberals. Similarly, his version of the dual economy was not aimed at changing existing economic structures. Despite acknowledging that the informal economy was indeed growing, but only provided impermanent, insecure and low-wage, low-skill, labour-intensive jobs in the service sector, Gershuny emphasized the potential of the dual economy.[69] For him, the future goal was

> to improve the quality of both work and leisure in the informal sector; indeed, since in this sector production and consumption activities are based on the same social unit, the distinction between work and leisure might itself become less clear-cut. As a result of this strategy the complex of activities including recreation, education, housework and other production activities which might in the future be transferred to the informal sector, might become a viable alternative to employment in the formal sector.[70]

With this positive scenario in mind, Gershuny advised politicians to actively promote community-based services in the informal economy, in particular, in care work – that is the care of children, the elderly, and the sick. Furthermore, policies should be designed to encourage people to simultaneously work in the informal as well as the formal economy, such as job-sharing schemes in the formal economy and education and training schemes to develop the skills necessary for activities in the informal economy.[71]

Gershuny's concept of the self-service economy was critically debated across the world, including for instance, at OECD conferences such as the infamous *The Welfare State in Crisis,* held in Paris in 1981.[72] For the OECD at the beginning of the

67 Jonathan Gershuny, *After Industrial Society? The Emerging Self-service Economy* (London: Macmillan, 1978), 8–9. See also Gershuny, "Post-industrial Society: The myth of the service economy," *Futures* 9, no. 2 (1977); idem, "The Informal Economy: Its role in post-industrial society," *Futures* 11, no. 1 (1979).

68 Gershuny: "The Informal Economy," 7.

69 Ibid., 13.

70 Gershuny, *After Industrial Society?*, 151.

71 Gershuny, "The Informal Economy," 14.

72 See OECD, *The Welfare State in Crisis: An Account of the Conference on Social Policies in the 1980s* (Paris: OECD, 1981).

1980s, the rise of new forms of paid and unpaid work, typified by concepts such as the self-service, informal or underground economy, went hand in hand with deindustrialization and the growth of a service sector that led to more part-time, temporary, intermittent and home-based work, an increasing component of which was taking place outside the formal economy. This development, according to the OECD, raised the question of whether societies should legitimize some of these work activities and integrate them into the formal labour market, or if such an approach would represent a threat to existing social standards and, in the long run, undermine economic efficiency.[73]

Gershuny's ideas were also discussed in the FRG. He himself presented his thoughts in a keynote at the German Sociological Association's well-known congress about the "Crisis of the work-oriented society" (Krise der Arbeitsgesellschaft) held in Bamberg in 1982.[74] What is more, in the FRG, Gershuny's claim of a growing self-service economy seemed to prove him right. This, at least, was insinuated by the results of the 1987 reports on structural conditions (Strukturberichte). Due to a relative rise in costs for services and, as a result, an increase in self-production, facilitated by an expanded and better supply of production goods for do-it-yourselfers, the empirical evidence supported the hypothesis of a self-service economy over a service economy. All in all, for the FRG, reports seemed to indicate that the division between the formal economy and the informal economy would further soften in the years to come.[75]

In the dual economy concepts promoted by Jonathan Gershuny and Joseph Huber, the development of the self-service or do-it-yourself economy was not expected to overcome industrial capitalism's production and consumer habits, as access to (consumer) goods and money remained vital. Thus, ideas about alternative economies were not, as it is often assumed, aimed at fundamentally changing the structures of either capitalism or society writ large. Instead of class struggle, the establishment of alternative economic systems was expected to stimulate the development of involved subjects and to create positive life scripts and opportunities for self-liberation.[76] This meant, as Huber emphasized, that activities geared at fostering self-sufficiency in the informal economy were thought to appropriately fit into each other, both "*the world*

73 Ibid., 80.

74 Jonathan I. Gershuny, "Goods, Services and the Future of Work," in *Krise der Arbeitsgesellschaft? Verhandlungen des 21. Deutschen Soziologentages in Bamberg 1982* (Frankfurt am Main: Campus, 1983).

75 Unterrichtung durch die Bundesregierung, *Stellungnahme der Bundesregierung zu den Berichten der fünf an der Strukturberichterstattung beteiligten Wirtschaftsforschungsinstitute (Strukturberichte 1987)* (Bonn, 1988), 60.

76 Wolfgang Kraushaar, "Thesen zum Verhältnis von Alternativ- und Fluchtbewegung. Am Beispiel der frankfurter scene," in *Autonomie oder Ghetto? Kontroversen über die Alternativbewegung*, ed. idem (Frankfurt am Main: Neue Kritik, 1978), 12–13; Bröckling, *The Entrepreneurial Self*, 176.

of work and the lifeworld [emphasis in the original]."[77] Self-organized projects and informal work activities not only had the potential to open up new possibilities to provide meaning, individual fulfilment and a better balance between working and private life, but self-sufficiency and autonomous work should also, in the future, offer valid alternatives to employment in the formal economy and, thus, counter the problem of unemployment at the same time. As mentioned above, however, social scientists had already suggested that only the skilled and well-qualified (with the opportunity to earn a decent salary, be this in the formal or the informal economy) would benefit from a growth in informal work, if at all, whereas for the less qualified, informal work would simply be tantamount to precarious work. As such, contemporaneous critiques already argued that such positive visions of a dual economy overestimated both the freedom of individuals to choose and their opportunities for development.[78] Nevertheless, for Gershuny, Huber, and other proponents of the dual economy, informal work appeared to be the desired future norm of work.

In order to successfully run self-sufficient, self-organized projects in the informal economy, Huber deemed "*entrepreneurial* thinking and behaviour [emphasis in the original]" to be essential for all involved. He was convinced that with such collective entrepreneurship, capitalism's basic contradiction between the entrepreneur (capital) and the employees (work) would disappear as well.[79] In this respect, Ulrich Bröckling has rejected the idea that the alternative projects of the 1970s and the 1980s bore any "aspirations of political resistance." In his view, Huber and other promoters of alternative economies foreshadowed "the neoliberal imperative of universal intrapreneurship": "It is apparent […] how a movement opposed to capitalism was gradually transduced into the imperative for every actor and every group to regard themselves as capitalists on their own behalf."[80] The entrepreneurial self was indeed a crucial figure linked to freedom and success, not only in neoliberal thinking, but also in the self-organized projects of alternative economies. Nevertheless, Bröckling's interpretation, at least to some degree, is too focused on later developments, and thereby underestimates both the contingency of the early 1980s and the ideological openness and ambivalence of notions such as 'the entrepreneurial self' and 'flexibilization,' which were not yet clearly embedded in and colonized by neoliberal discourses.

As for the alleged causes of the increased attractiveness of work activities in the self-service or informal economy, one interpretative pattern dominated: Social scientists and the media often referred to a so-called change in values, which was widely

77 Huber, *Die zwei Gesichter der Arbeit*, 13.
78 See for example Teichert, *Das informelle Wirtschaftssystem*, 54.
79 Huber, *Wer soll das alles ändern*, 127.
80 Bröckling, *The Entrepreneurial Self*, 177.

debated in the FRG, since the early 1980s.[81] In 1982, for instance, the economist Dieter Cassel published an article in the *List Forum for Economic and Financial Policy*, the journal of the List Society, in which he held that "the general change in values in recent decades" had "also made itself felt in working and professional life":

> wages, earnings alone, count ever less, for people are instead looking for opportunities for 'self-fulfilment.' There is accordingly a growing demand for non-hierarchical, autonomous, flex-time, and communicative activities, which the formal economy seems ever less able to provide. A considerable number of 'dropouts' are already pursuing new forms of labour including *vernacular activities*, *free cooperative production* or the *alternative economy* [emphasis in the original]. For others, the retreat into the shadow economy is a conscientious objection, a form of protest against an ever more potent 'father' state that shows ever less respect for the personal sphere. They thus call attention to state apathy or go all out for obstruction. And others still enjoy the opportunity to be a 'socialist' in the daytime and a 'capitalist' after knocking off work: The 'first job' offers them participation and social security, the 'second job' self-determination and additional income.[82]

Similarly, the writers at the *Frankfurter Allgemeine Zeitung* referred to this change in values as a motive for working in the shadow economy. Yet, the alternative movement with their ideas about freedom and self-determination merely amused them. Thus, in an article in 1984, the aforementioned J. Jürgen Jeske mocked that "the change in values in a society in which the annual working hours and the duration of working life are steadily decreasing cannot be overlooked." Against this backdrop, promotors of alternative economies could, "by no means," see the shadow economy "as a sign of crisis in industrial culture, but rather as a precious chance to restore the happiness of being able to work 65 hours again."[83] Such ironic remarks should not hide the fact that concepts of alternative economies indeed gained public attention in the 1980s and were taken up and discussed within political institutions—the OECD as just one prominent example for this. In fact, these ideas also found their way into the FRG's politics. Apart from the newly-founded Green Party, the Christian Democratic Union, in particular, was interested in alternative economic projects, especially with an eye toward youth unemployment. In 1986, the Federal Ministry of Labour and Social Affairs

81 Bernhard Dietz and Jörg Neuheiser, eds., *Wertewandel in der Wirtschaft und Arbeitswelt. Arbeit, Leistung und Führung in den 1970er und 1980er Jahren in der Bundesrepublik Deutschland* (Berlin: De Gruyter Oldenbourg, 2017); Bernhard Dietz et al., eds., *Gab es den Wertewandel? Neue Forschungen zum gesellschaftlich-kulturellen Wandel seit den 1960er Jahren* (Munich: Oldenbourg, 2014).

82 Cassel, "Schattenwirtschaft – eine Wachstumsbranche?," 359–360.

83 Jeske, "Abmarsch in die Schattenwirtschaft," 13.

made funds available for model projects aimed at testing new ways in labour market policy. It goes without saying that such initiatives had almost no resounding successes.[84] But yet they reveal that in the 1980s, ideals and models for both alternative and dual economies were acknowledged not only within the alternative movement and the social sciences, but also in leading media outlets and political circles.

The Shadow Economy and Ideas of Freedom

The vivid public discussions about the growth of the shadow economy in the FRG and other OECD-countries at the beginning of the 1980s display how strong a feeling of crisis dominated in Western industrial countries at the time. In fact, phenomena that had been taken for granted such as full employment and the so-called standard employment relationship had begun to erode. For promoters of alternative economies, the debates about both the shadow and the dual economy provided an opportunity to popularize their ideas and concepts beyond left-alternative circles. Some of their most widely discussed approaches were less anti-capitalist than might be assumed: Despite the emphasis of autonomous work as a way to self-fulfilment and emancipation, in their visions of the self-service or the do-it-yourself economy, capitalist forms of work and the production of consumer goods remained unaffected. This clearly helped to make such ideas relatable to neoliberal discourses. For advocates of neoliberal labour market and economic policies, the shadow economy was evidence that Keynesian, demand-oriented economics had definitely failed. Although the stipulated causal connection between the shadow economy and a lack of flexibility in existing labour markets was not clearly evidenced by empirical findings, the debates on the shadow economy nonetheless served as a discursive means for neoliberal advocates to propagate their politics of flexibilization and deregulation, wherein they presented the flexibility of labour as a brilliant opportunity to curb moonlighting and other disfavoured work activities in the informal economy.

For a long time, the freedom of labour in capitalism basically meant free wage labour. In the 1970s and the 1980s, albeit for quite different reasons and with specific nuances and emphases, neoliberal advocates and promotors of alternative economies challenged the norm of both free wage labour and standard employment. The latter was associated with notions of unfreedom and inflexibility. Even though they were not the social reality for many workers, ideas of freedom linked to the figure of the

84 Thomas Raithel, "Massenarbeitslosigkeit, Armut und die Krise der sozialen Sicherung seit den 1970er Jahren. Grossbritannien und die Bundesrepublik Deutschland im Vergleich," in *Die Rückkehr der Arbeitslosigkeit. Die Bundesrepublik Deutschland im europäischen Kontext 1973 bis 1989*, eds. Thomas Raithel and Thomas Schlemmer (Munich: Oldenbourg, 2009), 76–77.

entrepreneurial self were attributed to economic activities in the informal economy. The rhetoric of creativity, entrepreneurship and flexibility related to informal work thus not only fostered promises of freedom and individual fulfilment beyond standard employment, but also facilitated a notable entanglement between discourses emerging from quite different political ideologies. Promotors of alternative or dual economies stressed the potential of informal and self-service economies to create more individualized and flexible working and living environments. Neoliberal advocates pointed to the greater efficiency and entrepreneurial freedom of informal economies and to the rationality of the choice to work within them. Simultaneously, within each of these discourses, the inflexibility of existing labour markets was criticized, stemming, in particular, from bureaucratic barriers, high taxes and traditional working hour models. In short, in the 1980s, in the FRG and beyond, informal work was considered in many ways freer than free wage labour.

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Sibylle Röth

Unconditioned Freedom: The Abolition of Serfdom as Discursive Context of the Ideal of Free Labour

Abstract

This article examines the debates on the abolition of serfdom in the late German Enlightenment as a discursive context in which the ideal of 'free labour' was shaped. It demonstrates how a specific constellation of conflicts led to the liberal conception of personal freedom as a necessary but already sufficient condition of equal liberty. In liberal natural rights theory, the demand for personal freedom was regarded as an evident consequence of natural equality. This normative demand was supplemented by considerations of utility: with full confidence in the auto-harmony of the economy, freedom was seen as a guarantee for general prosperity. The defenders of serfdom countered this with the model of a mutual contract, in which the advantage for the bonded resulted from the given economic inequality, revealing the liberal ideal of formal freedom as illusory. In this discursive constellation, it was the conservative side that centred the material precondition of liberty. This line of thought could have provided the rhetorical arsenal to demand economic security as a necessary precondition for equal liberty. But this path was not taken, as opponents of serfdom chose instead to declare economic hardship as non-existent or non-existential and stressed the priority of purely formal freedom.

Keywords: *German Enlightenment; Natural Rights Theory; Liberalism; Conservatism; Abolition of Serfdom; Equal Liberty; Personal Freedom; Contract Theory; Physiocracy; Political Discourse*

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The Ideal of Free Labour between Affirmation and Critique—Conflicting Interpretations and Methodological Approach

The liberal master narrative of the Enlightenment that has long dominated the historical discourse asserts the interdependency of human rights, democracy, and a free market economy.[1] Contrasted with the privileges of the nobility, the absolutist power of monarchy, and the various restrictions on the economy, the period around 1800 is considered to be the breakthrough for liberty and civic equality. In perfect concordance with this interpretation is the fact that in many European regions where it persisted, serfdom was also abolished during this period. In contrast to this affirmative narrative, Marxist historiography usually stresses the unfree aspects of 'free labour,'[2] a line of interpretation that goes back to Marx and Engels themselves. In the first volume of his *Capital*, Marx stated that "the transformation of feudal exploitation into capitalist exploitation" was a merely formal one—only "a change of form" of the same enduring servitude.[3] While Marx thereby equated free and slave labour, Engels went even further. In *The Condition of the Working-Class in England*, his comparison of the free worker and the feudal serf led him to argue that the situation of the second was actually preferable:

> In short, the condition of the two is not far from equal, and if either is at a disadvantage, it is the free working-man. Slaves they both are, with the single difference that the slavery of the one is undissembled, open, honest; that of the other cunning, sly, disguised, deceitfully concealed from himself and everyone else, a hypocritical servitude worse than the old.[4]

But he recognized at least a kind of 'civilizing force of hypocrisy' in that change: it acknowledged "the right to freedom, at least in outward form; bows before a free-

1 This article is adapted from Sibylle Röth, *Grenzen der Gleichheit. Forderungen nach Gleichheit und die Legitimation von Ungleichheit in Zeitschriften der deutschen Spätaufklärung* (Hannover: Wehrhahn, 2022).

2 Additionally, recent scholarship focuses on the various kinds of unfree labor within capitalism, seeking to confound the asserted connection between free market economy and free labor in general. See Carolyn Brown and Marcel van der Linden, "Shifting Boundaries between Free and Unfree Labor: Introduction," *International Labor and the Working-Class History* 78 (2010), 4–11.

3 Karl Marx, *Capital. A Critique of Political Economy, vol. 1* [1867], in *Collected Works (further MECW)*, vol. 35 (New York: International Publishers, 1996), 706.

4 Frederick Engels, *The Condition of the Working-Class in England* [1845], in *MECW*, vol. 4 (New York: International Publishers, 1975), 473.

dom-loving public opinion, and herein lies the historic progress as compared with the old servitude, that the principle of freedom is affirmed, and the oppressed will one day see to it that this principle is carried out."[5] Marx, by contrast, considered the underlying concept of freedom itself to be problematic, as it was by no means contradictory to the capitalist system. The free labour market was "in fact a very Eden of the innate rights of man," as it was—formally speaking—ruled by nothing but freedom, equality, property, and self-interest.[6]

This liberal interpretation was, however, based on a complete abstraction from the material conditions of existence and the dependency that went with it. It was only possible because the personal restrictions of feudalism were concealed as objective limitations.[7] But as long as owners of the means of production and providers of their labour power met on the free market, the dependency would remain. Marx thus argued that the proletarian was free in a double sense: free to sell his labour power and free from any other possibility to secure his subsistence.[8] Hence, ostensible equality turned out to be manifest inequality; the free labour to be forced labour; the voluntary contract an illusion since the worker was forced to accept any condition.[9] That advocates of market society could nevertheless denote this as a realm of equal liberty was founded in their conviction that "in accordance with the preestablished harmony of things, or under the auspices of an all shrewd providence," even if only following their own interests, all would "work together to their mutual advantage, for the common weal and in the interest of all."[10]

The purpose here is not to examine whether the comparison is historically valid, nor if it was ever intended to be or must be classified as mere political rhetoric.[11] Instead, this article aims to follow the line of argumentation that there is no qualified distinction between free and bonded labour—the question of the material precondition of equal freedom—as a position in the political discourse. It will ask, from

5 Ibid., 473.

6 Marx, *Capital I*, 186.

7 Karl Marx, *Economic Manuscripts of 1857–1858*, in *MECW*, vol. 28 (New York: International Publishers, 1986), 100.

8 The concept of the double freedom of the free laborer is formulated with slight variations on different occasions. See Marx, *Capital I*, 179, 705; Marx, *Economic Manuscripts of 1857–1858*, 431.

9 For the unequal conditions of the exchange, see e. g., Marx, *Capital I*, 306, idem: *Economic Manuscripts of 1857–1858*, 386 and 438.

10 Marx, *Capital I*, 186.

11 For a detailed analysis of Marx's use of the comparison between free labor and slavery, see Pepijn Brandon, "'With the Name Changed, the Story Applies to You!': Connections between Slavery and 'Free' Labor in the Writings of Marx," in *The Lifework of a Labor Historian: Essays in Honor of Marcel van der Linden*, ed. Ulbe Bosma and Karin Hofmeester (Leiden: Brill, 2018), 47–70.

which political camp this assertion was advanced, how it was made plausible and how it was refuted. As Pierre Rosanvallon demonstrates in his *The Society of Equals*, in the nineteenth century, there was obviously something to be said for this thesis. Faced with pauperism, the comparison between the free worker and the slave and the interpretation of capitalist relations as a "new feudalism" were common far across the borders of revolutionary socialism. Thus, authors from very different political positions attacked the liberal notion of equal liberty as a purely formal concept that ignored the dependencies underlying it, thereby contesting the very ideals of the Enlightenment.[12] Arising from this—retrospective—perspective is the question as to why the eighteenth-century authors neglected the material preconditions of equal liberty. While in the traditionalist Marxist historiography, this is denounced as bourgeois ideology, Rosanvallon explains it by referring to changing socio-economic circumstances: only tremendous pauperism, spawned by industrialization, proved the Enlightenment's vision that economic differences would not affect equal freedom to be incorrect.[13] Yet this answer is not entirely convincing either: even if the poverty of pauperism had gained a different quantity or quality, the general novelty of the phenomenon can be questioned, as poverty, even severe and widespread, was a structural element of early modern societies and by no means successfully extenuated by institutions tasked with social safeguarding.[14]

The argument brought forward in this article is thus that the answer can neither be found in the social-economic framework, as Rosanvallon indicates, nor in ideology—in the polemic sense of hardly covered economic interests. Instead, the liberal concept of a purely 'formal' liberty, disregarding its socio-economic preconditions, can be explained by the particular constellation of the political discourse.[15] This will

12 See Pierre Rosanvallon, *The Society of Equals*, trans. by Arthur Goldhammer (Cambridge, MA: Harvard University Press, 2013), 75–87. For the spread of the argument across national and political borders, see also Alessandro Stanziani, *Bondage, Labor and Rights in Eurasia from the Sixteenth to the Early Twentieth Centuries* (New York: Berghahn, 2014) 31.

