

X. Between hopes of reconstruction and restoration: the re-establishment of the trade unions 1945–1949

When the Second World War ended with the German capitulation of 8 May 1945, Germany and Europe lay quite literally in ruins. Casualties ran into millions. Millions of deportees, prisoners of war and concentration camp survivors were drifting about Europe. Millions of demobilized soldiers, refugees and displaced persons were seeking new homes. The overwhelming priorities after the war were providing people with food, fuel, clothing and housing.

But was the end of the war really the “zero hour” of German history? Germany was undeniably a scene of devastation, but the political and economic reconstruction of the country fell back on traditions that had survived: property, the economic structure and basic political ideas had been shaken by the downfall of National Socialism and the end of the war, but not destroyed. In addition, the advocates of a fundamental reorganization of the economy and society had to contend with the occupying powers. Germany was occupied by the troops of the victorious Allies, in quite a different way from after the First World War. It was split up into zones of occupation, with military governors initially assuming the powers of government. It was the law of the occupying forces that determined the re-establishment of the unions and the form and pace of their reconstruction.

1. *From local beginnings to national organizations*

The ideas of the occupying powers on the economic and social reconstruction of Germany and hence the importance of the trade unions left a lasting mark on the overall conditions for trade union policy in the post-war period. An idea of the Americans’ aim may be derived from a statement by General Dwight D. Eisenhower on 22 December 1944, announcing that the DAF would be dissolved and – “as soon as circumstances permit” – democratic trade unions would be set up. “All forms of free economic associations and combinations of workers” would be allowed, “provided they do not have or assume political or military tendencies”. So the freedom of association and collective bargaining withdrawn by the National Socialists was to be restored. Strikes and lockouts “directly or indirectly

endangering military security” would be prohibited. And the “German wage arrangements currently applicable” were to remain in force.¹

In fact, the reconstruction of the trade unions in the western zones was based on the outline conditions laid down by Eisenhower as a representative of the occupying power in control there. A succession of individual provisions was introduced that did not exactly facilitate the unions’ organizational development. In many western parts of Germany, the spontaneous re-establishment of the unions had begun immediately after the arrival of the Allied troops – partly even before the capitulation of 8 May 1945. Trade unions were set up in Aachen and Cologne in March 1945 and re-appeared in Stuttgart, Hamburg and Hanover in April and May. Officially, however, the establishment of trade unions was not permitted by the Allies until after the Potsdam Conference of July–August 1945, and they had to meet specific conditions.

For all the differences in actual occupation policy, the western Allies were agreed that only local organizations would be permitted. This restriction was probably not so much the result of fears that the newly founded organization might be subverted by Communists, who would then possess a centrally controlled instrument of power. Rather, the real reason for preferring the gradual development of trade unions was suspicion that National Socialist ideas lingered on under the surface – even among the working people of Germany, a notion that was confirmed for many by recent experiences. Undoubtedly, the western Allies’ ideas on organization were greatly influenced by the example of the English and American trade unions – which, indeed, sought support for their own organizational models through frequent contacts with the German trade unions – and it was these ideas that pointed the way ahead.

The response to Allied permission to set up trade unions was impressive. In the British zone alone, more than 400 applications for authorization were received between October 1945 and March 1946. The organizational principles to which the new unions adhered were as many and various as they were controversial; there was not only disagreement about division into trade associations or industrial unions but also about whether to create a unified national or general trade union or a trade union federation. But the trade union founders were agreed on one thing: distinct trade union federations divided on philosophical and party political lines were a thing of the past. Their joint failure in 1932–33, the persecution endured together and resistance mounted jointly by trade

¹ According to Borsdorf et al., *op. cit.*, p. 269



Hans Böckler, chairman of the German Trade Union Federation, on 11 March 1950, delivering a speech to 4,000 workers opposing the dismantling of plants.

unionists of formerly separate federations virtually ruled out any alternative to the idea of a united federation after 1945. It may have been easier to push through as a result of the experience of the all-pervading organizational approach adopted by the DAF. The men behind the re-establishment of the unions – from Hans Böckler in the Rhineland and Westphalia and Willi Richter in Hessen to Erhard Kupfer and Lorenz Hagen in Bavaria – were in agreement in learning a lesson from German trade union history and opting for the unified trade union.

Hans Böckler was a particularly important figure in German trade unionism, albeit only for a few years. From his background it would have been difficult to predict Böckler's rise to the head of the DGB in 1949. Born in 1875 in Trautskirchen, the son of a coachman, he learnt the trade of a gold and silver-beater and joined the DMV (and the SPD) in 1894. In 1903 he became DMV secretary for the Saar district, then in Frankfurt, and in 1910 he was appointed area head for Silesia. Wounded out of the army in 1916, he returned to the DMV and became secretary of the ZAG in Berlin. When the DMV left the ZAG, he went to Cologne as a authorized representative of the DMV and in 1927 he became ADGB area chairman in Düsseldorf. In May 1928 he was elected into the Reichstag. In 1933 he was several times put into "protective custody" but managed to survive the war relatively unharmed, despite his contacts with the resistance. His finest hour came in the post-war period during the re-establishment of the trade unions



While the western Allies were agreed on the fundamentals of their trade union policy, there were marked differences in the development of trade union organization from zone to zone, as a result of the differing policies of the occupying powers.