13 Ibid., 75. For the Enlightenment's vision, see ibid., 21–33 and Pierre Rosanvallon, *Le capitalism utopique. Critique de l'idéologie économique* (Paris: Seuil, 1979).

14 See for an encompassing overview David Hitchcock and Julia McClure eds., *The Routledge History of Poverty in Europe, c.1450–1800* (London: Routledge, 2021); for the continuity between pre-industrial and industrial times, see Robert Castel, *Les métamorphoses de la question sociale. Une chronique du salariat* (Paris: Fayard, 1995).

15 Discourse, here, is defined as the culturally and socially anchored, but not determined, framework of basic convictions that structure the political dispute. Thus, the positions in interaction are not taken as manifestations of abstract *unit ideas*, but as the result of their specific context: The persuasive power of an argument derives less from its inherent consistency than from its opposition to given alternatives. This requires a different source base—instead of the classical canon of great thinkers, a wide range of journal articles is used—and a changed understanding of ideology. The difference between idea and ideology vanishes because it is assumed that they are always inextricably entangled. Thus, this study

be demonstrated through the example of the public discourse of the late German Enlightenment, and the debate on the abolition of serfdom in particular, which can be interpreted as part of the discursive context in which the ideal of free labour took shape.

The German example is interesting for several reasons: It reminds us that unfree labour was by no means restricted to the colonial world, and that no clear dichotomy existed between a European 'realm of freedom' and colonial slavery.[16] While slavery may have been externalized,[17] unfree labour was not.[18] The picture is more complex, and this complexity becomes obvious when considering its wide variety in the German lands[19]: In some territories, serfdom had already ended in the late Middle Ages; in others, such as Bavaria, it slowly fell into disuse, or was officially abolished by "enlightened" rulers, as in Austria (1781–1782) and Baden (1783). Elsewhere, especially in the notorious East-Elbian territories, its use even increased with the development of pre-industrialized largescale agriculture. Just as diverse was the variety of duties and restrictions but also entitlements that—in an act of oversimplification—can be summarized under the term "serfdom": In some territories, they had shrunk into merely symbolic acts; in many, they were the backbone of the social and political order; in others, of the whole economic system.[20]

does not seek to uncover hidden interests but to make different interpretations of the world comprehensible by showing the concrete conflict situations they emerged in. This approach owes a lot to Quentin Skinner's contextualism, see Skinner: *Visions of Politics, vol. 1: Regarding Method* (Cambridge: Cambridge University Press, 2002). Nevertheless, I do not follow all of Skinner's presumptions: The term "web of convictions" is borrowed from Marc Bevir's critique of Skinner (where he uses "web of beliefs"), see Bevir, *The Logic of the History of Ideas* (Cambridge: Cambridge University Press, 1999). For this understanding of discourse analysis, which differs significantly from Foucault's, see Raimund Ottow, "Ein Modell politischer Diskursanalyse," *European Journal of Sociology* 43, no. 2 (2002), 241–169.

16 See Tom Scott, "The Survival of Serfdom in the West," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte/germanistische Abteilung* 136 (2019), 51–75.

17 Andreas Eckert, "Aufklärung, Sklaverei, Abolition," in *Die Aufklärung und ihre Weltwirkung*, ed. Wolfgang Hardtwig (Göttingen: Vandenhoeck & Ruprecht, 2010), 254.

18 See Paul Freedman and Monique Bourin, eds., *Forms of Servitude in Northern and Central Europe. Decline, Resistance, and Expansion* (Turnhout: Brepolis, 2005).

19 As discursive phenomena are the object of study here, the exact political borders are less important than the shared language. Therefore, certain statements are included from outside the Holy Roman Empire of the German Nation as soon as they formed part of the 'German' public discourse.

20 See Jan Klußmann, ed., *Leibeigenschaft. Bäuerliche Unfreiheit in der frühen Neuzeit* (Cologne: Böhlau, 2003); for a warning against the harmonization of serfdom in the south-western territories see Werner Troßbach, "'Südwestdeutsche Leibeigenschaft' in der Frühen Neuzeit: eine Bagatelle?," *Geschichte und Gesellschaft* 7, no. 1 (1981), 69–90, on the East-Elbian 'demesne lordship', see Markus Cerman, "Demesne Lordship and Rural Society in Early Modern East Central and Eastern Europe: Comparative Perspectives," *The Agricultural History*

In any case, serfdom could not be ignored in the same way the question of trafficked slaves in Germany was ignored, for whom—although their numbers were much larger than the historiography has until recently presumed[21]—there was not even a legal framework.[22] It could not be treated as something that happened far away, like the—far from marginal and exceptional—German involvement in the slave trade and colonial slavery.[23] Instead, it was an open and everyday fact that not only affected 'foreigners' but also members of one's own society.[24] The discussion of serfdom thus became central in the public debates on freedom in Germany.

Within this context, liberals actually abstracted from any material preconditions of freedom. This position, however, becomes comprehensible in the context of the constellation of the debate: Marx's argument that merely formal freedom was undermined by grave economic inequality could already be found in the Enlightenment discourse, but in the German discussion, this was by no means the position of extreme radicals as it had been in the revolutionary French discourse, for example by Gracchus Babeuf or the Énrages around Jacques Roux. On the contrary, it was conservative authors in Germany who pointed to the material preconditions of freedom to argue that the liberal conception of freedom would fail so long as economic inequality prevailed. Thus, the argument was not used to raise radical demands to go further than formal liberal equality, but served to reject legal equality and personal freedom as illusions. In opposition to this argument, the liberal concept of freedom as an absolute normative necessity unconditioned by material concerns was only strengthened.

Review 59, no. 2 (2011), 239–258; for a more proper differentiation between the different forms, see Scott, "The Survival of Serfdom in the West".

21 See Rebekka von Mallinckrodt, Josef Köstlbauer, and Sarah Lentz, eds., *Beyond Exceptionalism. Traces of Slavery and Slave Trade in Early Modern Germany, 1650–1850* (Berlin: De Gruyter Oldenbourg, 2021), especially the introduction.

22 See Rebekka von Mallinckrodt, "Verhandelte (Un-)Freiheit: Sklaverei, Leibeigenschaft und innereuropäischer Wissenstransfer am Ausgang des 18. Jahrhunderts," *Geschichte und Gesellschaft* 43, no. 3 (2017), 347–380.

23 See Rebekka von Mallinckrodt, Josef Köstlbauer, and Sarah Lentz, eds., *Beyond Exceptionalism*.

24 For *being ingenious* versus *being alien* as an important difference between serfs and slaves, see Michael Bush, "Introduction," in *Serfdom and Slavery. Studies in Legal Bondage* (London: Routledge, 1996), 2.

A Late Enlightenment Controversy: Equal Natural Liberty and the Justification of Serfdom as Contract of Mutual Benefit

Although the critique of unfree labour had a long pre-history in early modern natural law, it gained considerably more vehemence at the end of the eighteenth century.[25] As a rule, the enlightened critics neither cared for the differences between slavery and serfdom, nor for the social and juridical subtleties that characterized the various forms of the latter. From their perspective, every kind of bondage was an intolerable violation of natural rights. This connected the German debate on serfdom to the English abolition movement and other parallel discussions in Europe at that time—minor differences aside, they all formed part of an encompassing discourse nourished by the values of liberty and equality.[26] This does not mean that 'enlightened ideas' were sufficient to abolish serfdom or slavery –in some places, these lasted until the middle of the nineteenth century and the different factors that finally led to their end varied from county to country—but they did in fact fundamentally alter the normative criteria.[27]

For the German debate, a theoretical development—which Diethelm Klippel termed the transformation from 'older' to 'younger' German natural law—is instructive. It caused an essential change in the concept of equal liberty, which was no longer interpreted as the *original status* but as the *natural condition* of men. Whereas older natural law postulated that the inhabitants of the state of nature had to give up their original liberty and equality in order to gain the security of civil society and thereby strengthened the power of the monarchy, younger natural law developed a theory of enduring natural rights that had to be respected by the state. Thus, the purpose of the political order shifted from the absolutist concept of *Glückseligkeit* to the liberal concept of the greatest possible reach of individual rights.[28]

25 For the discussion in the 17th century, see Bernd Franke, *Sklaverei und Unfreiheit im Naturrecht des 17. Jahrhunderts* (Hildesheim: Georg Olms, 2009).

26 For similarities and differences between the anti-slavery and the anti-serfdom discourse, see Michael L. Bush, *Servitude in Modern Times* (Maiden: Polity Press, 2000), chap. 11; for the discussion on the specific role of Christian ideals in the English abolition movement, see Anthony Page, "Rational Dissent, Enlightenment, and the Abolition of the British Slave Trade," *Historical Journal* 54, no. 3 (2011), 741–772.

27 See Bush, *Servitude in Modern Times*, 177–181; Shane O'Rourke, "The Emancipation of the Serfs in Europe," in *The Cambridge World History of Slavery, Vol 4: AD 1804–AD 2016*, ed. David Eltis (Cambridge: Cambridge University Press, 2017), 422–440; especially for the German Lands, see Karl H. Schneider, *Geschichte der Bauernbefreiung* (Stuttgart: Reclam, 2010).

28 See Diethelm Klippel, *Politische Freiheit und Freiheitsrechte im deutschen Naturrecht des 18. Jahrhunderts* (Paderborn: Ferdinand Schöningh, 1976); Diethelm Klippel, "Ideen zur

This new concept first appeared in the public sphere around 1770, in particular in the *Ephemeriden der Menschheit*, edited by the Basel proponent of physiocracy Isaak Iselin, who thereby became an intellectual broker between the French and German-speaking discourse.[29] Presupposing natural freedom and equality, the—today mostly unknown—authors of these texts deduced general rights that claimed validity for all human beings as they arose from human nature.[30] The transition from the state of nature to society could not legitimate any diminution of them because man would never have renounced them voluntarily, but instead entered into society to protect them.[31] Thus, any law that infringed on them was rejected as arbitrary.[32]

Consequently, the guarantee of natural freedom was the central demand of this natural rights theory. It was regarded as "the source and most original reason for all […] rights and powers," which meant that "all laws, every constitution of state and society may be nothing more than necessary consequences of this right, which is the fundamental law of every political association."[33] Therefore, it became the supreme purpose of the state to safeguard personal liberty—tellingly labelled as *Personaleigenthum* (self-ownership)—and property.[34] That this had to be equal for all would be comprehensible by simple self-interest: everyone should refrain from infringing on the freedom of others, just as one wanted their sphere of freedom to be protected.[35] "What, then, does natural law mean? Nothing else than self-ownership, or, in other

Revision des Naturrechts: Die Diskussion zur Neubegründung des deutschen Naturrechts um 1780," *Jahrbuch für Recht und Ethik / Annual Review of Law and Ethics* 8 (2000), 73–90.

29 For Iselin and the German-speaking Physiocracy, see Ulrich Im Hof, *Isaak Iselin und die Spätaufklärung* (Bern: Francke, 1967); Diethelm Klippel, "Der Einfluß der Physiokraten auf die Entwicklung der liberalen politischen Theorie in Deutschland," *Der Staat* 23 (1984), 205–226; Keith Tribe, "The Reception of Physiocratic Argument in the German States," in *La diffusion internationale de la Physiocratie (XVIIIe–XIXe)*, ed. Bernard Delmas, Thierry Demals, and Philippe Steiner (Grenoble: Presse Universitaires de Grenobles, 1995), 331–344; for the debate of the French Physiocracy about slavery and serfdom and its ideal of free labor, see Stanziani, *Bondage. Labor and Rights in Eurasia from the Sixteenth to the Early Twentieth Centuries*, 23–25.

30 Christian August Wichmann, "Rezension zu Schlettwein, J. A.: Die Rechte der Menschheit. Gießen: Krieger 1784," *Ephemeriden der Menschheit* (1784, vol. 1), 548 and Anonymous, "Schreiben über das natürliche Menschen- oder Naturrecht," *Ephemeriden der Menschheit* (1783, vol. 2), 4.

31 Anonymous, "Ueber den Zusammenhang der Handelsfreiheit mit dem Eigenthumsrechte," in: *Ephemeriden der Menschheit* (1783, vol. 2), 630."

32 Wichmann, "Rezension zu Schlettwein," 543.

33 Anonymous, "Schreiben über das natürliche Menschen- oder Naturrecht," 9. [Here and in the following, direct quotations are translated by the author.]

34 Wichmann, "Rezension zu Schlettwein," 572; see also Anonymous, "Ueber den Zusammenhang der Handelsfreiheit mit dem Eigenthumsrechte," 631.

35 Anonymous, "Schreiben über das natürliche Menschen- oder Naturrecht," 7.

words, the freedom to provide for one's needs under the condition not to harm any other."[36] The result is the classical conception of equal liberty as an individual sphere of freedom.

Especially in Iselin's writings in favour of economic freedom, it was indeed the teleological assumption of a "purpose of creation" and the "intention of an all-wise Creator"[37]—which Marx ridicules as "all shrewd providence"—that guaranteed the convergence of the common good and individual interest. As he presumed natural sociability, he considered men to be predisposed to cooperation.[38] So, he interpreted the scarcity of goods less as a problem than as an incentive for the development of human capacities and cultural advancement.[39] These natural conditions allowed and stimulated the division of labour and the exchange of goods, which increased the private as well as the common good. Thus, "the happiness of all and every man represents one whole; each suffers as soon as the rights of another are violated, and everyone gains as soon as another becomes happier and richer by diligence and justness."[40]

Among other claims for reform, like a wide array of civil liberties, the abrogation of privileges, monopolies, and the guilds, these presumptions evidently lead to the demand to abolish serfdom. Iselin supplemented this normative position with a consideration of its utility: Every form of labour wherein the participants did not act as free and equal necessarily produced disadvantages, since both—the slave and the tyrant—would work less efficiently.[41] Here, the ideal of free labour was encapsulated as the "courage and pleasure [of] the free man who expects a richer reward the more he works."[42] Thus, freedom would lead to increasing prosperity, whereas oppression harmed both the oppressor and the oppressed.[43] Consequently, it was equally pernicious for the individual and society, if wealth and power could be gained without useful activity and if people were condemned to misery despite their best efforts.[44] At least in Baden, this line of argumentation succeeded: It was physiocratic ideas that inspired Grand Duke Charles Frederick to initiate a reform program that included the abolition of serfdom.[45]

36 Ibid., 8.
37 Isaak Iselin, "Menschenfreundlicher Catechismus," *Ephemeriden der Menschheit* (1776, vol. 3), 225.
38 Ibid., I, 23.
39 Ibid., III, 224.
40 Ibid., IV, 12.
41 Ibid., V, 117.
42 Ibid., V, 119.
43 Ibid., VI, 223.
44 Isaak Iselin, "Ueber einige Ungerechtigkeiten der menschlichen Stiftungen und Gesetze. An einen Menschenfeind," *Ephemeriden der Menschheit* (1777, vol. 7), 120.
45 Günter Birtsch, "Der Idealtyp des aufgeklärten Herrschers. Friedrich der Große, Karl Friedrich von Baden und Joseph II. im Vergleich," *Aufklärung* 2, no. 1 (1987), 38.

While the liberal attack on serfdom did not differ fundamentally from contemporary options for critiques of slavery, the means available to defend each were quite distinct: German advocates of serfdom did not have recourse to racist stereotypes as did the advocates of transatlantic slavery.[46] Due to territorial fragmentation and regional differences, they also could not make an argument for a common national interest in the face of international economic competition, as was put forth by British and French defenders of the slave trade.[47] They thus had to develop different lines of argumentation.[48] Adapting to the normative assumptions of their opponents, they tried to prove that, under certain circumstances, it was rational—and thereby legitimate—to give up one's liberty. Under these conditions, they claimed, serfdom must be considered as a free contract for mutual benefit". As will be demonstrated below, it was always economic need that served as the explanation for voluntary subjection.[49] Conversely, the conservative line of argumentation did not depend on the premise of natural inequality, as economic inequality proved sufficient to deny the possibility of equal liberty.

When considering the historical origins of serfdom, these authors always presupposed a state of economic inequality. The *Anleitung zur Rechtschaffenheit,* a textbook from the Habsburg territories, published a few years before emancipation, told the story like this: "The owners of certain estates, i. e. the lords who cleared forests, dried up swamps, made deserts fertile and established villages, needed people to cultivate the land. For this purpose, they chose such persons who had neither anything of their own nor any other engagement."[50] In exchange for the right to use the land and the landowners' obligation to supply them in times of distress, settlers consented to pay certain rents and render services.[51] Justus Möser, a statesman in Osnabrück and the prototype of the conservative thinker,[52] came to the same conclusion: At least in an

46 Andreas Eckert, "Aufklärung, Sklaverei, Abolition," 244–246.

47 Ibid., 248.

48 There were also some shared arguments: Serfs, like slaves, were thought to be 'unfit' for freedom due to their alleged moral and intellectual deficiencies. In both cases, the inviolable property rights of the owners were highlighted. Nonetheless, in the sources considered here, these points are minor digressions to the main line of argumentation.

49 This is also distinctively different from the argumentation to defend serfdom used in seventeenth century's "Wildfangstreit." See Luca Scholz, "Leibeigenschaft Rechtfertigen: Kontroversen um Ursprung und Legitimität der Leibeigenschaft im Wildfangstreit," *Zeitschrift für Historische Forschung* 45, no. 1 (2018), 41–81.

50 [Johann Ignaz von Felbiger], *Anleitung zur Rechtschaffenheit oder das für die in den Trivialschulen lernende slavonisch-servische nicht unirte Jugend bestimmte Lesebuch* (Vienna 1777). Here and in the following after the review, Anonymous, "Ist es ratsam, das Volk allgemeines Stats- und MenschenRecht zu leren?," *Stats-Anzeigen* (1786, vol. 9), 498 [= Direct quotation from Felbiger, "Anleitung zur Rechtschaffenheit," 253].

51 Anonymous, "Ist es ratsam, das Volk allgemeines Stats- und MenschenRecht zu leren?," 499.

52 See Klaus Epstein, *The Genesis of German Conservatism* (Princeton: Princeton University Press, 1966), ch. 6.

early stage of cultural development, it was doubtlessly a great advantage for those who could not sustain themselves to find a master who equipped them with the means of production. Serfdom was thus not the result of violence or tyranny, but a free, mutually beneficial contract.[53] Johann Georg Büsch, a Hamburg scholar of mathematics and economics, also advanced this argument but explicitly limited it to the past. His intention was not to justify serfdom but to outline the advancement brought about by the invention of money, before which it had been reasonable for the propertyless to gain security through dependency. Without the option to earn and save money, the only way to achieve enduring material safety had been to submit oneself completely and continuously to a master.[54]

While Büsch emphasized that this arrangement became dispensable once money existed, Möser and Wilhelm Ernst Christiani adapted the argument to the present, which required a consideration of certain normative or at least legal restrictions. Both dismissed absolute slavery but argued that serfdom did not necessarily offend the principles of humanity and morality.[55] Christiani, a professor in the Danish-ruled duchy of Holstein, where intense discussions on the abolition of serfdom were taking place at the time, presented a theoretical examination of the compatibility of bondage and natural law.[56] According to the premises of the latter, he presupposed free and equal individuals with certain natural rights that were inalienable:[57] since an individual could never renounce them, they could never be deprived of them.[58] But since his conception of inalienable rights did not include personal freedom, he considered serfdom to be permissible. By defining the right of self-preservation as the primordial right of men, he considered it legitimate to abdicate liberty in order to secure it.[59] Complementary to this theoretical study, Möser provided a practical example by

53 Justus Möser, "Etwas zur Naturgeschichte des Leibeigenthums," *Berlinische Monatsschrift* (1785, vol. 1), 7.

54 Johann Georg Büsch, *Abhandlung von dem Geldsumlauf in anhaltender Rücksicht auf die Staatswirtschaft und Handlung* (Hamburg/ Kiel: 1780). Here presented after Johann Christian Schmohl, "Von dem Ursprunge der Knechtschaft in der bürgerlichen Gesellschaft," *Berlinische Monatsschrift* (1783, vol. 1), 336–338.

55 Wilhelm Ernst Christiani, "Ueber die Leibeigenschaft, nach Gründen des Naturrechts," *Schleswig-Holsteinische Provinzialberichte* (1787, vol. 1), 134–166, 138 and Justus Möser, "Leibeigenschaft in Westfalen," *Staats-Anzeiger* (1783, vol. 3), 407.

56 See Jan Klußmann, "Leibeigenschaft im frühneuzeitlichen Schleswig-Holstein: Rechtliche Entwicklung, öffentlicher Diskurs und bäuerliche Perspektive," in *Leibeigenschaft. Bäuerliche Unfreiheit in der frühen Neuzeit*, ed. Jan Klußmann (Cologne: Böhlau, 2003) 213–240.

57 Christiani, "Ueber die Leibeigenschaft, nach Gründen des Naturrechts," 143.

58 Ibid., 138.

59 Ibid., 152. In the further course of the examination, however, Christiani stated that this arrangement could not rightfully be transferred to the descendants of the serfs. To renounce one's liberty was taken as an individual act, requiring factual consent. Möser, by contrast,

arguing that serfdom in Westphalia—contrary to regions in East-Elbia—was barely different from hereditary tenure.[60] Its conditions were hardly burdensome because the mutual rights and duties of the serf and the landlord were precisely defined and effectively controlled.[61] In addition, compared to the free peasant, the serf's situation was in fact preferable, since he was effectively secured against poverty.[62] As such, only the fewest serfs actually strove for freedom.[63]

Presupposing grave economic inequality, each of these texts contended that it was a perfectly rational and therefore legitimate act to renounce one's liberty for the sake of material security. To forbid it, an anonymous article from 1793—the climax of the French Revolution—argued, would mostly harm the poorest members of society who had no other way to secure their livelihood.[64] Here, the line of argumentation popularized in the nineteenth-century discourse, which equated serfdom to other forms of dependent employment, was anticipated: "I am absolutely unable to understand why the metaphysical politicians are more outraged if they see serving peasants than if they see the swarm of servants, who stand behind the chairs or on the carriages, or who otherwise have to fulfill the heaviest and dirtiest duties."[65] The only difference between the two was that the one group was remunerated with money, while the other with the provision of accommodation and work equipment.[66] Obviously, this could not constitute a difference in legitimacy, so both must be considered to be equally permissible:

> Even the New-French concept of liberty and equality does not go as far, as to consider it unlawful to employ a citoyen with all his innate rights of men as staff, or otherwise to conclude a contract with him; by which he admittedly becomes dependent on an individual, but in turn, receives payment (e. g., real services in return) from the latter.[67]

Like Marx, the author recognized economic inequality to be the cause of this dependency. Unlike Marx—but in full accordance with his discursive environment—he considered this to be unalterable. For as long as wealth was unequally distributed, rich people would purchase large landholdings and the differences between the estates

tried to prove that this was dispensable. See Möser, "Etwas zur Naturgeschichte des Leibeigenthums," 2.

60 Möser, "Leibeigenschaft in Westfalen," 412.
61 Ibid., 409–411.
62 Ibid., 412.
63 Ibid., 406.
64 E. v. K., "Ueber Dienstkontrakte, welche nicht auf Geld lauten," *Berlinische Monatsschrift* (1793, vol. 1), 79.
65 Ibid., 86.
66 Ibid., 80 and 83.
67 Ibid., 79.

would remain. No matter "how many unjust and ridiculous annihilations of names and titles will be made," the nation would always be divided "into the two great classes": those who owned land and those who did not. "The former, and their heirs, will eternally stand in a very different relation to both their fellow citizens and the entirety of the state, compared to the latter, since even the most resolute philosophers have not yet advanced to the point of urging the stealing of wealth and the destruction of inheritance rights."[68]

"In Germany, this Distress never Occurs" — The Liberal Marginalization of the Material Preconditions of Liberty

According to the conservative line of argumentation, economic inequality necessarily led to the inequality of freedom. The introduction of formal equality could not eliminate the underlying dependency and thus would come to nothing. Consequently, the ideal of equal freedom was rejected, as—first of all—the more original right to self-preservation must be secured. Serfdom was considered an effective way to do so. The reaction to this vindication of serfdom, however, was not to turn to the material conditionality of equal freedom. The liberal opponents neither argued that even under conditions of life-threatening need, freedom could simply not be rightfully renounced, nor did they transform these conservative reflections into a demand to grant the material preconditions of freedom for all. Instead, the assumption of such inequality was called into doubt.

In terms of the historical explanations for serfdom, the presumption that land was already unequally distributed was scrutinized. Supposing that property originated from labour, the existence of vastly unequal properties required an explanation. Criticizing the *Anleitung zur Rechtschaffenheit*, an anonymous reviewer argued that if not supported by other clues, the reader would be forced to suppose "two Adams, whereby the descendants of the one possesses the earth and the descendants of the other must first obtain the permission to live from the earth by the sweat of their brow by allowing the first to live without any sweat—which is contrary to his Bible."[69] Objecting to Büsch, the Anhaltian educator Johann Christian Schmohl argued that, especially at an earlier cultural stage, there must have been sufficient unsettled land for everyone. Therefore, it was incomprehensible that an individual should not have been able to

68 Ibid., 87.

69 Anonymous, "Ist es ratsam, das Volk allgemeines Stats- und MenschenRecht zu leren?," 498.

maintain himself: "Every man can acquire his food without living in the service of another if he is not prevented by other men from using the soil."[70]

Obviously, the distribution of land was the crucial point. By presupposing that not all land had yet been distributed, the provision of the means of production as exchange value ceased to apply. By assuming abundance, the rationality of the contract was discarded. This objection highlights that—in contrast to classical social contract theory, which proceeds from the logically constructed state of independent individuals—the starting point for the conservatives in a state of inequality lacked both logical necessity and legitimation. However, their opponents did not argue that a contract that was concluded under conditions of distress could not be described as voluntarily and therefore failed to generate legitimacy. Instead, they argued that such a situation could not have existed, and therefore no rational reason for such an act of submission existed. On this basis, the assertion that the serf benefited from his situation was relegated to the realm of fiction: No one of sound mind would voluntarily enslave himself.[71] No free contract, but "violence forced the weaker to sacrifice his freedom to save his life and security, not against scarcity, but against the encroachments of the powerful."[72] Hence, the critique did not point to economic inequality, but to an inequality of power.

While these critiques rejected historical explanations for the development of serfdom, the liberal publicist and professor of constitutional law in Göttingen August Ludwig Schlözer made the same argument regarding its presence. In opposition to Möser's justification of serfdom out of economic need, he flatly asserted: "In Germa-

70 Johann Christian Schmohl, "Von dem Ursprunge der Knechtschaft in der bürgerlichen Gesellschaft," 340. It must be mentioned that Schmohl was an extraordinary figure in the German Enlightenment in terms of his political as well as his economic ideas. His agreement with the liberals, which is stressed here, only refers to the past, not to their optimism about the future. In the further course of his treatise, he submitted a critique of civilization that is reminiscent of Rousseau's *Second Discourse.* He argued that the introduction of money had by no means ended servitude but, on the contrary, had actually increased it. Büsch's misjudgment resulted from his desire to explain why slavery no longer existed in modern societies. But he was misled by the mere wording: "The name slave is rare in Europe—but also slavery itself? The chain remains a chain, you can gild and silver it as much as you like". (Schmohl, "Von dem Ursprunge der Knechtschaft," 342 and 347). This was not the common equation of slaves with serfs but a critique of economic inequality. And in fact, in his *Über Nordamerika und Demokratie*, Schmohl demanded the equal distribution of landed property and a limit on wealth. See Michael Niedermeier, "Der anhaltische Philanthrop, Schriftsteller und Aufrührer Johann Christian Schmohl und seine spektakuläre Flucht aus Halle im Jahre 1781," in *Europa in der Frühen Neuzeit. Festschrift für Günther Mühlpfordt*, ed. Erich Donnert (Cologne: Böhlau, 1997), 242.

71 Anonymous, "Ist es ratsam, das Volk allgemeines Stats- und MenschenRecht zu leren?," 498.

72 Schmohl, "Von dem Ursprunge der Knechtschaft in der bürgerlichen Gesellschaft," 339.

ny, this distress never occurs."[73] Therefore, any renunciation of freedom was always an act of irrationality that would never generate rightfulness. If serfs actually rejected the possibility of regaining their freedom, this could only stem from the moral deprivation that developed under long-lasting servitude.[74] While Schlözer thereby generally denied the existence of existential need, Christian Ulrich Detlev von Eggers at least discarded the notion that social security was an adequate exchange for freedom. In an article from 1788–1789, the Holsteinian reformist politician, scholar, and publicist stated:

> And for all these sacrifices the landlord compensates the serf—by the obligation to give him a piece of land, from which he and his family can miserably exist after the rent is paid; to give him another cottage and other cattle if his miserable cottage burned down and his cattle died because he could not live without them and could not render the corvée, and to meagerly sustain him in times of famine. That's all—and yet, there are people among the nobility, the bourgeoisie, and the clergy who think meanly enough to regard this reward as perfectly sufficient.[75]

But even if equivalent goods were exchanged, the mere fact that the conditions were unilaterally determined by the landlord would make manifest that the ostensible mutual rights and duties were based on inequality and oppression.[76] Thus, the interpretation of serfdom as a voluntary contract could not stand. Writing on the eve of the French Revolution, Eggers used the full pathos of reason and natural rights to call for the abolishment of serfdom.[77] As a strict normative requirement, this could never be weighed against the common good. Eventually, the opposition between liberty and the common good was anyways only an alleged one because right and utility always coincided in the end. Like Iselin, Eggers was convinced that the emancipation of the peasants was also for the common benefit since it promoted industriousness.[78]

At the end of the 1790s, when the debates surrounding the abolition of serfdom in Holstein (together with Schleswig) transformed into a process of practical reform, this firm expectation of liberty leading to increased productivity allowed Eggers to deny the necessity that emancipation must be accompanied by the provision of land. While other participants in this discourse claimed the provision of land to be obligatory to compensate peasants for the loss of their landlord's duty to supply them in

73 Möser, "Leibeigenschaft in Westfalen," annotation Schlözer, 411.
74 Ibid., 407.
75 Christian Ulrich Detlev von Eggers, "Briefe an Frau von B. Ueber die Aufhebung der Leibeigenschaft und Frohndienste," *Deutsches gemeinnüziges Magazin* (1788, vol. 2), 117.
76 Ibid., 108.
77 Ibid. (1789, vol. 3), 2.
78 Ibid. (1788, vol. 3), 68.

times of distress, Eggers contended, that free peasants would be able to provide for themselves.[79] As soon as they were free, "the most frequent cause of impoverishment is remedied for the future."[80] And in any case, the serfs were less anxious about their economic situation than burdened by their lack of liberty.[81] The free choice of one's residence, spouse, and profession—"these are surely expressions of personal freedom which everyone who feels to be a human being […] wishes to be in his power."[82] To grant this was by no means an empty right, and even if some duties toward the landlord remained, the peasants would gain infinitely more from their liberty, be happier—and more industrious.[83]

In this debate, it becomes obvious that the liberal marginalization of the social circumstances of the serfs was not merely a blind spot but a conscious position. Eggers emphasized that the question of the allocation of land should be put aside since, before all else, personal freedom had to be granted. In this way, the reform could be accomplished within a few years because the concerns of the landlords—whose consent was required—centred only around the economic interventions.[84]

> But why shall two matters be combined that are in fact essentially different? If the emancipation of the peasant […] is highly beneficial for him, and at least harmless for the landlord, but at the same time independent of a further improvement of the economic situation of the peasant, and only insofar connected to the latter as it must necessarily precede it, […] then one should not be tardy to take the first, always necessary step, as soon as possible, while the situation of things gradually brings about the others.[85]

He thereby separated legal status from economic conditions and subordinated the latter to the former. In terms of personal liberty, he assumed that natural law and the interests of the state coincided and were definite, whereas, in terms of the distribution of land, the rights of the landlords must be taken into consideration. Fortunately, the solution to this problem could be left to develop on its own, because the mutual

79 For the broader debate, see Röth, *Grenzen der Gleichheit*, chapt. II.6.2.

80 Christian Ulrich Detlev von Eggers, "Rechtliches Bedenken über die Aufhebung der Leibeigenschaft oder erblichen Gutsverpflichtung (Glebae adscriptio)," *Deutsches Magazin* (1798, vol. 15), 380–420, 401. The article was already written in 1785, for its original context, see the annotation, ibid., 380.

81 Christian Ulrich Detlev von Eggers, "Bedarf es weitaussehender Vorbereitungen, um dem holsteinischen leibeigenen Bauer persönliche Freiheit wieder zu geben?," *Deutsches Magazin* (1796, vol. 11), 213–232, 216.

82 Ibid., 217.

83 Ibid., 221.

84 Ibid., 228.

85 Ibid., 231.

advantage of landowners and peasants would soon lead to the gradual replacement of dues and services by free property.[86] Eggers was convinced that on the basis of equal freedom, the economic question would be resolved as part of a harmonious process. He considered it to be a matter between landlords and peasants, in which the government was not to intervene. He thus disregarded the demand for land and did not believe a decision on its organization to be a political question.

Eggers' position makes clear that he was not explicitly fighting for free property but only for personal freedom. The ideal of self-ownership, which gained its plausibility in its differentiation from serfdom, makes the free disposal of one's own person and labour power the only precondition for freedom. It does not imply the power to dispose of one's own means of production. While Eggers was surely convinced that the preferable outcome of the reform, in the long run, would be free property, he did not deem it necessary to guarantee it would. Quite the opposite: he explicitly argued against those who thought that the goal of prosperity and self-reliance could only be reached through a redistribution of land that would turn the serfs into independent landowners—and who thereby lost sight of the many landless farmhands. In short, the liberal concept of freedom was a purely negative one: Personal freedom was thought to be necessary, but also inherently sufficient to ensure self-preservation. That being said, the ideal of free labour that emerged in this context cannot be equated with the conception of wage labour that emerged in the nineteenth century. It was, however, not a conception of small independent producers either. In the end, it was no conception at all—only an ideal. The question of the economic preconditions of autonomy did not lead to bourgeois notions but was ignored.[87]

Liberty as Sufficient Condition for Subsistence—the Liberal Priority of Freedom in Context

In referring to the right of self-preservation, the defenders of serfdom actually used a loophole provided to them by the Physiocratics. Since they considered human nature to be the foundation of rights, the necessity to meet physical needs was also the starting point for their theoretical reflections. One anonymous article regarded the ability

86 Ibid., 394–396.

87 A similar argumentative structure can be observed in the debate on the abolition of guilds. There, liberal authors argued for a natural right to work and free access to all professions. This would also have the advantage that producers could flexibly react to shifting demands by changing occupations. This argument, however, required that one did not presuppose the possession of a workshop or work equipment of one's own to be a prerequisite. Here too, these deliberations do not lead to independent craftsmen but to flexibly deployable workers. See Röth, *Grenzen der Gleichheit*, Chapt. II.2.3.3.

to feel joy and sorrow as the most fundamental characteristic of men, which made securing basic needs their first intention.[88] Iselin, too, considered it to be the primary instinct of pre-social men to procure sufficient food and to stockpile provisions to archive the security of its supply.[89] Self-preservation was thus defined as the most primordial natural right. Occasionally, even the right to personal freedom was deduced from it, since natural rights consisted "in nothing more […] than in the right to exist and the means of existence."[90] That freedom was only considered as the appropriate means to achieve this end was also apparent in the wording of another text, wherein self-ownership was characterized as the "common interest of all human beings without any difference *because* there is no condition more secure, no shorter way, to gain the goods which serve for their enjoyment [italics added]."[91] Thus, in the strictest sense, freedom was only a secondary value that existed in an instrumental relationship with the primary good of existence.

Based on these premises, it seems quite debatable whether to give up freedom in order to secure one's subsistence. To avoid this collision of rights, it would be necessary to provide social safety without being forced to renounce one's liberty. Yet, only one of the examined liberal authors took this into consideration: He related the right to appropriation to a reservation of use and connected property rights of the one who possesses in abundance to the obligation to support the needy.[92] But not only must this right of necessity be interpreted as an exception in case of emergency,[93] in other Physiocratic writings such considerations did not even enter. Instead, freedom was gradually detached from its original relationship to the right to exist.

In a first step, freedom was elevated from a mere instrument to self-preservation to its necessary condition: It was considered to be the clearest evidence that man "could not gain self-preservation and well-being without the freedom to use his strength and abilities to obtain whatever his needs demand."[94] In a second step, its status as a necessary condition was tacitly transformed into that of a sufficient one, as the passage, already quoted above, shows: "What, then, does natural law mean? *Nothing else than self-ownership*, or, in other words, the freedom to provide for one's needs under the

88 Anonymous, "Ueber den Zusammenhang der Handelsfreiheit mit dem Eigenthumsrechte," 634.

89 Iselin, "Menschenfreundlicher Catechismus," here part I., 17.

90 Anonymous, "Ueber den Zusammenhang der Handelsfreiheit mit dem Eigenthumsrechte," 635.

91 Anonymous, "Schreiben über das natürliche Menschen- oder Naturrecht," 7.

92 Wichmann, "Rezension zu Schlettwein," 550.

93 See ibid., 554. For the conceptual difference to modern social rights, see Samuel Fleischacker, *A Short History of Distributive Justice* (Cambridge, MA: Harvard University Press, 2004), 28–34.

94 Anonymous, "Schreiben über das natürliche Menschen- oder Naturrecht," 8.

condition not to harm any other [italics added]."[95] In this way separated from the original deduction, personal freedom was then defined as the first and most fundamental right of men.[96] This led to the equal right to appropriate the necessary means of subsistence: a right to property and a right to work. Yet they were defined as purely negative rights that no one was allowed to infringe, versus as positive demands that have to be fulfilled. Thus, the security of property—which included liberty as self-ownership, but not of existence—was declared to be the purpose of the state.[97]

That formal freedom might not be sufficient to secure one's subsistence—that a formal right to work and to own property could not actually guarantee to do so—was not taken into consideration.[98] Nor was it deemed possible that formal equality could be insufficient to prevent structures of dependency. The explanation for these limits of liberal thought, however, need not be sought outside but can be found within the constellation of this discourse. It can be explained by the stability of its front lines: The economic conditionality of freedom was too clearly a conservative notion. Without access to the means of production, the defenders of serfdom deemed formal freedom to be insufficient to secure one's subsistence, underlining the illusory nature of freedom as autonomy, since the propertyless depended on the grace of others and could thus never be equal to the property owners. As such, the unfreedom and inequality of the serfs were the results of an inequality and dependency that preceded their formal submission. According to this premise, serfdom was the legal form that corresponded to these factual conditions, whereas the proclamation of a formal right to freedom must fail in the face of this material inequality.

As we have seen, the liberal thinkers did not reject this argumentation as theoretically inconsistent but as implausible, since they denied the existence of economic hardship as a factual motivation for renouncing one's freedom. They assumed that all could pursue their personal needs and desires if only freedom were granted.[99] In their theory, freedom and equality were given by nature, so it must only be ensured that these were not inhibited. As such, they emphasized the absolute and thus unconditioned status of personal freedom as a normative demand. How this could be implemented once its material preconditions were considered was indeed anything but obvious. But if they had extended their claim to the social conditions necessary for

95 Ibid.

96 Anonymous, "Ueber den Zusammenhang der Handelsfreiheit mit dem Eigenthumsrechte," 635.

97 Ibid., 641.

98 Ibid., 632. See the same pattern of argumentation in the context of the abolition of guilds, for example in Johann August Schlettwein, "Die Freyheit der Gewerbe, und des Handels wider den Herrn Generaladvocaten Seguier zu Paris," *Ephemeriden der Menschheit* (1778, part II), 1–54, 10.

99 See Anonymous, "Schreiben über das natürliche Menschen- oder Naturrecht," 8.

equal liberty, this would have weakened their position dramatically: their demand for freedom would have appeared impracticable, their demand for its preconditions far too radical as it would necessarily have affected the given property order. This would not only have disqualified their position in the eyes of their opponents but was also not their own intention. Framed in the narrative of harmonious progress, through which the freedom of one would necessarily strengthen the benefit of all, their argument became, if not more convincing, then at least less dangerous.[100]

In this situation, a blindness toward the material conditionality of equal liberty emerged, leading to the propagation of 'free labour' as an ideal. However, this is not (merely) to be interpreted as bourgeois ideology. Because it was precisely through the rejection of the material context that this demand could acquire its persuasive power: only in this way could personal freedom be presented as a requirement of human nature that was as self-evident as absolutely requisite. Simultaneously, human nature, which was seen as the basis of the entire concept of natural rights, became more and more abstract. By focusing on individual's liberty, their material constitution as biological beings fell increasingly from view. Rhetorically, this was expedient: the claim for equal liberty was based on the assumption that the individual was independent by nature. To stress their physical needs, their possible weakness, and their inability to maintain themselves would have been counterproductive. Consequently, the material preconditions of equal liberty were marginalized. Thus, the defenders of freedom dismissed economic need as non-existent or non-existential and fully trusted in the harmonic development of the mutual benefit between free and equal individuals.

One may accuse the liberal Enlightenment of blindness in this regard since the counterarguments were readily available. All that would have been necessary was to turn these arguments around and transform the named obstacles into enabling conditions. But more important than passing judgment on historical actors is whether this analysis provides a new perspective on the question of free and unfree labour. Is free labour—as Engels suggested—nevertheless progress, even if initially only semantically, because it provides leverage for future demands? Or is the liberal concept of freedom—as Marx confirmed—in fact so contaminated that it must be replaced? The conclusions presented here emphasize that the ostensible opposition between freedom and social security was not only practically but also theoretically on the wrong track. The reasons therefore are explicable from the historical context but conceptually it was contingent. As has been demonstrated, even in liberal natural rights theory, the right

100 "Dangerous" not only for the order of society, but potentially also for themselves, as can be seen through the example of Schmohl, whose writings evidently crossed the line of the acceptable. In 1781, one of his publications was publicly burned, he was prosecuted by the authorities of Anhalt-Zerbst, and finally had to flee Germany (see Niedermeier, "Der anhaltische Philanthrop, Schriftsteller und Aufrührer Johann Christian Schmohl und seine spektakuläre Flucht aus Halle im Jahre 1781," 243–247.)

to exist was the primordial right of men. Consequently, a purely negative definition of natural liberty contradicted its own premises. An encompassing concept of liberty demands more than formal freedom—which remains a necessary but not sufficient condition.

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David Mayer

Changing Degrees of 'Openness': Some Considerations on the Development of the Notion of 'Work' in Argentinean Labour Historiography*

Abstract

This article discusses certain fundamental moments in the evolution of the historiographies on work, workers, and labour movements in South America, in particular in Argentina and Brazil. In that, the analysis follows a double track: First, it will shed light on the changeable notion of 'work' in these historiographies and analyse the degree of 'openness' in each of these moments in relation to the historical diversity within labour relations. Second, the interrelation between the predominant notion of 'work' and contemporary political conflicts is considered. The article focuses on two different phases in the evolution of historiographical debates in Argentina: the long 1960s and the 1980s, which were associated, respectively, with the idea of 'revolution' and '(re)democratization.' While historiographic debates in Latin America in the 1960s tended to stress the compatibility of coercive labour relations with the capitalist world-market, the period of re-democratization in the 1980s correlated, at least in Argentina, with a narrowing of the notion of 'work,' in terms of a renewed emphasis on 'wage-labour.' Contrary to the narratives implicit in current global labour historiography about its own becoming, in Argentina there was no linear evolution from 'narrow' to 'broad' notions of 'work.'

Keywords: *History of historiography; Global Labour History; notions of 'work'; Argentina, Brazil*

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One of the longstanding intellectual-political companions of labour movements have been labour historiographies. While the relationship between the two entities—'work' and 'organized labour' on the one hand, and history writing on work and labour movements, on the other—is a complex, if not fraught one, practices of writing history have certainly influenced, sometimes even co-shaped fundamental ideas and notions within labour movements and among workers. The very idea of 'work'—what belongs to 'work,' how it is distinguished from other activities, which activities are legitimate and honourable and which are despicable and demeaning ones—ranks high among these fundamental notions.

This article discusses two important moments in the evolution of the historiographies on work, workers and labour movements in South America, in particular in Argentina and Brazil, the two countries which can boast, together with Chile, the most substantial labour historiographies on the sub-continent. While this article concentrates on Argentina—bringing in the case of Brazil as a contrasting, yet asymmetric comparison, the analysis follows a double track: First, it sheds light on the changeable notion of 'work' in these historiographies and analyses the degree of 'openness' in relation to what, in the current discussion, is seen as a fundamental fact of the historical experience in Latin America: the diversity of labour relations with all kinds of combinations of free und unfree, paid and unpaid, formal and informal, industrial and agrarian, subsistence- and market-oriented, household-bound and workplace-centred forms of labour. If one of the main imperatives of global labour history is to overcome the myth of the prevalence of 'double-free wage labour' in modern, capitalist economies, then Latin America certainly is a case in point. While labour historiographies in Latin America, particularly in Brazil, are regularly cited as a major point of reference—if not points of origin—for the emergence of contemporary global labour history,[1] scholars of Latin America have nevertheless tended to subscribe to the same view as their European or North American colleagues and defined 'labour' as synonymous with industrial wage-labour.

Second, this article analyses the interrelationship between the predominant notion of 'work' and contemporary political conflicts by focusing on two different phases in the evolution of historiographical debates in South America: the long 1960s and the 1980s, which were associated, respectively, with the idea of 'revolution' and '(re) democratization.' The comparison between the 1960s–1970s and 1980s points to some unexpected 'contrarities': While historiographic debates in Latin America in the 1960s tended to stress the compatibility of coercive labour relations with the capitalist world-market, the period of re-democratization after the end of the military dictatorships in the 1980s correlated with a narrowing of the notion of 'work' through a re-

1 See Marcel van der Linden, *Workers of the World. Essays Toward a Global Labor History* (Leiden/Boston: Brill, 2008), 3.

newed emphasis on 'wage-labour' (the comparison with Brazil reveals a somewhat different development in 1980s there). This begs the question: Did re-democratization need an idea of the 'worker' that, from today's point of view, was rather limited? On this level, the polysemic concept of 'freedom' reveals some of its many ambiguities: its political meaning, closely tied to notions of 'democracy,' can, under certain circumstances, promote an idea of work that is *less*, not more inclusive in acknowledging the variegated historical worlds of work.

There is an important methodological caveat to be added at this point: The argument presented here only works if one understands the study of the history of labour historiography as part of several other, broader fields of historiography, from broader perspectives, such as social or cultural history, and neighbouring fields such as agrarian history, urban history, social history, and the history of slavery, to the important zones of intersection marked by left history writing and Marxist historiography, in terms of their political and paradigmatic stances (as captured in the German notion of *Weltanschauung*). It is these politico-intellectual currents within historiography that give both a more ecumenical and more specific sense to the commonalities and intersections between labour history in the strict sense and other areas of enquiry—of which colonial history, economic history, or the history of everyday life, are the most important in the context of this analysis.[2]

The history of historiography has, in the last two decades, seen several attempts not only to take up the global turn and overcome Eurocentrism,[3] but also to emphasize the political contextualization of the development of historiographic debates. More recently, these activities have been further expanded by understanding academic historiography as closely related to the ongoing societal struggles around the hegemonic interpretation of history. Historiography is seen as, if not quite an immediate *part* of the politics of history, then at least as one of its components.[4] Such a history of his-

2 This is not to imply that all labour history, in whatever regional context, has been or still is automatically inspired by Marxist perspectives.

3 See Axel Schneider and Daniel Woolf, eds., *The Oxford History of Historical Writing. Vol. 5: Historical Writing since 1945* (Oxford: Oxford University Press, 2011); Eckhardt Fuchs and Benedikt Stuchtey, eds., *Across Cultural Borders: Historiography in Global Perspective* (Boulder, CO: Rowman & Littlefield, 2002); Georg G. Iggers, Q. Edward Wang, and Supriya Mukherjee, *A Global History of Modern Historiography* (Harlow: Pearson Longman, 2008); Q. Edward Wang and Georg G. Iggers, eds., *Marxist Historiographies: A Global Perspective* (New York: Routledge, 2016).

4 Stefan Berger, ed., *The Engaged Historian: Perspectives on the Intersections of Politics, Activism and the Historical Profession* (New York: Berghahn, 2019). On the politics of history of the Left in Latin America, see: David Mayer, "Contrahistorias – historische Deutungen und geschichtspolitische Strategien der Linken im Wandel," in *Vielstimmige Vergangenheiten – Geschichtspolitik in Lateinamerika*, eds. Berthold Molden and David Mayer (Wien: LIT, 2009), 125–148.

toriography that is sensitive to history's political stakes does not, of course, deny the 'internal' dynamics and (relative) autonomy of scholarly or intellectual debates. At the same time, it includes those practices of history writing that are non-academic or can be considered part of social movement-oriented historiography (in Latin American context often called *historiografía militante*) and, more broadly, as 'historical cultures.'[5]

Mapping the field of labour history is an exercise that has been practised for several decades now and which has produced its own trajectory, documenting how debates, paradigms, and fashions have changed. More recent global labour history has seen—as have most fields inspired by the 'global turn' and its concomitant imperatives of 'self-reflexivity' and 'de-centring'—the establishment of a continuous self-reflection about the origins, contexts, and stakes of the writing of this history. Labour history on/from Latin America has been no exception to this—although it is noteworthy that surveys of the development of labour historiographies in specific nation states within Latin America have mostly been written by scholars from Latin America, while regional or continental surveys tend to be authored by colleagues from the Global North.[6]

Parallel to its self-historization, labour history also has experienced an increased interest in historicizing its core notions, including 'work' or 'worker,' and in de-

5 Stefan Berger and Christoph Cornelissen, eds. *Marxist Historical Cultures and Social Movements during the Cold War. Case Studies from Germany, Italy and Other Western European States*, (London: Palgrave Macmillan, 2019).

6 For more recent panoramic views, see: John D. French, "The Latin American Labor Studies Boom," *International Review of Social History* 45, no. 2 (2000), 279–308; John D. French, "The Laboring and Middle-Class Peoples of Latin America and the Caribbean: Historical Trajectories and New Research Directions," in *Global Labour History. A State of the Art*, ed. Jan Lucassen (Bern: Peter Lang, 2006), 289–333; James P. Brennan, "Latin American Labor History," in *The Oxford Handbook of Latin American History*, ed. Jose C. Moya (Oxford: Oxford University Press, 2011), 342–366; Rossana Barragán and David Mayer, "Latin America and the Carribean," in *Handbook Global History of Work*, eds. Karin Hofmeester and Marcel van der Linden (Berlin: De Gruyter Oldenboug, 2018), 95–121. For an overiew of recent labour history in Argentina, see Laura Caruso and Lucas Poy, "Los mundos del trabajo en la historiografía argentina: sindicatos, izquierdas y género, una mirada de conjunto," in *Trabajos y Trabajadores En América Latina (Siglos XVI–XXI)*, ed. Rossana Barragán Romano (La Paz, 2019), 149–179. For a comparison between Argentina and Chile, see Sergio Grez Tosco, Gabriela Águila, and Hernán Camarero, "El estudio de la clase trabajadora y las izquierdas: recorridos historiográficos y perspectivas," *Archivos de historia del movimiento obrero y la izquierda* 8, no. 14 (2019), 164–185. For Brazil, see Claudio H. M. Batalha, "A historiografia da classe operária no Brasil: trajetórias e tendências," in *Historiografia brasileira em perspectiva*, ed. Marcos Cezar de Freitas (São Paulo: Contexto, 1998), 145–158; Paulo Fontes, Alexandre Fortes, and David Mayer, "Brazilian Labour History in Global Context: Some Introductory Notes," *International Review of Social History* 62, Special Issue 25 (Brazilian Labour History: New Perspectives in Global Context) (2017): 1–22.

constructing its tacit assumptions, either through a discursive or semantic focus or through an analysis of historical attitudes to work.[7] This has further contributed to the questioning of a number of myths, in particular the prevalence of the 'double-free wage labourer.' Unsurprisingly, this research has shown that 'work' and 'worker' are semantic chameleons. The same, one can safely assume, goes for political notions such as 'freedom' and 'democracy.' Shifting the analysis to contexts outside the Global North not only offers an opportunity to diversify our knowledge about these categories, but also to reveal hidden assumptions and tacit normalizations in our understanding of the genealogy of these notions.

Historiografía militante and the 'people'

Labour historiographies in South American countries such as Argentina, Brazil, and Chile initially developed in a similar fashion to those in the Global North—and in many ways they have been closely intertwined through the biographical trajectories of its authors and the international networks they have been involved in politically. In these works, in particular since the 1930s, 'labour history' was defined first and foremost as a history of movements and organizations and was written by activists or movement-embedded intellectuals. These presented not only a 'partisan historiography by and for activists' (*historiografía militante*), but also—more specifically—interpretations from the standpoint of certain currents.[8] Especially in Argentina, from the interwar period onward, an almost emblematic historiographical 'line-up' emerged

7 Jörn Leonhard and Willibald Steinmetz, eds., *Semantiken von Arbeit: Diachrone und vergleichende Perspektiven* (Köln: Böhlau, 2016). Karin Hofmeester, "Attitudes to Work," in *Handbook Global History of Work*, eds. Karin Hofmeester and Marcel van der Linden (Berlin: De Gruyter Oldenboug, 2018), 411–431.
The "parallel" between self-historization and historization of core notions is not only temporally but also conceptual: both developments seem to stem from a common urge to question the naturalized, tactit presuppositions of doing labour history.

8 For a general overview of left-wing historiographies in Argentina, see Omar Acha, *Historia crítica de la historiografía argentina. Vol. 1: Las izquierdas en el siglo XX* (Buenos Aires: Prometeo 2009); Laura Caruso and Lucas Poy argue that these current-mediated militant historiographies constituted an early form of globalized history writing as they were highly shaped by politcal (and migrational) long-distance networks. See Poy and Caruso, "Los Mundos Del Trabajo En La Historiografía Argentina," 152. For the notion of 'historiografía militante,' see Fernando Devoto and Nora Pagano, eds., *La historiografía académica y la historiografía militante en Argentina y Uruguay* (Buenos Aires: Biblos 2004).

with anarchist, socialist, and communist interpretations vying for influence in the labour movement.[9]

In Argentina, the rise of Peronism (1943/45–1955) also brought about its own kind of historiographic intervention, called 'historical revisionism' which sought to distinguish itself both from the academically established (either 'liberal' or 'conservative') historiography and left-wing *historiografía militante*.[10] While it offered a particular brand of nationalist narrative, its social interpretation hinged upon the category of the 'people' (a subject seen as 'naturally' hostile to non-patriotic elites, the 'oligarchy,' centralism, and imperialism). Despite its vagueness, the notion of the 'people' has (and still continues) to be a powerful intellectual and political reference in Argentina and Latin America more widely. In terms of the analysis of the 'worlds of work,' it has both offered pathways to imagining social sectors and groups of workers beyond the prototypical industrial wage labourer (the trend in the 1960s, but also in Brazil since the 1980s) and served to condense all groups of workers into an urban 'working class' which was seen as synonymous with 'popular sectors' (in 1980s Argentina).

While it was only in Argentina that populism produced a distinct historiographical school (the other two classic cases of Latin American 1930s–1940s populism, Brazil and Mexico, did not see a similar intellectual phenomenon), the emergence of populist movements and regimes nevertheless posed a serious intellectual challenge and became a fundamental point of origin for sociology and other social sciences in South America. In a peculiar mixture of functionalism, modernization theory, and Marxism, the sociologists of the 1950s and 1960s posed the 'unsettling' question of how it was possible that major parts of the working class associated themselves with the populist projects in Argentina and Brazil. Gino Germani, a founding figure of sociology in Argentina and South America in general, gave an explanation that was quite representative of the contemporary debates on 'workers': In the 1930s, he argued, the 'old' working class, which had been constituted by migrants from Europe, was replaced by one that swelled through internal migration from the countryside. This 'new' working class, politically 'immature' as it was, offered itself to populist leaders as base for their

9 The following works are representative of their respective currents (in order of appearance: anarchist, socialist, communist, and syndicalist): Diego Abad de Santillán, *La F.O.R.A.: ideología y trayectoria del movimiento obrero revolucionario en la Argentina* (Buenos Aires, 1933); Jacinto Oddone, *Gremialismo proletario argentino* (Buenos Aires, 1949); Rubens Iscaro, *Origen y desarrollo del movimiento sindical argentino* (Buenos Aires, 1958); Sebastián Marotta, *El movimiento sindical argentino. Su génesis y desarrollo, 1857–1907* (Buenos Aires, 1960).

10 Alejandro Cattaruzza, "El revisionismo: itinerarios de cuatro décadas," in *Políticas de la historia: Argentina 1860–1960*, eds. Alejandro Cattaruzza and Alejandro Eujanian (Buenos Aires: Alianza, 2003), 143–182; Michael Goebel, *Argentina's Partisan Past: Nationalism and the Politics of History* (Liverpool: Liverpool University Press, 2011).

manipulative politics.[11] This argument remains powerful until today, reflecting a trope in which Latin America is seen as deficient vis-à-vis the normal—European—path of modernization. While these early sociologists worked with a relatively static notion of 'working class' and of the kind of work these workers engaged in, several waves of revision, beginning as early as the 1960s, have highlighted to what degree Peronism actually was the product of a successful campaign to win over the 'old' working classes and their trade unions and cultivate a cultural symbiosis between working class sociabilities and the political rhetoric of Peronism.[12] While Varguismo in Brazil (1930–1945; 1951–1954) has not seen sizable popular mobilizations in its first years, Alexandre Fortes has argued that it also morphed into an actual populist regime when it entered into a similar alliance during the Second World War with the 'old' urban working class, made up of European migrants.[13]

This analysis of populism and its discussion of a 'deficient' working class also implies a set of analytical and political-cultural standpoints: While there was little explicit discussion of the actual sites and practices of work (which was assumed urban and industrial, with workers who are formally employed, male and white[14]), there was an indirect and rather negative assessment of phenomena that only a few years later would take centre stage among Latin American sociologists (and have remained central ever since): rural exodus, semi-proletarization, the emergence of a precarious world of urban poor and its economic corollary, the informal sector. As we will see, labour historiography in the 1980s in South America started, in part, to take this up by shifting its focus to urban neighbourhoods (*barrios*) and the 'popular sectors.'

11 Gino Germani, *Política y sociedad en una época de transición, de la sociedad tradicional a la sociedad de masas* (Buenos Aires: Editorial Paidos, 1962). Two 1960s sociological interventions in a similar vein from Brazil are Juarez R. B. Lopes, *Sociedade industrial no Brasil* (São Paulo, 1964); Octavio Ianni, *O colapso do populismo no Brasil* (Rio de Janeiro, 1968).

12 Miguel Murmis and Juan Carlos Portantiero, *Estudios sobre los orígenes del peronismo* (Buenos Aires: Siglo Vientiuno Argentina Editores, 1971); Daniel James, *Resistance and integration. Peronism and the Argentine Working Class, 1946–1975* (Cambridge: Cambridge University Press, 1988).

13 Alexandre Fortes, "World War II and Brazilian Workers: Populism at the Intersections between National and Global Histories," *International Review of Social History* 62, Special Issue 25 (2017): 165–190.

14 The racializing undertones of the early sociological works on populism seemed most audible in studies on Brazil; yet even the Argentinean debates were, despite the country's professed and ostentatious 'whiteness,' imbued with similar anxieties, as the notion of *cabecitas negras* ('little black heads') for Perón's supporters graphically illustrates.

1960s—a revolutionary opening

The 'long' 1960s in Latin America were without doubt a period of intense contestation, social mobilization and generalized social unrest. As an in-depth elucidation of the roughly 15 years beginning with the Cuban revolution and ending with the forceful disruption of the Allende government by a military coup in 1973 is impossible here,[15] a semantic example will suffice to illustrate the profound shift in the correlation of forces: In the 1960s, the notion of 'revolution' had become so compelling that even outspoken opponents of the Cuban Revolution saw themselves obliged to use it. Thus, Eduardo Frei, Christian-Democratic presidential candidate in the 1964 Chilean elections (which he won against the socialist candidate Salvador Allende) used *revolución en libertad* (revolution in liberty) as the main slogan for his campaign.

These mobilizations and contestations manifested themselves in fierce intellectual controversies and new, innovative ideas. Some of these, such as dependency theory, were transferred back to the Global North and continue to be in use today (dependency theory remains one of the very few paradigms originating the Global South to have made a lasting impact in the social sciences and humanities of the North). As an attempt to explain the 'lack' of development in Latin America not as the result of any internal shortcomings but of colonialism and the forceful integration of Latin America into the international division of labour in a subordinate position, dependency theory also put forward a deeply historical argument.[16]

15 While there are countless publications on the long 1960s for individual countries within Latin America, studies with a regional, comparative, or transnational approach are still relatively rare; see Victoria Langland, "'Il est Interdit d'Interdire': The Transnational Experience of 1968 in Brazil," *Estudios Interdisciplinarios de América Latina y el Caribe* 17, no. 1 (2006): 61–81; Tanya Harmer, "Two, Three, Many Revolutions? Cuba and the Prospects for Revolutionary Change in Latin America, 1967–1975," *Journal of Latin American Studies* 45, no. 1 (2013): 61–89; Eugenia Palieraki, "De Pékin à La Havane. La gauche radicale chilienne et ses révolutions, 1963–1970," *Monde(s). Histoire, Espaces, Relations* 11 (2017): 119–138; Pablo Bonavena and Pablo Millán, eds., *Los '68 latinoamericanos. Movimientos estudiantiles, política y cultura en* México, *Brasil, Uruguay, Chile, Argentina y Colombia* (Buenos Aires: Instituto de Investigaciones Gino Germani, 2018); Aldo Marchesi, *Latin America's Radical Left: Rebellion and Cold War in the Global 1960s* (Cambridge: Cambridge University Press, 2018); Peter Birle, Enrique Fernández Darraz, and Clara Ruvituso, eds., *Las izquierdas latinoamericanas y europeas: idearios, praxis y sus circulaciones transregionales en la larga década del sesenta* (Madrid: Iberoamericana Editorial Vervuert, 2021).

16 On the history of dependency theory, see Cristóbal Kay, *Latin American theories of development and underdevelopment* (New York: Routledge, 1989); Ruy Mauro Marini and Márgara Millán Moncayo, eds., *La teoría social latinoamericana. Tomo 2: Subdesarrollo y dependencia* (México, D. F.: Universidad Autónoma de México, 1994).

Indeed, the field of history turned into one of the major sites of politico-intellectual dispute; although dependency theory was conducive to this proclivity, it was not its sole inventor. Within the Left, particularly in Argentina, interpretations of the past had, as early as the 1940s, functioned as one of the preferred proxy sites for political confrontation—in particular the debates surrounding socio-economic formations and transformations.[17] This historical debate interrogated the fundamental questions of macro-social analysis: How to characterize the societies in the epoch from the sixteenth to the eighteen centuries? How to define the notions of 'feudalism' and 'capitalism'? Above all, how to explain the macro-social historical transformations that created the basis for contemporary Latin American societies—societies which were obviously not as rich, technologically advanced, and powerful as those of the Global North?

Returning to debates that originated in the 1920s in the context of Communist parties and Comintern-discussions, two interventions in the 1940s would set the tone for the controversies of the 1960s: In 1940, the Argentinean author and journalist Rodolfo Puiggrós, who at that time was a communist militant, published his historical essay *De la colonia a la Revolución* (From the colony to the Revolution). More importantly, in 1949, the Argentinean sociologist Sergio Bagú published *Economía de la sociedad colonial: ensayo de historia comparada de América Latina* (The economy of colonial society: an essay on the comparative history of Latin America). These two books put forward characterizations of colonial Latin America which remained, for the most part, remarkably stable during the three following decades. Rodolfo Puiggrós took up the feudalism thesis (which had a long tradition in Latin America from the nineteenth century onward)[18] to argue that Spain had exported a decaying form of feudalism to Latin America. Later, he further sharpened this argument by stating that a colonial power could not possibly establish a higher social formation (capitalism instead of feudalism) in its colonies than the one prevalent in the imperial centre. Consequently, the dominant form of labour relations in Latin America was different iterations of 'serfdom.' Sergio Bagú, on the other hand, in line with certain predecessors (such as Caio Prado Junior from Brazil),[19] put forward the argument that what had existed in colonial Latin America was some kind of 'colonial capitalism,' based on its full connection to markets—indeed, the world-market. Labour relations, whatever

17 The following paragraphs are based on David Mayer, "Coming to Terms with the Past, Getting a Grip on the Future—Manfred Kossok's Interventions into Historiographical Debates About Latin America During the Radicalized 1960s," *Review. A Journal of the Fernand Braudel Center* 38, no. 1–2 (2015): 15–39, 21–23.

18 On the continuities of the 'feudalism' thesis, see José Carlos Chiaramonte, *Formas de sociedad y economía en Hispanoamérica* (México, D. F.: Grijalbo, 1984), 48–82.

19 See his foundational study on Brazil's economic history: Caio Prado Júnior, *História Econômica do Brasil* (São Paulo, 1945).

they might have been on the surface were framed in the context of their functionality for merchant capital. He also added that the most common labour arrangement in colonial Latin America had been slavery (an assessment which was certainly true for export-oriented production in colonial Brazil). Puiggrós and Bagú created a set of dichotomies which would predominate successive waves of debate well into the 1970s: internal or external perspectives, extra-economically enforced (pre-capitalist) labour tribute or market-oriented (thus capitalist) labour mobilization, etc. The discussion continued during the whole of the 1960s, especially in Argentina and Chile. In both countries, intellectuals of different political backgrounds within the Left (communists, socialists, Trotskyists, left-wing nationalists) and of varying profile (from movement intellectuals to academically established historians) participated.[20] The debate reached an initial highpoint in a heated exchange between Andre Gunder Frank and Rodolfo Puiggrós in 1965 about Frank's thesis which defended the idea that Latin America had been completely capitalist practically from October 1492 on.[21]

At the beginning of the 1970s, a new discussion emerged from these earlier controversies: the mode of production debate. It shifted attention to one of Marx's central conceptual legacies, although the notion of the 'mode of production' did not have a stable meaning in his writings. Since its (re-)discovery in the 1960s (partly as a result of the *Grundrisse*-revolution in Marxist discussions in several contexts), it stimulated a flurry of debates in several world-regions, when the term became, for a brief period, the most fashionable heuristic notion in many humanities and social science departments.[22] This short ascendancy, curiously, is almost forgotten today, and the relevance of the term for current discussions in global history or social ecology is minimal. Furthermore, the global history of the modes of production debates is still to be written; it would be a worthwhile task, since the concept was interpreted broadly—its meaning and its heuristic use ranging from highly abstract and philosophical

20 In Chile, this included historians like Hernán Ramírez Necochea, Julio César Jobet and Marcelo Segall; in Argentina, in addition to Rodolfo Puiggrós, militant intellectuals like Leonardo Paso, Milcíades Peña and Alberto Plá.

21 The original debate took place in 1965 in *El Gallo Ilustrado*, the Sunday supplement of the Mexican newspaper *El Día*. It was subsequently published in different editions in several countries. On Puiggrós' role in the debate, also see: Omar Acha, *La nación futura. Rodolfo Puiggrós en la encrujicadas argentinas del siglo XX* (Buenos Aires: Eudeba, 2006), 202–206. Frank's legendary monograph *Capitalism and Underdevelopment* appeared in English in 1967, but in Spanish only in 1970.

22 On the different ways the *Grundrisse* have been take up, see Marcello Musto, ed., *Karl Marx's Grundrisse. Foundations of the Critique of Political Economy 150 Years Later* (with a special foreword by Eric J. Hobsbawm) (New York: Routledge, 2008). A keystone in new mode-of-production-inflected historical interpretations was: *Karl Marx: Pre-Capitalist Economic Formations*, trans. Jack Cohen., ed. and with an introd. by Eric J. Hobsbawm, London 1964.

renderings to more historicistic and empirical adoptions. The Latin American debate, although it remained almost unknown in the Global North and is forgotten today even in Latin America, truly stands out for its depth, level of sophistication and deeply historicistic readings of the concept. Its most emblematic expression is a collected volume titled *Modos de producción en América Latina* (modes of production in Latin America), originally published in 1973 in the equally emblematic book series of the left-wing intellectual journal *Pasado y Presente* (past and present).[23] While the notion of 'modes of production' was accompanied by the attributes 'feudal,' 'capitalist,' and the like, it was analytically more comprehensive and flexible than previous considerations of 'feudalism' and 'capitalism.' Describing an ensemble of labour relations, property relations, institutions, and technological potentials, it was much more open to being developed further, namely by introducing additional and more historically specific modes of production.

The analytical core of the multi-relational notion of 'modes of production' is constituted by 'work'—in short, it attempts to capture the historically specific social organization of work in relation to the whole of the social body. While the Latin American debate saw a broad range of interpretations in terms of determining different modes of production,[24] these authors, interestingly, shared common ground in terms of their understanding of labour relations. Most agreed that colonial and postcolonial Latin America had experienced very diverse labour relations and socio-political arrangements stemming from them; that various forms of unfree labour predominated (ranging from outright plantation slavery to a gamut of coerced labour both in agrarian production and mining) and that these could co-exist both next to each other and alongside less coercive labour relations; and that all these forms of labour were

23 Carlos Sempat Assadourian, Ciro Flamarión Santana Cardoso, Horacio Ciafardini, Juan Carlos Garavaglia, and Ernesto Laclau, *Modos de Producción en América Latina* (Cuadernos de Presente y Pasado N° 40), 11th ed. (México, D. F. 1983 [1973]). A further collected volume documenting the debate was Roger Bartra, Augstín Cueva, Pierre Beaucage, Raúl Olmedo, Sergio de la Peña, Enrique Semo, Ciro Flamarión Santana Cardoso, and José Carlos Chiaramonte, *Modos de producción en América Latina* (Lima: Delva Editores, 1976). A late-1980s assessment of the debate is given in Steve J. Stern, "Feudalism, Capitalism, and the World-System in the Perspective of Latin America and the Caribbean," *American Historical Review* 93 (1988): 829–872. For a recent re-assessment of the debate and its continued relevance for research, see Juan Marchena, Manuel Chust, and Mariano Schlez, eds., *El debate permanente. Modos de producción y revolución en América Latina* (Santiago de Chile: Ariadna Ediciones, 2020).

24 Several called for a differentiation into more regionally specific modes of production (colonial mode of production, Andean mode of production, slavery-based mode of production, Jesuit mode of production); others argued there existed a combination of different modes of production in Latin American colonial societies, interrelated among each other ('articulation').

harnessed to produce cash crops and bullion for the world-market. The controversy was thus to which degree this mercantile orientation justified the attribute 'capitalist.'

The political stakes involved were high and understood as acute. The analysis of the past was seen as directly indicative of the potential for socio-political transformation in the present. If there was already a century-long capitalist trajectory, then a socialist transformation was not only possible, but necessary. If, however, societies in colonial and post-colonial Latin America could be characterized as 'feudal,' as in the earlier rendering of the debate, or at least 'specific' in their mode of production, as in the modes of production debate, then a more moderate transition ('bourgeois-democratic' in the language of the communist theory of stages) was advisable. In that, four characteristics of the debate are notable: First, while the modes of production debate can partly be seen as a reply to Andre Gunder Frank and thus as a 'traditionally communist' rebuttal of his plea for Cuban-style revolution, the intellectual and historical arguments of the 'mode of production' authors, in fact, went a long way in acknowledging Franks fundamental idea: Latin American societies since the sixteenth century were overdetermined by, in Frank's rendering, their integration into a new and asymmetric inter-continental division of labour, or—alternatively, but also similarly—by the fact of their 'coloniality,' in the rendering of the modes of production adherents.[25] Second, while today we can see the proximity between authors who saw themselves in conflict, the political acuteness of their stand-off should not be underestimated. The cognitive horizon of all the authors involved was 'revolution' as a real and actual possibility; the only question that remained was how radical a transformation was ultimately possible. 'Freedom' thus was defined in terms of 'liberation'—in short, as comprehensive social and cultural emancipation.[26] In that, the notion of 'democracy,' if it figured at all, stood behind the idea of 'liberation.' At the same time, the perspective of radical emancipation let these intellectuals experience contemporary Latin America as not-yet-liberated (despite it having achieved, for the most part, its formal independence at the beginning of the nineteenth century). Politically, this orientation implied the need for a broad alliance of social groups, including workers, peasants, students, among others. Both the emphasis on being 'not-yet-free' and the stress on an alliance helped to open the view for those worlds of work that were characterized by coercion and contributed to acknowledging the interrelated coexistence of different labour relations. The Latin American discussions thus anticipated central tenets of current global labour history. This is one of the reasons why today many historians from Latin

25 With their insistence on an overriding characteristic by way of Latin America's colonial status, these 1970s authors anticipated a central tenet of subsequent post-colonial or decolonial debates.

26 For a ideational survey of "liberation" in 1960s Latin America, see Eduardo Devés Valdés, *El pensamiento latinoamericano en el siglo XX – entre la modernización y la identidad. Tomo 2: Desde la CEPAL al neoliberalismo, 1950–1990* (Buenos Aires: Biblos, 2003), chap. 3.

America are sceptical about the rise of global labour history and the global turn in historiography more broadly, as it is often seen as yet another fashionable paradigm from the Global North that demands allegiance without noticing that some of its ideas have long been discussed among Latin America intellectuals. Third, although the Latin American debate revealed a very historicist reading of the *Grundrisse*, it was still very much in tune with the 'structuralist affinity' prevalent in the global early-1970s vogue centred around the notion of 'modes of production.' Thus, despite 'revolution' functioning as the fundamental political horizon, paradoxically, historical 'agency' did not play a substantial analytical role in the analysis. Fourth, in terms of sociology of knowledge, the debate had a number of important characteristics: it marked, despite its political stakes, a general shift from a predominantly activist/*militante* controversy toward a more academically embedded discussion; also, its participants, whatever they had to say about 'labour,' were clearly not invested in 'labour history' (either in contemporary or current terms) but in fields such as 'colonial history,' 'economic history,' or 'agrarian history.'

1980s—a 'narrow' working class for democracy?

These debates ended quite abruptly in the second half of the 1970s. On the one hand, they seemed to have exhausted themselves on the other, they were disrupted by political circumstances: From the mid-1970s onward, almost all countries in Latin America were ruled by military dictatorships, many of which engaged in heavy-handed repression up to the level of state terrorism, as in Argentina and Chile. Many left-wing intellectuals had to go into exile or, at a minimum, keep a low profile by retreating into private institutions. The experience of military dictatorship contributed greatly to a deep shift in the general tone and orientation of the debates: they turned away from 'revolution' and horizons of radical transformation toward a new appreciation for democracy and reforms under a constitutional system.[27] While this intellectual transition was not as marked in the case of Chile (since the exiled party structures of both the socialists and communists offered a certain level of ideological cohesion), and a renewed labour movement had emerged in Brazil as early as the late 1970s (first through 'new unionism,' subsequently through the formation of the PT), the shift was particularly severe in Argentina. There, the military dictatorship had been intensely repressive, and, conversely, the process of re-democratization was achieved quite swiftly in 1983.

27 Stephan Hollensteiner, *Aufstieg und Randlage: Linksintellektuelle, demokratische Wende und Politik in Argentinien und Brasilien* (Frankfurt am Main: Vervuert, 2005).

Argentina had been among the first countries outside Italy to experience a lively appropriation of Antonio Gramsci, beginning in the 1950s, both within the official Communist Party and among the generation of intellectuals who left it—particularly those around the journal *Pasado y Presente*.[28] The shift in the late 1970s saw a renewed interest in Gramscian ideas and a general orientation toward more cultural-political versions of Marxism. In terms of the political debate, this turn crystallized around new journals such as *Punto de Vista* (Viewpoint), *Controversia* (Controversy), or *Ciudad Futura* (Future City).[29] In the field of history, a new generation of scholars—among them Luis Alberto Romero, Hilda Sabato, and Leandro Gutiérrez—turned toward social history and to British Marxist historians such as E. P. Thompson or Eric Hobsbawm, in particular, as their central points of reference. As the Argentinean historian Lucas Poy has recently argued, the Argentinean E. P. Thompson was a of special kind, however: The radical politics of E. P. Thompson and his insistence on 'class' as a heuristic notion was pushed into the background, and his interest in popular culture and the everyday sociabilities of the common people emphasized.[30] In this way, a peculiar variant social history was forged in the 1980s, one in which the reference to the term of 'working class' remained, but which simultaneously saw a number of shifts in relation to the notions of 'worker' and 'work'—shifts which involved, in a contradictory way, their simultaneous opening and narrowing. These contradictory intellectual transmutations might be summed up in the following tentative observations: First, the focus of labour historiography was now on the late nineteenth and the first four decades of the twentieth century (and thus on a period that the majority of the 1960s and 1970s authors would have characterized as fully 'capitalist'). The category of 'working class' was expanded and pluralized by introducing the notion of *sectores populares* (the popular sectors, the lower classes, the common people).[31] This

28 On the Gramsci-reception in Argentina, see: Raúl Burgos, *Los gramscianos argentinos: cultura y política en la experiencia de 'Pasado y Presente'* (Buenos Aires: Siglo XXI, 2004).

29 Martina Garategaray, "Democracia, intelectuales y política. 'Punto de Vista,' 'Unidos' y 'La Ciudad Futura' en la transición política e ideológica de la década del '80," *Estudios* 29 (2013): 53–72.

30 Lucas Poy, "Remaking the Making: E.P. Thompson's Reception in Argentina and the Shaping of Labor Historiography," *International Review of Social History* 61, no. 1 (2016): 75–93. I am highly indebted to discussions with Lucas Poy for the following considerations. On the specificities of Erich Hobsbawm's reception in Argentina, see Juan Suriano, "Algunos aspectos de la recepción de la obra de Hobsbawm en la Argentina," in *Historia y política. Seis ensayos sobre Eric Hobsbawm*, ed. César Mónaco (Buenos Aires, 2017), 27–43.

31 See Luis Alberto Romero, "Los sectores populares en las ciudades latinoamericanas del siglo XIX: la cuestión de la identidad," *Desarrollo Económico* 106 (1987): 201–222; Diego Armus, ed., *Sectores populares y vida urbana* (Buenos Aires: CLACSO, 1984); Leandro Gutiérrez, "Condiciones materiales de vida de los sectores populares en el Buenos Aires finisecular," in *De historia e historiadores. Homenaje a José Luis Romero*, ed. Sergio Bagú (Mexico City,

involved going out of the factory and turning toward the neighbourhoods (*barrios*) as central sites of everyday sociability and space where one could find associations and clubs of all sorts that, often functioning in a mutualist tradition, offered its members some social protection. This historiographic pluralization and its new focus on 'agency' was a plea for making diverse groups of common 'citizens' more visible. While the idea of the 'working class' (in terms of the Thompsonian 'double-package' of both a socio-economic group and a political-ideological collective) became more diluted in these new interpretations, they paradoxically featured a reaffirmation of a world in which 'work' was synonymous with 'double-free wage labour.' Second, the *sectores populares* were seen as a political subject. As certain historians stated in a paper published in 1982, one year before the end of the dictatorship, it would be one of the tasks of social history in a newly democratic Argentina to highlight historical popular practices which could be understood as incubators for democracy (they called it "nests of democracy").[32] The aim was to demonstrate a turn-of-the-century society that was based on generalized wage labour, featured a diverse urban culture and was characterized by upward social mobility. In this world of dynamic upward mobility, the *sectores populares* could be understood as a middle-class-in-waiting, if not in-the-making. Such a perspective not only seemed appropriate as a historiographic support for the re-democratization process from 1983 onwards but more specifically for the presidency of Raúl Alfonsín. Alfonsín was a member of the Unión Cívica Radical, one of the rare examples in Latin America of a long-standing social-liberal political tradition that specifically went back to the turn of the century, where it had emerged from the new, upwardly-mobile urban middle classes. Third, this kind of social history was (and still is) rooted in the idea that Argentina was, since the 1880s, a country fully characterized by capitalism and proletarization in which the 'labour market' functioned as the only mechanism for allocating labour. A pivotal study by Luis Alberto Romero and Hilda Sabato about the workers in Buenos Aires in the second half of the nineteenth century illustrates this perspective in its subtitle by alluring to the "experience of the market."[33] While this is certainly not inaccurate, the book offers insights which today, considering the contemporary debates about the diversity of labour relations, might warrant a different subtitle: it shows us a world in which there existed, alongside double-free wage labourer, the full urban mélange characteristic of so many cities in Latin America even today: precarious day-labouring, petty commerce (frequently makeshift), all

1982), 425–436. For a later summary of this approach, see: Leandro Gutiérrez and Luis Alberto Romero, *Sectores populares, cultura y política: Buenos Aires en la entreguerra* (Buenos Aires, 1995).

32 Programa de Estudios de Historia Económica y Social Americana, "¿Dónde anida la democracia?," *Punto de Vista* 15 (1982): 6–10.

33 Hilda Sábato and Luis Alberto Romero, *Los trabajadores de Buenos Aires: la experiencia del mercado, 1850–1880* (Buenos Aires: Editorial Sudamericana, 1992).

kinds of self-employment, and household-based market production in blurry coexistence with reproductive work. To tacitly subsume all these activities under the notion of 'working class' was not only congenial to the political stakes of re-democratization, but also corresponded to the self-image of a country which for a long time had nourished the idea of being distinct from other Latin American societies. Assuming a highly homogenous working class thus served, particularly in the 1980s historiography, as a vector for the demand for full political inclusion in the context of regained democratic institutions of representation.

The case of Brazil offers an interesting contrast. Re-democratization in Brazil was more drawn-out than in Argentina (coming to an end in 1985/1988); at the same time, a new kind of unionism had already emerged in the 1970s. This *Novo Sindicalismo* was much more participatory and social movement-oriented than previous union organizations and constituted a fundamental component in the foundation of the PT (Partido dos Trabalhadores) in 1980.[34] These political developments contributed greatly to the formation of a new labour historiography that crystallized in particular at the University of Campinas (Universidade Estadual de Campinas, UNICAMP). E. P. Thompson as a reference point was as important for this historiography as for their colleagues in Argentina, the emphasis, however, was a slightly different one:[35] While everyday experiences and 'agency' also took centre stage, it tended to be the everyday experiences of workers (not primarily 'popular' barrio residents) that caught the interest of historians. In that sense, the Thompsonian notion of 'working class' was not so much stretched to the point of thinning out (as in the case of Argentina), but, to the contrary, asserted. Moreover, these workers were seen as active advocates of certain political traditions—mainly anarchist and syndicalist. The emphasis, both in relation to the workers' culture and their political organization, was on 'autonomy,' an orientation also central to the *Novo Sindicalismo*.

Simultaneously, a first rapprochement between the hitherto completely separated fields of labour history and the history of slavery occurred in Brazil in the 1980s. The dialogue between the two would become a characteristic of Brazilian labour history and has contributed to its attractiveness for global labour history debates. This convergence, however, was a slow and gradual process. In 2009, Sidney Chaloub and Fernando Teixera da Silva still spoke, in a much-quoted statement, of a "historiographic

34 Maurício Rands Barros, *Labour Relations and The New Unionism in Contemporary Brazil* (London: Palgrave Macmillan, 1999); Francisco Barbosa de Macedo, "Social Networks and Urban Space: Worker Mobilization in the First Years of 'New' Unionism in Brazil," *International Review of Social History* 60, no. 1 (2015): 33–71.

35 Marcelo Badaró Mattos, *E P. Thompson e a tradiçao de crítica ativa do materialismo histórico* (Rio de Janeiro: UFRJ, 2012); Antonio Luigi Negro, "E.P. Thompson no Brasil. Recepção e usos," *Crítica Marxista* 39 (2014): 151–161.

Berlin Wall" that separated labour history and the history of slavery.[36] Still, as early as the 1980s, a fundamental openness emerged to rethink 'work' in Brazilian history as the simultaneous existence of slavery and wage-labour, of urban and agrarian, and formal and informal labour as well as of practices of unfree labour persisting until today. Moreover, these efforts were quite directly understood as part of a political project in which a new political party of the Left, founded in a predominantly urban and industrial environment, strove to include other oppressed segments of society: the urban poor of the *favelas*, the Afro-Brazilians both in town and in the countryside, rural workers and the landless. This inclusionary project found a congenial historiographic corollary in the broadened notion of 'work' called for by labour historians. The foundation of *Mundos do Trabalho* as a network within the authoritative Brazilian Association of History (Associação Nacional de História, ANPUH) made this process tangible both in programmatic and institutional terms.

The dialectics of myth-breaking and -making

Labour historiographies in Argentina and Brazil during the second half of the twentieth century entertained notions of work and workers that varied greatly in relation to their openness and narrowness. These not only changed over time, but also diverged between different countries. Both the inner dynamics of the intellectual debates and their respective political contexts as well as the ambitions of historians for political intervention greatly influenced to which degree 'work' and 'worker' were seen as synonymous with industrial, urban wage labour or defined more broadly.

As this article has argued, some of the historiographic evolutions in Argentina and Brazil developed in contradiction to the idea, derived from the evolution of the debates in the Global North, that there was a linear movement from a narrow to more extended conceptions of 'work.' Strikingly, the controversies in the long 1960s in South America, propelled by the political storms of revolutionary, radical liberation, tended to correlate with an emphasis on a broad notion of 'work' (although it remained tied to a structuralist vision of an ensemble of modes of production, devoid of 'agency'). Meanwhile, during re-democratization in the 1980s, most intellectuals began to support the idea of a representative and institutionalized democracy. In Argentina, this was accompanied by a contradictory double-movement among a new

36 Sidney Chalhoub and Fernando Teixeira da Silva, "Sujeitos no imaginário acadêmico. Escravos e trabalhadores na historiografia brasileira desde os anos 1980," *Cadernos AEL* 14, no. 26 (2009): 11–49, 44. The politico-historical metaphor of the 'Berlin Wall' might sound odd to German speakers as myself, the 'cultural appropriation' of such metaphors, however, is not the prerogative of Northern academia and gives us a sense how strange the ubiquitous metaphorical reference to the Great Wall of China might sound to native Mandarin speakers.

generation of social historians: On the one hand, the notion of working class was both pluralized and diluted into 'popular sectors,' thus expanding into other spheres than the industrial workplace; on the other hand, this historiographical pluralization of socio-political milieus was accompanied by the (re-)assertion of a comparatively narrow notion of work as synonymous with double-free wage labour. Here, the demands of democratic inclusion seemed best served by a historical backdrop of a relatively homogenous society of wage workers prone to mutualist association and benefiting from a general trend of upward social mobility. 'Inclusion' here was envisaged for a large, wage-labour-based popular block. In Brazil, meanwhile, the continuing legacy of slavery and other forms of unfree labour led to an earlier broadening of the idea of 'work' among labour historians. Here, 'inclusion' meant tackling the co-existence of varying labour relations and highlighting diversity.

Global labour history involves the painstaking effort to critically question previous attempts at writing the histories of work, workers, and labour movements. In its call to overcome methodological nationalism, eurocentrism, and, above all, a narrow notion of the worker as a male, industrial wage labourer, it has demystified many beliefs dear to labour historians until the 1990s. However, successful attempts at myth-breaking tend, as a both inadvertent and inevitable side-effects, to create myths of their own. One of these, in the case of global labour history, is the narrative of its own becoming, which has proceeded in a linear fashion from 'old' through 'new' to 'global' labour history.[37] As this article has shown for the development of labour historiography in Argentina, the story of labour history's own development proves to be more complicated: A broadened notion of 'work' was developed much earlier than in the Global North, and under certain circumstances, it made political sense to go back to a comparatively narrow idea of the 'working class.'

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37 Marcel van der Linden, "Labour History. The Old, the New and the Global," *African Studies* 66, no. 2–3 (2007): 169–180.

Marco Tomaszewski

Beyond Wage Labour: Livelihood Activities and *Lebenslage* as Complementary Tools for a Cross-Epochal and Global History of Work*

Abstract

In both capitalist and non-capitalist economies and societies, the boundaries between different labour relations are often not clear-cut, and different types of labour intersect. This makes it necessary to reflect on the traditional categories of labour history such as labour, labour relations, and social classes, and to develop appropriate analytical frameworks and tools that can be applied to different historical and global contexts. In order to facilitate comparative research, this article suggests a praxeological perspective on work and working actors that goes beyond the frame of labour and labour relations. By proposing the concepts of livelihood activities and *Lebenslagen* (life situations) as analytical tools that can be applied to different historical and global contexts, this approach offer new perspectives on social structures and inequalities connected to labour and labour relations without modern and Eurocentric biases. In addition, the article demonstrates how these terms can be applied to comparative research and the analysis of capitalist labour.

Keywords: *Labour Relations; Early Modern History; Contemporary History; Global Labour History; Methodology; Precarious Work; Informal Work; Lebenslage; Livelihood Activities*

In recent decades, the literature on non-Eurocentric global labour history has begun to challenge the key concepts and assumptions surrounding the history and theory of work. Regarding the actors in questions, Marcel van der Linden argued in 2008 that

> the boundaries between 'free' wage laborers and other kinds of subaltern workers in capitalist society are in reality rather finely graded or vague. Firstly, there are ex-

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> tensive and complicated 'grey areas' replete with transitional locations between the 'free' wage laborers and the slaves, the self-employed and the lumpenproletarians. Secondly, almost all subaltern workers belong to households that combine *several* modes of labor. Thirdly, *individual* subaltern workers can also combine different modes of labor, both synchronically and diachronically. And finally, the distinction between the different kinds of subaltern workers is not clear-cut.[1]

On the one hand, such claims raise questions about the theoretical significance of free wage labour under capitalism.[2] On the other hand, they call on historians to reflect upon the categories of labour, labour relations and social classes.[3] Currently, key concepts of labour history must be questioned and reconceptualized, "starting from the free wage labourer and the very notion of the working class to the male-breadwinner model and the chronology of labor relations."[4] Lutz Raphael, for example, recently emphasized the need to develop and apply tools depending on the region, sector, and time period, according to the specific labour relations in question.[5] As a consequence, a new framework to describe social inequalities related to labour relations and to categorize the working actors is required, especially since conventional categories often make clear classifications difficult: As van der Linden argues "the 'classical' proletariat is surrounded by, and intermingled with, a variegated 'semi-proletariat' of peddlers, sharecoppers, home workers, prostitutes, self-employed workers, beggars and scavengers."[6] Should we thus understand each of these individuals and groups of subaltern workers as "one great mass"[7] and subsume them under the concept of a non-specific 'proletariat'? What understanding of work does one apply? In line with Thomas Welskopp's analysis, all forms of work and labour should not be lumped together,

1 Marcel van der Linden, *Workers of the World. Essays toward a Global Labor History* (Leiden: Brill, 2008), 32.

2 Thomas Welskopp, "Kapitalismus und Konzepte von Arbeit. Wie systematisch zentral ist 'freie Lohnarbeit' für den Kapitalismus?," *Geschichte und Gesellschaft* 43, no. 2 (2017): 197–216.

3 On the recent debate see Sebastian Voigt, "Kapital und Arbeit in Bewegung," *Neue Politische Literatur* 65, no. 1 (2020): 45–75.

4 Christian de Vito, Juliane Schiel, and Matthias van Rossum, "From Bondage to Precariousness? New Perspectives on Labor and Social History," *Journal of Social History* 54, no. 2 (2020), 645; Brigitta Bernet, Juliane Schiel, and Jakob Tanner, eds., special issue on "Arbeit in der Erweiterung" in *Historische Anthropologie* 24 (2016).

5 Lutz Raphael, "Arbeit im Kapitalismus," *Arbeit – Bewegung – Geschichte. Zeitschrift für historische Studien* 19, no. 1 (2020): 7–25, 12.

6 Marcel van der Linden, "Globalizing Labour Historiography: The Amsterdam Approach," in *'Arbeit': Geschichte – Gegenwart – Zukunft*, ed. Josef Ehmer, Helga Grebing, and Peter Gutschner (Leipzig: AVA, 2002), 151–164, 159.

7 Van der Linden, *Workers of the World*, 17.

nor should all workers be conceived as one big working class.[8] In order to adequately illuminate the principal characteristics of work, labour and working actors in capitalist and non-capitalist contexts, cross-epochal as well as global comparisons are vital.[9] For this purpose, categories and tools are required that can be applied to different historical contexts and can offer perspectives to describe social structures and inequalities connected to labour and labour relations outside dominant modern and Eurocentric interpretations.[10]

By means of a praxeological approach to work and working actors, the following is intended to contribute to this conceptual discussion by suggesting the concepts of livelihood activities (Sigrid Wadauer, *Lebensunterhaltsaktivitäten*)[11] and *Lebenslage* as analytical tools that go beyond the frame of work and labour relations and allow for cross-epochal and global comparisons. The first concept, livelihood activities, refers to "what women and men actually did to support themselves and those dependent on them."[12] It is defined not only as material subsistence, but also as social and material reproduction — namely maintaining oneself materially as well as socially. The scope for action in earning a living has always depended on intersecting factors, including social and legal status, residence, origin, age, gender, access to information, social relations, economic resources, power relations, and the possession of different forms of capital (understood here in the Bourdieusian sense). Although such an understanding of livelihood is reminiscent of early modern concepts of a respectable standard of living as a normative category within a moral economy,[13] it should be emphasized that livelihood is used here strictly as an analytical category without moral connotation. In

8 Welskopp, "Kapitalismus und Konzepte von Arbeit," 215.

9 Andrea Komlosy. "Work and Labor Relations," in *Capitalism. The Reemergence of a Historical Concept*, ed. Jürgen Kocka and Marcel van der Linden (London et al.: Bloomsbury Publishing, 2016), 33–69, 47; Welskopp, "Kapitalismus und Konzepte von Arbeit," 215; De Vito, Schiel, and van Rossum, "From Bondage to Precariousness." Currently, there are several attempts to bring together different research communities, see e. g. "the COST Action WORCK," http://worck.eu and the "Bonn Center for Dependency and Slavery Studies," www.dependency.uni-bonn.de/, especially Research Area D Labor and Spatiality.

10 Andreas Eckert, "What is Global Labour History Good for?," in *Work in a Modern Society. The German Historical Experience in Comparative Perspective*, ed. Jürgen Kocka (New York: Berghahn, 2010), 169–181, 176.

11 Sigrid Wadauer, "Immer nur Arbeit? Überlegungen zur Historisierung von Arbeit und Lebensunterhalten," in *Semantiken von Arbeit: Diachrone und vergleichende Perspektiven*, ed. Jörn Leonhard and Willibald Steinmetz (Cologne: Böhlau, 2016), 225–246.

12 Maria Ågren, "Introduction," in *Making a Living, Making a Difference. Gender and Work in Early Modern European Society* (Oxford: Oxford University Press, 2016), 1–23, 19.

13 Daniel Schläppi, "Logiken der Subsistenz in historischer Perspektive. Der wirtschaftlich tragfähige Haushalt als gesellschaftliche und politische Leitgröße der Vormoderne," in *Strategien der Subsistenz. Neue prekäre, subversive und moralische Ökonomien*, ed. Kerstin Poehls, Leonore Scholze-Irrlitz, and Andrea Vetter (Berlin: Panama, 2017), 31–47, 39; Robert

particular, it is not referred to in an affirmative or utopian manner in the sense of subsistence, as a 'better' "way of satisfying one's needs without the market and money."[14] The second concept, *Lebenslage,* "is defined as the entire set of external conditions that influence the lives of individuals or groups."[15] This includes not only the framework of possibilities and scope of action of individuals, but also the form of a person's social integration, namely their "socio-economic, socio-cultural, [and] socio-biological living conditions," and is connected to the individual's agency.[16] As will be shown below, the translation of the German term Lebenslage into English carries with it the risk of misunderstanding. For that reason, the German term will be used here.

The article is divided into two parts: In the first, the concepts of livelihood activities and Lebenslage are explained. In the second, these abstract concepts are applied to historical examples from Europe, Africa, India, colonial Peru, and the Soviet Union, from the early modern period to the present. These examples were chosen rather randomly and are by no means exhaustive. Instead, they are intended to highlight the perspectives and potential that can arise from the use of these analytical tools, including in terms of cross-epochal and global comparisons and the analysis of capitalist labour.

Brandt and Thomas Buchner, eds., *Nahrung, Markt oder Gemeinnutz. Werner Sombart und das vorindustrielle Handwerk* (Bielefeld: Verlag für Regionalgeschichte, 2004).

14 Komlosy, "Work and Labor Relations," 43. Such a utopian and rather idealising and glorifying view on subsistence is held by Maria Mies and Veronika Bennholdt-Thomsen, *The Subsistence Perspective. Beyond the Globalised Economy* (London: Zed Books, 1999). Similarily: Kerstin Poehls, Leonore Scholze-Irrlitz, and Andrea Vetter, eds., *Strategien der Subsistenz. Neue prekäre, subversive und moralische Ökonomien* (Berlin: Panama 2017). A contrary and more critical position is taken in the same volume by Schläppi, "Logiken der Subsistenz," 34. Taking into account the memoirs of people who lived under agrarian subsistence economies in the twentieth century, it is doubtful if such a view is empirically tenable in any way. See for example, Anna Wimschneider, *Herbstmilch. Lebenserinnerungen einer Bäuerin* (München: Büchergemeinschaft, 1984) and Roland Girtler, *Aschenlauge. Die alte Kultur der Bauern* (Wien: Böhlau, 2012).

15 Dietrich Engels, "Lebenslagen," in *Lexikon der Sozialwirtschaft*, ed. Bernd Maelicke (Baden-Baden: Nomos, 2008), 643–646, 643.

16 Ibid.: "Als 'Lebenslage' wird die Gesamtheit der äußeren Bedingungen bezeichnet, durch die das Leben von Personen oder Gruppen beeinflusst wird. Die Lebenslage bildet einerseits den Rahmen von Möglichkeiten, innerhalb dessen eine Person sich entwickeln kann, sie markiert deren Handlungsspielraum. Andererseits können Personen in gewissem Maße auch auf ihre Lebenslagen einwirken und diese gestalten. Damit steht der Begriff der Lebenslage für die konkrete Ausformung der sozialen Einbindung einer Person, genauer: ihrer sozioökonomischen, soziokulturellen, soziobiologischen Lebensgrundlage." (Translated by the author).

Beyond Work and Labour: Livelihood Activities and *Lebenslage*

As Jane Whittle has stressed, analytical concepts such as 'labour,' 'work,' or the 'economy' are not neutral, but "loaded with gendered and historically specific assumptions introduced by classical economic thought in the late eighteenth and early nineteenth centuries and perpetuated by modern economics."[17] Etymologically, 'labour' (and its equivalents in other European languages) is associated with "an unequivocal connotation of pain and trouble,"[18] while 'work' encompasses both positive and negative associations.[19] Analytically, work can broadly be defined as "any human effort adding use value to goods and services,"[20] while labour is usually connected to commodification and refers to activities that create exchange-value.[21] Thus, in theory, labour as commodified work creating exchange-value is considered a core characteristic of the capitalist economy.

Such theoretical reflections on the significance of labour under capitalism must be tied to empirical analyses from various historical periods and different parts of the world. However, as a starting point for such comparisons, the concepts of work and labour seem rather problematic: They are part of a modern Western understanding, refer only to specific activities and focus only on certain actors. Many cultures and

17 Jane Whittle, "A Critique of Approaches to 'Domestic Work': Women, Work and the Pre-Industrial Economy," *Past and Present* 243, no. 1 (2019): 35–70, 67. See also Welskopp, "Kapitalismus und Konzepte von Arbeit," 211.

18 Hannah Arendt, *The Human Condition* [Original 1958], 2nd ed., (Chicago: The University of Chicago Press, 1998), 80.

19 Raffaella Sarti, Anna Bellavitis, and Manuela Martini, "Introduction," in *What is Work? Gender at the Crossroads of Home, Family, and Business from the Early Modern Era to the Present*, ed. idem (New York/ Oxford: Berghahn, 2018), 1–84, 5. For a discussion on the concepts of work and labour in different European and Non-European languages see: Ibidem, as well as: Maurice Godelier, "Work and its Representations: A Research Proposal," *History Workshop Journal* 10, no. 1 (1980): 164–174, and Jürgen Kocka, "Work as a Problem in European History," in *Work in a Modern Society. The German Historical Experience in Comparative Perspective*, ed. idem. (New York: Berghahn, 2010), 1–15.

20 Charles Tilly and Chris Tilly, *Work under Capitalism* (Boulder: Routledge, 1998), 22.

21 See Sarti, Bellavitis, and Martini, "Introduction," 48, endnote 23. Regarding a proper English translation of the terminology used by Marx see Christian Fuchs, *Reading Marx in the Information Age: A Media and Communication Studies Perspective on Capital Volume 1* (New York: Routledge, 2016), 28: "Given the etymological difference between 'work' and 'labour' as general creative practice and hard alienated toil, it is in my view best to translate Marx's usage of the term 'Arbeit' for the concrete creation of use-values as 'work' and the abstract production of value as 'labour'. This is, however, not the case in the Penguin edition of *Capital*, where the terms 'concrete labour' and 'abstract labour' are used."

languages do not have a general concept of work, and even in Western languages, it emerged only haltingly over the course of the early modern period and lacked a clear, singular definition.[22] Only the advent of modern Western economics introduced the abstract and narrow concept of labour as strongly connected to gainful employment and market-related activities.[23]

In contrast, Alexandra Oberländer argues for an "understanding of work that is not necessarily linked to gainful employment but rather takes into consideration those activities […] people undertook to provide for themselves materially."[24] The category of livelihood activities can instead encompass work or wage labour, but is not restricted to them.[25] Maintaining social or sexual relationships that contribute to subsistence, or receiving income without work can also fall under this umbrella. Forms of work and labour are thus captured and related to each other in their interplay with other economic and social activities and practices.[26]

Beginning the analysis from the standpoint of livelihood activities and not labour relations thus allows for both a better contextualization of these activities within the life situation or Lebenslage of the given actor and the reconnection of the history of labour with debates on social structures and inequalities. Since these cannot be determined by labour relations alone, analyzing Lebenslagen becomes a suitable tool for describing and classifying working individuals and groups. For example, sociological research on precarity has shown that insecure labour relations alone do not solely explain an overall precarious situation.[27] In response, Klaus Kraemer has suggested the inclusion of other dimensions of Lebenslage—in addition to gainful employment—in any analysis and highlighted the need to consider not only the legal nature of any employment relationship, but also the concrete form of the work performed.[28]

22 Kocka, "Work as a Problem in European History," 2f.

23 Sarti, Bellavitis, and Martini, "Introduction," 17; Wadauer, "Immer nur Arbeit?," 230; Welskopp, "Kapitalismus und Konzepte von Arbeit," 211.

24 Alexandra Oberländer, "Cushy Work, Backbreaking Leisure. Late Soviet Work Ethics Reconsidered," *Kritika: Explorations in Russian and Eurasian History* 18, no. 3 (2017): 569–590, 572.

25 Wadauer, "Immer nur Arbeit? "

26 See Daniel Schläppi, "Ökonomie als Dimension des Relationalen. Nachdenken über menschliches Wirtschaften jenseits disziplinärer Raster und Paradigmen," in *Die Ökonomie sozialer Beziehungen. Ressourcenbewirtschaftung als Geben, Nehmen, Investieren, Verschwenden, Haushalten, Horten, Vererben, Schulden*, ed. Gabriele Jancke and Daniel Schläppi (Stuttgart: Franz Steiner, 2015), 37–64.

27 Klaus Kraemer, "Prekarität – was ist das?," *Arbeit* 17, no. 2 (2008), 77–90, 81; Michèle Amacker, "'Da haben wir wenig Spielraum' – Familienernährerinnen in prekären Lebenslagen," *WSI-Mitteilungen* 64, no. 8 (2011): 409–415, 414.

28 Kraemer. "Prekarität – was ist das?," 77–79.

The Lebenslage approach dates back to both Otto Neurath and Gerhard Weisser, and was translated into English as both "life situation" and "living standard."[29] The latter, in particular, can be misleading, because Lebenslage does not explicitly mean an economically measured standard of living. Instead, it "refers to the material and immaterial personal circumstances such as e. g. the work situation, the access to and power over material resources, the housing, the social network as well as the own physical abilities and health."[30] The concept of Lebenslage is multidimensional; "it always encompasses several areas of life simultaneously and is therefore in opposition to unilinear, monocausal explanations."[31] Thus, the concept captures the entanglement and interdependencies of different material and non-material factors, enabling historians to study aspects of work and labour within a framework of intersecting and interdependent inequalities.[32] Thus, while livelihood activities describe the practices engaged in by the actors in question, Lebenslage captures their economic, social and cultural situations. This allows for a structural analysis that is not dependent on single factors such as property, legal status (free/unfree) or employment (employed/self-employed), but instead takes into account the interdependencies of various material and immaterial aspects.

29 See Otto Neurath, *Empiricism and sociology* (Dordrecht: D. Reidel Publishing, 1973), 401; Original: Otto Neurath: *Empirische Soziologie. Der wissenschaftliche Gehalt der Geschichte und Nationalökonomie* (Wien: Springer, 1931), in: *Gesammelte philosophische und methodologische Schriften*, vol. 1, ed. Rudolf Haller and Heiner Rutte (Wien: öbv, 1981), 511f). For Gerhard Weisser, see Ortrud Leßmann, *Konzeption und Erfassung von Armut. Vergleich des Lebenslage-Ansatzes mit Sens "Capability"-Ansatz* (Berlin: Duncker & Humblot), 2007, chap. 3.3. There are some minor differences in both understandings of the notion and approach of *Lebenslage,* see ibid., ch. 3.

30 Robert Nadler, "Should I Stay or Should I Go? International Migrants in the Rural Town of Zittau (Saxony) and their Potential Impact on Rural Development," *European Countryside* 4, no. 1 (2012): 57–72, 62.

31 Engels, "Lebenslagen," 643 (translated by the author).

32 For an examination of labour relations in terms of intersectionality analysis as power relations, see Gabriele Winker and Nina Degele, "Intersectionality as Multi-Level Analysis: Dealing with Social Inequality," *European Journal of Women's Studies* 18, no. 1 (2011): 51–66. For historical analysis, I speak of interdependence rather than intersectionality. See for this debate Andrea Griesebner, "Intersektionalität versus Interdependenz und Relationalität," *EWE. Erwägen – Wissen – Ethik* 24, no. 3 (2013): 381–383; Julia Roth, "Entangled Inequalities as Intersectionalities: Towards an Epistemic Sensibilization (desiguALdades.net Working Paper Series 43)," Berlin 2013, www.desigualdades.net/Resources/Working_Paper/43_WP_Roth_Online.pdf; Nira Yuval-Davis, "Beyond the Recognition and Re-Distribution Dichotomy. Intersectionality and Stratification," in *Framing Intersectionality. Debates on a Multi-Facetted Concept in Gender Studies*, ed. Helma Lutz, Maria Teresa Herrera Vivar, and Linda Supik (Farnham: Routledge, 2011), 155–169.

Comparative Perspectives and the Analysis of Capitalism

In pre-industrial economies, "most work was unpaid and centred around the maintenance and future survival of the family," as Jane Whittle recently summarized with regard to early modern England.[33] It is thus often not possible to draw clear distinctions between money-earning and money-saving activities or between production and consumption. This is particularly true for the agricultural sector but also applies to others. Survival was not based on gainful employment or regular income; rather, households as units of production and consumption were integrated into complex forms of circulation and exchange of material and immaterial resources.[34] Within a "mixed economy,"[35] different people contributed to the livelihood of a household in different ways and carried out different activities depending on season and situation as well as on their gender, age, and status.[36] Based on the digital analysis of a large corpus of early modern Swedish court records, the Gender and Work project lead by Maria Ågren at the university of Uppsala demonstrated that

> even for people who did have an occupation proper, a salary and an occupational title, the concept 'multiple employments' describes well what their time-use consisted in, and this was true for both men and women. However, most people performed unsalaried and unwaged work and had no occupational title at all.[37]

Regarding the division of tasks within early modern households, Ågren stresses the importance of the "two-supporter model," wherein "both spouses contributed in various ways, though not necessarily financially, to the household economy"[38] through various combinations of, for example, self-employed and dependent activities, petty trade, providing services, or giving and receiving loans.

33 Whittle, "A Critique of Approaches to 'Domestic Work'," 36. Regarding the significance of the so called "unpaid contributing family worker" see Rossana Barragán, "Women in the Silver Mines of Potosí: Rethinking the History of 'Informality' and 'Precarity' (Sixteenth to Eighteenth Centuries)," I*nternational Review of Social History* 65, no. 2 (2019): 289–314, 313. See also Sheilagh C. Ogilvie, *A Bitter Living: Women, Markets, and Social Capital in Early Modern Germany* (Oxford et al.: Oxford University Press, 2003).

34 Schläppi, "Logiken der Subsistenz," 42.

35 Gunter Mahlerwein, "Mixed Economy," in *Encyclopedia of Early Modern History Online* (2019), http://dx.doi.org/10.1163/2352-0272_emho_SIM_024144.

36 Sarti, Bellavitis, and Martini, "Introduction," 11.

37 Website of the research project Gender and Work at the Uppsala University, https://gaw.hist.uu.se/what-is-gaw/research+project/resultat/.

38 Ågren, "Introduction," 2.

In parallel, Valentin Groebner has stressed that late medieval and early modern municipal officials were not officials in the modern sense, but rather a kind of subcontractor of the local authorities, who provided both municipal and their own services. Their income only consisted in small part of a fixed remuneration in the modern sense. Rather, their income was in large part their personal share of revenues collected as fees, duties, or fines on behalf of the city. And a large proportion of the city servants had private side activities in addition to their official functions.[39] Such a diversification of one's livelihood was common also for teachers in the early modern period and into the nineteenth century.[40]

A narrow focus on work and labour risks losing sight of such arrangements of different practices and forms of income; looking through the lens of livelihood activities, however, these combinations become visible. This is also apparent in the proto-industrial early modern export trades. For example, the bleacheries of St. Gallen's linen industry were municipal institutions, run by master bleachers.[41] The masters were responsible for their bleacheries both organizationally and financially and employed journeymen in wage labour. In addition to these formal contracts, both masters and journeymen carried out other activities and had other forms of income that contributed to their respective livelihoods, including bribes and tips, as well as illegal washing or driving services connected to their work in the bleacheries.[42] There is also indirect evidence of child labour. Municipal mandates in the seventeenth century decreed that certain alms in St. Gallen were only intended for the foreign poor. Residents of St. Gallen were not allowed to receive them; the mandates in particular mention 'bleacher boys' and 'dyer boys' who were not legally authorized to receive these alms.[43] It can be assumed that these boys were working in the St. Gallen bleacheries in the

39 Valentin Groebner, "'Gemein' und 'Geheym'. Pensionen, Geschenke und die Sichtbarmachung des Unsichtbaren in Basel am Beginn des 16. Jahrhunderts," *Schweizerische Zeitschrift für Geschichte* 49 (1999): 445–469, 453.

40 See Schläppi, "Logiken der Subsistenz in historischer Perspektive," 32f.; Johannes Westberg, "How Did Teachers Make a Living? The Teacher Occupation, Livelihood Diversification and the Rise of Mass Schooling in Nineteenth-Century Sweden," *History of Education* 48, no. 1 (2019): 19–40, https://doi.org/10.1080/0046760X.2018.1514660; Peter-Paul Bänziger, *Die Moderne als Erlebnis. Eine Geschichte der Konsum- und Arbeitsgesellschaft, 1840–1940* (Göttingen: Wallstein, 2020), chap. I.3.

41 For the examples from the St. Gallen textile industry see also: Marco Tomaszewski, "Practices and Dependencies. Research Perspectives on the History of Proto-Industrial Labour and the St. Gallen Linen Industry (1450–1700)," *RiSES. Ricerche di Storia Economica e Sociale (Journal of Economic and Social History)* VI, no. 1–2 (2020): 3–33 (released 2022).

42 Town book of St. Gallen from von 1673: Ernst Ziegler, ed., *Rechtsquellen des Kantons St. Gallen II/2: Die Stadtrechte von St. Gallen und Rapperswil, Das Stadtbuch von 1673* (Aarau: Sauerländer, 1996), 235ff.

43 Stadtarchiv St. Gallen, Bücher 547, Mandatenbuch 2, mandates of 1658, 1661, 1670.

summer and begged and sought alms in winter. Little is known about these child labourers. Perhaps they were children from poor parents who were sent to work in the summer, resembling the famous "Schwabenkinder" who from the seventeenth to the twentieth century were sent from Tirol to Upper Swabia in order to work there as farmhands and maidservants.[44] Or they were orphans, like the boys who served the soldiers and mercenaries in the baggage trains of early modern armies.[45] Such child labour is especially difficult to capture in terms of labour relations.[46] In these examples, boundaries between labour and non-labour, and between freedom and unfreedom are hard to determine and can better be explained by categories such as Lebenslage. The Lebenslage of orphans, for example, could be characterized by their age, their physical and mental condition, the lack of reliable family or other social relationships, and homelessness. The latter made it easy to exploit their labour in exchange for room and board (and thus without contracts or regular payment), and to leave them to fend for themselves in winter.

Grey zones between free and unfree forms of labour also become apparent in the mita system of colonial Peru. This system was usually "characterized as a form of draft labour, corvée labour, or unfree labour."[47] Yet as Rossana Barragán has shown, work in the mines in Potosí actually "consisted of shifts to work one week out of three throughout one year. Some of the mitayos or 'unfree workers' could then be engaged as 'free workers' in the mines in their 'rest' (huelga) weeks."[48] Low-wage corvée or mita labour was thus combined with better paid free work; unfree workers and free workers were thus not necessarily different groups, and unfree work and free work could be closely intertwined.[49] This example illustrates "that the free or unfree condition of labour is not defined (only) by the juridical status of the worker," and that the quality of labour relations "cannot be summed up neatly in a clear dichotomy between the

44 Stefan Zimmermann and Christine Brugger, eds., *Die Schwabenkinder. Arbeit in der Fremde vom 17. bis 20. Jahrhundert*, 2nd. ed. (Ostfildern: Thorbecke, 2016).

45 Peter Burschel, *Söldner im Nordwestdeutschland des 16. und 17. Jahrhunderts. Sozialgeschichtliche Studien* (Göttingen: Vandenhoeck & Ruprecht, 1994), 253.

46 Katharina Simon-Muscheid, "Formen der Kinderarbeit in Spätmittelalter und Renaissance. Diskurse und Alltag," in *Arbeit im Wandel. Deutung, Organisation und Herrschaft vom Mittelalter bis zur Gegenwart = Le travail en mutation: interprétation, organisation et pouvoir, du Moyen Age à nos jours*, ed. Ulrich Pfister, Brigitte Studer, and Jakob Tanner (Zürich: Chronos, 1996), 107–125. For an overview of recent research on early modern child labour, see Andrea Caracausi, "Beaten Children and Women's Work in Early Modern Italy," *Past and Present* 222 (2014): 95–128, footnote 5. For the twentieth century, see Girtler, *Aschenlauge*, 78–91 and 114–129.

47 Barragán, "Women in the Silver Mines of Potosí," 292.

48 Ibid.

49 Ibid., 291f.

free and unfree conditions."[50] Beyond their legal status and labour relations, however, these actors can be characterized by certain features of their Lebenslage, which presents a starting point for the elaboration of alternative analytical concepts in the future.

With regard to the colonial period in Africa, Frederick Cooper notes that here too, "neither 'free' nor 'coerced' labour was an unambiguous category"[51] and that even during the height of the slave trade in the early nineteenth century, there was quite often a continuum in the forms of appropriation of labour power, from labour as a commodity that could be bought, to slavery and other forms of appropriation based on various relations of dependency.[52] The actors involved in such dependency and labour relations are difficult to describe when exclusively using dichotomous categories such as free and unfree. With the concept of Lebenslage, however, they can be identified by their common characteristics beyond the level of the individual.

The examples presented thus far can be regarded as typically early-capitalist, pre-capitalist or non-capitalist and thus only marginally relevant for a discussion of labour under capitalism. Yet, multiple forms of employment and the combination of activities remained important in industrial economies and societies—including for the prototypical industrial workers of the nineteenth and twentieth centuries. Workers' households cultivated land or sublet beds and hosted boarders; women, in particular, practised a broad range of activities that were not reflected in official statistics.[53] Instead of the often-cited male-breadwinner model, one can observe "family-based

50 Luca Mocarelli and Giulio Ongaro, *Work in Early Modern Italy, 1500–1800* (Cham: Palgrave Macmillan, 2019), p. 14; see also Doris Bulach and Juliane Schiel, "Von der Rente zur Rendite. Nachgedanken zu Sklaverei und Servilität von der Gegenwart bis ins Mittelalter. Ein Gespräch mit Ludolf Kuchenbuch," *Werkstatt Geschichte* 66/67 (2014): 149–164; Juliane Schiel, "The Ragusan 'Maids-of-all-Work' Shifting Labor Relations in the Late Medieval Adriatic Sea Region," *Journal of Global Slavery* 5 (2020): 139–169; see also Michael Mann, "Die Mär von der freien Lohnarbeit. Menschenhandel und erzwungene Arbeit in der Neuzeit. Ein einleitender Essay," *Comparativ* 13, no. 4 (2003): 7–22; Jairus Banaji, "The Fictions of Free Labour: Contract, Coercion, and So-Called Unfree Labour," *Historical Materialism* 11, no. 3 (2003): 69–95.

51 Frederick Cooper, "From Enslavement to Precarity? The Labour Question in African History," in *The Political Economy of Everyday Life in Africa: Beyond the Margins*, ed. Wale Adebanwi (Suffolk: James Currey, 2017). 135–156, 144.

52 Frederick Cooper, *Von der Sklaverei in die Prekarität? Afrikanische Arbeitsgeschichte im globalen Kontext* (Berlin: De Gruyter Oldenbourg, 2019), 14; see Cooper, "From Enslavement to Precarity," 142.

53 Josef Mooser, *Arbeiterleben in Deutschland 1900–1970. Klassenlagen, Kultur und Politik* (Frankfurt am Main: Suhrkamp, 1984), 85; Franz-Josef Brüggemeier, "'Volle Kost voll'. Die Wohnungsverhältnisse der Bergleute an der Ruhr um die Jahrhundertwende," in *Glück auf, Kameraden! Die Bergarbeiter und ihre Organisationen in Deutschland*, ed. Hans Mommsen and Ulrich Borsdorf (Köln: Bund, 1979), 151–173.

self-sufficient economies"—even in industrial capitalism.[54] Almost forty years ago, Josef Mooser had already concluded that in the German Reich the pre-industrial rural 'mixed economy' survived in the urban working classes well into the twentieth century.[55] In nineteenth and twentieth-century Western and Southern Europe, many wage earners also relied on land ownership, self-employment, and multiple livelihood activities.[56] Thus, if we take into account all the possible forms of self-employed and unpaid labour, the so-called 'working society' at no time realized full employment in the sense of gainful employment.[57] Many actors in industrial capitalism depended on various livelihood activities conducted by different members of the household in addition to wage labour. The 'normal employment relationship' appears more and more as a historical exception rather than the rule, even in the history of capitalism.[58] From a wholly different twentieth-century perspective, Alexandra Oberländer has shown that, in the Soviet Union, "work in the sense of the eight-hour workday as gainful employment was not necessarily the primary means to provide for oneself or one's family." Instead, other livelihood activities were important: "moonlighting, engagement in petty trade, and making money from all sorts of different services became popular means of earning additional income" and "the alleged line between work and leisure became blurred."[59]

Regarding twentieth-century African workers, Frederick Cooper points to the volatility and variety of forms of political and social relations: as workers used their earnings to develop small-scale enterprises or their kinsmen's farms, or as women found niches in urban production and marketing as well as rural production, as young men found that personal clientage to 'big men' could be more fruitful than wage labour.[60]

54 Alf Lüdtke, "Über-Leben im 20. Jahrhundert. Krieg und Arbeit in den Lebensläufen von Arbeiterinnen und Arbeitern in Deutschland – mit vergleichenden Ausblicken nach Frankreich und Großbritannien," in *'Arbeit': Geschichte – Gegenwart – Zukunft*, ed. Josef Ehmer, Helga Grebing, and Peter Gutschner (Leipzig: AVA, 2002), 48" (translated by the author).

55 Mooser, *Arbeiterleben in Deutschland 1900–1970*, 85.

56 Heinz-Gerhard Haupt, "Besitz und Selbstständigkeit als Teil von Arbeiterstrategien im 19. und 20. Jahrhundert. Beispiele aus West- und Südeuropa," *Geschichte und Gesellschaft* 43 (2017): 240–263.

57 Peter Gutschner, "Von der Norm zur Normalität? Begriff und Deutung von Arbeit im Diskurs der Neuzeit," in *'Arbeit': Geschichte – Gegenwart – Zukunft*, ed. Josef Ehmer, Helga Grebing, and Peter Gutschner (Leipzig: AVA, 2002), 137–148, 142.

58 Eloisa Betti, "Precarious Work: Norm or Exception of Capitalism? Historicizing a Contemporary Debate. A Global Gendered Perspective," in *The Power of the Norm. Fragile Rules and Significant Exeptions. IWM Junior Visiting Fellows' Conferences*, Vol. 35, ed. Eloisa Betti and Katherine Miller (Vienna, 2016), www.iwm.at/publications/5-junior-visiting-fellows-conferences/vol-xxxv/precarious-work/; Timo Luks, "Prekarität. Eine nützliche Kategorie der historischen Kapitalismusanalyse," *Archiv für Sozialgeschichte* 56 (2016): 51–80, 52

59 Oberländer, "Cushy Work, Backbreaking Leisure," 584.

60 Cooper, "From Enslavement to Precarity," 137–138.

Even for the classical example of the Western industrial worker, a clear designation can be difficult, as illustrated by the category of *Arbeiterbauern*, labourers who also run a farm. Jürgen Schlumbohm stresses that, in pre-industrial Europe, "what seem to be social classes in a cross-sectional perspective, can turn out to be stages in individual life courses" and that this holds true both for agricultural and proto-industrial regions.[61] The concept of Lebenslage offers an instrument to capture these dynamics analytically, as it, unlike class for example, allows for a consideration of shifting, interdependent factors.

In order to categorize the many forms of self-employed, non-waged, unregulated and legally unprotected economic activities in the so-called Global South, the concept of informal work was introduced in the 1970s. The concept was first elucidated by Keith Hart, a development economist, based on a study of labour in Accra, Ghana, but was soon used to describe and categorize the activities of street vendors, transporters, waste pickers, and prostitutes in various countries.[62] During this time, female protagonists in this so-called informal sector in India organized themselves in the Self Employed Women Association (SEWA); despite their unregulated economic activities, they insist on being recognized as workers. Rejecting the terminology of the informal, they call themselves self-employed.[63] It remains, however, unclear what conceptual tools are appropriate to analyse the economic relations between the actors in the informal sector. What Frederick Cooper asks of the African contexts could also be applied to female Indian textile workers, male rikshaw drivers, or early modern European home-based textile producers: "What were the relationships of the 'big men' to the varied categories of market sellers, street vendors, artisanal apprentices, beggars, and small-scale economic enterprises over whom they exercised different degrees of control?"[64] A potential way to answer this question is to focus on the vertical and horizontal dependencies between the given actors that become apparent in an analysis of livelihood activities and Lebenslage.[65]

61 Jürgen Schlumbohm, "Labour in Proto-Industrialization: Big Questions and Micro-Answers," in E*arly Modern Capitalism. Economic and Social Change in Europe, 1400–1800*, ed. Maarten Roy Prak (London: Routledge, 2001), 123–132, 127.

62 Denning, "Wageless Life," 89.; Keith Hart, "Informal Income Opportunities and Urban Employment in Ghana," in *Third World Employment. Problems and Strategy*, ed. Richard Jolly et. al. (Harmondsworth: Penguin, 1973), 66 –70. See Nicole Mayer-Ahuja, "Die Globalität unsicherer Arbeit als konzeptionelle Provokation," *Geschichte und Gesellschaft* 43 (2017), 264–296, 264; Cooper, "From Enslavement to Precarity," 138.

63 Denning, "Wageless Life," 92. See Ela R. Bhatt, *We are Poor but so Many. The Story of Self-Employed Women in India* (New York: Oxford University Press, 2006), and the self-portrayal of SEWA on: www.sewa.org/history/ (accessed 18 October 2022). SEWA currently represents about two million women in India.

64 Cooper, "From Enslavement to Precarity," 139.

65 De Vito, Schiel, and van Rossum, "From Bondage to Precariousness," 648. See Tomaszewski, "Practices and Dependencies."

Informal forms of work were also an important part of the economic and labour history of contemporary Western societies.[66] In addition, gainful employment in the Global North—especially since the end of the twentieth century—is increasingly characterized by flexibilization, subcontracting, micro-entrepreneurs, and self-employed actors. In many cases, employment relationships are associated with considerable risks and precarious conditions for working people.[67] For employers, this has been framed as labour flexibility, while workers perceive it as precarity.[68] This points to remarkable similarities between the twenty-first century and the historical examples presented above, as well as between the so-called Global North and Global South.[69] Especially precarious entrepreneurship and self-employment seem to be characteristic not only of pre-industrial contexts, but also of post-industrial or 'post-fordist' societies.[70] This challenges dichotomous social classifications such as entrepreneur versus worker or labour versus capital,[71] as well as well as overly simplistic concepts of class.[72]

With regard to the terminology, however, Sibylle Marti recently pointed to "the problem of an androcentric as well as a Eurocentric reductionism" connected with the term 'precarity.' It is linked to a narrative of decline, centred around the erosion of the normal employment relationship, a model which has "predominantly been established for white males, whereas the working conditions of women and migrants, as well as people living outside the 'global North' tend to be overlooked."[73] This "elucidates how

66 Thomas Buchner and Philip Hoffmann-Rehnitz, "Introduction: Irregular Economic Practices as a Topic of Modern (Urban) History—Problems and Possibilities," in *Shadow Economies and Irregular Work in Urban Europe. 16th to early 20th Centuries*, ed. idem (Wien/Berlin/Münster: LIT, 2011), 3–36, 36.

67 See Keim and Marti in this volume; Gutschner, "Von der Norm zur Normalität?," 140f.; Luc Boltanski and Ève Chiapello, *Der neue Geist des Kapitalismus* (Konstanz: UVK, 2003).

68 Christian de Vito, "Labour Flexibility and Labour Precariousness as Conceptual Tools for the Historical Study of the Interactions between Labour Relations," in *On the Road to Global Labour History. A Festschrift for Marcel van der Linden*, ed. Karl Heinz Roth (Leiden/Boston: Brill, 2017), 219–240; De Vito, Schiel, and van Rossum, "From Bondage to Precariousness?," 653.

69 See also Gutschner, "Von der Norm zur Normalität?," 140 and Robert Neuwirth, *Stealth of Nations. The Global Rise of the Informal Economy* (New York: Pantheon, 2011), 156ff.

70 Luks, "Prekarität," 52.

71 Gutschner, "Von der Norm zur Normalität?," 141.

72 Thomas Welskopp, "Der Wandel der Arbeitsgesellschaft als Thema der Kulturwissenschaften. Klassen, Professionen und Eliten," in *Unternehmen Praxisgeschichte. Historische Perspektiven auf Kapitalismus, Arbeit und Klassengesellschaft*, ed. Thomas Welskopp (Tübingen: Mohr Siebeck, 2014), 135–168, 158 (translated by the author); Michael Denning, "Wageless Life," *New Left Review* 66 (2010): 79–97, 81.

73 Sibylle Marti, "Precarious Work—Informal Work: Notions of 'Insecure' Labour and How They Relate to Neoliberalism," *Journal of Modern European History* 17, no. 4 (2019): 396–401, 400.

'nonstandard' labour is theorised differently on a global scale,"[74] as the concept of informal work was "initially used in an explicitly positive way" to describe forms of work in the Global South that would, in the Global North, be described as precarious.[75] Marti convincingly proposes 'insecure labour' as an appropriate alternative terminology that evades the inherent risk of reproducing an existing "uneven perception of the 'global North' and 'South' already on a conceptual level."[76]

Furthermore, there are also substantial differences between the definitions of precarity and informality: While precarious work is primarily understood as a combination of standard violations, the definition of informality focuses primarily on the legal aspect.[77] Therefore, a precise contextualization of insecure labour is indispensable. With regard to India and Germany, Nicole Mayer-Ahuja rejects assumptions that the increase in insecure labour in both the Global South and the Global North will diminish differences between these world regions. Following Mayer-Ahuja, only by placing analysis of work and labour at the local level in its relevant socio-economic and regulatory context (which, I would add, includes the actors' Lebenslage) is a solid basis for the analysis of global connections and comparisons possible.[78]

It must be stressed here that the concepts of livelihood activities and Lebenslage on the one hand and (free wage) labour on the other hand are not mutual exclusive but complement each other. To take livelihood activities into account can thus be a starting point for the analysis of capitalism. It is only from this perspective that forms of labour such as free wage labour can be contextualized as one possible livelihood activity among many.[79] The value of this perspective lies in pointing out the mutual entanglements of economic and non-economic practices under capitalism. The focus on livelihood activities makes visible the "'non-economic' background conditions" on

74 Ibid., 401

75 Ibid., 400.

76 Ibid., 401. The scholarship on precarious work in the Global North and informalisation of work in the Global South also rarely intersects, see: Nicole Mayer-Ahuja, "Die Globalität unsicherer Arbeit als konzeptionelle Provokation," 268.

77 Ibid., 269.

78 Ibid., 296.

79 The perspective of livelihood could be supplemented by existing categories of labour relations such as the taxonomy developed by the Global Collaboratory on the History of Labour Relations. See Karin Hofmeester et al., "The Global Collaboratory on the History of Labour Relations, 1500–2000: Background, Set-Up, Taxonomy, and Applications (IISH Data Collection, V1)," Amsterdam 2016, http://hdl.handle.net/10622/4OGRAD, 9: "The Collaboratory fully recognizes that persons may experience different labour relations at the same time. In those cases (serfs who are permitted to perform wage labour part of the year), the researcher may attribute a primary labour relation to the main activity (as defined by hours spent) and a second or even a third to the subsidiary activity".

which capitalism's "'economic,' foreground features depend on."[80] A central concept in this context is reproductive work, introduced by feminist Marxist scholars as a reaction to the strict distinction between productive and unproductive labour in modern theorizations of labour. Reproductive work can be defined as

> those activities that exist as a counterpart, but also prior, to employment or income generation, what usually is considered production. Also referred to as social reproduction, such work is about the making of people through the tasks of daily life which are necessary to develop and sustain labor power. These activities are both material (like feeding), emotional (like love), and assimilative (like the transferring of norms and values), whether occurring in the family, school, church, or community.[81]

Such reproductive work can be understood as productive even in a Marxist understanding, because "the work of reproduction performed in the home by women added value not only to the necessary work of reproduction carried out in the factory by the laborers but also to the surplus labor."[82] Therefore, "social reproduction is an indispensable background condition for the possibility of capitalist production,"[83] since "wage labour could not exist in the absence of housework, child-raising, schooling, affective care and a host of other activities which help to produce new generations of workers and replenish existing ones, as well as to maintain social bonds and shared understandings."[84]

On a different level, Sven Beckert emphasizes that "capitalist expansion continued to thrive on the basis of a variety of forms of labor mobilization. […] Not only did different forms of labor coexist under the conditions of global capitalist expansion—they depended on one another for their very existence."[85] Recently, for example, the importance of informal labour for (capitalist) society was emphasized by SEWA in their

80 Nancy Fraser, "Behind Marx's Hidden Abode. For an Expanded Conception of Capitalism," *New Left Review* 86 (2014): 55–72, 65.

81 Eileen Boris, "Regulating Home Labors. The ILO and the Feminization of Work," in *What is Work? Gender at the Crossroads of Home, Family, and Business from the Early Modern Era to the Present*, ed. Raffaella Sarti, Anna Bellavitis, and Manuela Martini (New York: Berghahn, 2018), 269–294, 272.

82 Alessandra Pescarolo, "Productive and Reproductive Work. Uses and Abuses of an Old Dichotomy," in *What is Work? Gender at the Crossroads of Home, Family, and Business from the Early Modern Era to the Present*, ed. Raffaella Sarti, Anna Bellavitis, and Manuela Martini (New York: Berghahn, 2018), 114–138, 121.

83 Fraser, "Behind Marx's Hidden Abode," 61

84 Ibid.

85 Sven Beckert, "Labor Regimes after Emancipation: The Case of Cotton," in *Grenzüberschreitende Arbeitergeschichte. Konzepte und Erkundungen/Labour History Beyond Borders. Concepts*

demands for economic support from the Indian state for informal workers during the Covid-19 pandemic in March 2020:

> many informal workers are providing valuable essential services, including street vendors reaching fresh fruit and vegetables, agriculture workers growing food for the nation, truck drivers, auto drivers and other transporters reaching essential goods and services, waste pickers and garbage cleaners ensuring healthy environment, manufacturers of masks and medicines ensuring essential supplies, contract workers in hospitals, electricity companies etc.[86]

Thus, Andrea Komlosy calls for us to "de-privilege the significance of wage labor as a means to commodify labor and to appropriate indirect surplus value"[87] and sees "the synchronicity of various modes of labor […] as a fundamental characteristic and a necessary condition of capitalism."[88] Assessing the significance of free wage labour within the framework of other livelihood activities can thus contribute to the debate on the role of free wage labour under capitalism.

Livelihood Activities and *Lebenslage*

In conclusion, in order to prevent Eurocentric, modern, and gender biases and to enable cross-epochal and global comparisons, the scope of analysis must be expanded beyond the narrow frame of wage labour to focus on different forms of livelihood activities in interdependence with other dimensions of a given actor's Lebenslage. A consideration of livelihood activities makes visible practices and "modalities of domination and dependence"[89] that are connected to but also move beyond work and labour. It thereby helps to reconnect the separate spheres of labour history, economic history, and social history. This includes historicizing other aspects such as the market, which, like work, should be understood as the "result of certain social and political relationships" rather than as an abstract category.[90]

and Explorations, ed. Marcel van der Linden (Leipzig: Akademische Verlagsanstalt, 2010), 139–153, 153.

86 SEWA's Appeal submitted to the Minister of State (IC) for Labour and Employment & Union Minister of Finance for Helping Informal Sector Workers during COVID 19 crisis (23 March 2020), www.sewa.org/reports-appeal/, accessed 18 October 2022.

87 Komlosy, "Work and Labor Relations," 58.

88 Ibid., 51.

89 De Vito, Schiel, and van Rossum, "From Bondage to Precariousness?," 648–651.

90 Maria Aleksandrova, "Markets and their Agents in History: Some Theoretical Reflections," in *Markets and their Actors in the Late Middle Ages*, ed. Tanja Skambraks, Julia Bruch, and Ulla Kypta (Berlin: De Gruyter, 2021), 121–144, 135.

Lebenslage and livelihood activities are categories that can be applied to all contexts, regardless of time period, culture, or geographic space. To make comparisons across time and space fruitful, the next step involves developing specific concepts appropriate to the contexts, regions, or historical periods in question. This could enable a differentiation of conceptual terms historically as well as spatially without limiting the objects of study in advance to certain forms of labour. Working actors could then be typologized on the basis of what they live on and how they can shape their lives. Rather than labour relations and freedom, the vanishing point of such a perspective would be actors themselves, their livelihood activities and their Lebenslagen. In parallel, identifying forms of livelihood as part of Lebenslagen could precede the description and categorization of groups and individuals. In a further step, this could lead to the elaboration of social structure models that take into account interdependent dimensions of work as well as the agency of the historical actors. Unlike the open category of Lebenslage, such models of social structures would be more substantially influenced by their respective historical contexts and could thus be developed for specific periods or regions. Whether and to what extent one wants to speak respectively of class, social strata, or social situations, or whether one decides in favour of inclusive/exclusive models would then derive from the analysis of livelihood and Lebenslage.[91]

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91 Rainer Geißler, *Die Sozialstruktur Deutschlands*, 7th. ed. (Wiesbaden: Springer, 2014), chap. 5 gives an overview of different approaches.

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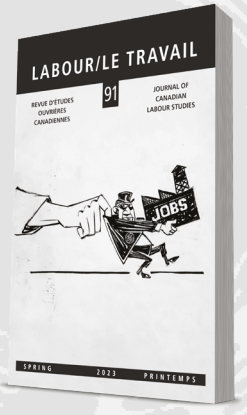

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