The establishment of trade unions was permitted in the British zone from 6 August 1945. But the further development of the unions was subject to a three-phase plan – as finally laid down in Industrial Relations Directive No. 10 – whereby the trade unions would initially draft programmes and projects and hold their first meetings at local level only. In the second phase, that of "provisional development", rooms could be rented and members recruited. Lastly, the growth phase would allow officials to be elected and trade union work resumed. Transition from one phase to the next had to be supervised and approved by the military government. The British thus ensured that they would be able to keep a check on developments and object if necessary.

This frustrated trade union efforts to achieve centralization as rapidly as possible, completely blocking the central or general trade unions that had sprung up in Saxony and were preferred by Hans Böckler. The occupying power and the English trade unions made it clear to the union leaders in the British zone that they were not amenable to the plan for a central united trade union, only to the principle of a federation of industrial unions. The fact that there was a basis for this idea in German trade union history certainly facilitated its implementation. So, for the time being at least, it was independent individual trade unions that finally set up the German Trade Union Federation for the British zone in Bielefeld on 22–25 April 1947; Hans Böckler was elected its head.

While centralization in the British zone culminated in a federation covering the whole zone, things turned out rather differently in the American zone. Here, too, progress was made in steps but led, in late August 1946 and late March 1947, to the setting-up of provincial federations based on the Länder: the Free Trade Union Federation of Hessen (24–25 August 1946), the Trade Union Federation of Baden-Württemberg (30 August–1 September 1946) and the Bavarian Trade Union Federation (27–29 March 1947). The unions did not press for a body covering the whole zone to avoid granting formal recognition to the zone boundaries. The position was similar in the French zone, where provincial trade union federations were set up in South Württemberg and Hohenzollern (15–16 February 1947), Baden (1–2 March 1947) and the Rhineland-Palatinate (2–3 May 1947)

In the Soviet zone, in contrast, the construction of trade unions proceeded quite rapidly. On 10 June 1945, the Soviet military administration's Order No. 2 granted the right to form trade unions (and political parties). This was followed in February 1946 by the establishment of the Free German Trade Union Federation (FDGB). We cannot, however, trace the history of this national organization here, owing to the quite separate conception of trade unions and differing overall conditions for union work in the Soviet zone, later the German Democratic Republic (GDR).

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Restricting ourselves to the western occupation zones, we find that recruitment of new members varied greatly from one zone to another. The strongest union federation was the one in the British zone, where almost 2.8 m workers were organized by 1948, that is, 42 per cent of the working population. In the same year the American zone had 1.6 m trade unionists, and the French zone only 385,000 – 38 per cent and 30 per cent unionization respectively.

The trade unions embarked on a wide variety of organizational activities remarkably early, long before the creation of a union federation embracing all the western zones. As early as 1946, the Institute of Economic Science was created, at the instigation of Hans Böckler; its task was to provide the unions with expert advice and provide scientific support for its arguments. 1947 saw the launch of the Gutenberg Book Guild and the trade union-run Bund-Verlag publishing house. The same year saw the foundation of the Social Academy, sponsored jointly by the state of North Rhine-Westphalia, the city of Dortmund and the trade unions, and the Ruhr Festival in Recklinghausen took place for the first time. In 1948 the Hamburg Academy for Co-operative Economy, which later gave rise to the College of Economics and Politics, was set up by the city of Hamburg, the co-operatives and the DGB. The next year, the trade unions and the folk high schools decided to create a joint system for education and training, "Arbeit und Leben" (Work and Life), initially in Lower Saxony. In 1949–50, in collaboration with the co-operative movement, the unions established the co-operative banks at provincial (state) level; these later merged to become the Bank für Gemeinwirtschaft (Bank for Co-operative Economy).



Despite the restrictions imposed by the occupying powers, trade unionists persisted in trying to organize co-operation across zone boundaries. On 6 November 1947, the Economic Council for the American and British Zones was formed, joined on 20 December 1948 by the Trade Union Council of the French zone.

Efforts to form a trade union merger were at their most evident in the inter-zone conferences of the trade unions of all four zones. From mid-1946 to mid-1948 unionists met at nine conferences (not counting the first inter-zone meeting in Frankfurt am Main on 13–14 July 1946) to ensure the cohesion of the organization, to discuss fundamental policy matters and prevent the partition of Germany. These inter-zone conferences were encouraged by the World Federation of Trade Unions (WFTU), which had demanded that a nationwide German trade union organization be set up as a condition of membership. On the key issues of post-war politics, the trade unions of all zones were able to reach a large measure of agreement.²

² The texts of the resolutions are reprinted in *Versprochen – Gebrochen. Die Interzonenkonferenzen der deutschen Gewerkschaften von 1946–1948*, hrsg. vom Bundesvorstand des DGB (Düsseldorf, undated) p. 163 ff.

The resolutions contain declarations on works councils, consistent denazification, the standardization of social insurance, wages and the expected peace treaty. Agreement was also reached in February 1947 on fundamental principles for the “development of the German trade unions” – industrial unions, party political neutrality and religious tolerance. This resolution was completed by detailed consideration of the problems of organizing women and white-collar workers.

The main focus of these discussions was, however, on matters relating to the “reorganization of the economy”. In May 1947 the trade unions agreed on the following demands: restoration of the economic and political unity of Germany; socialization of the key industries, banks and insurance companies; the development of a planned and directed economy, with a central planning authority and self-management bodies with trade union participation; the raising of output and a stop to the dismantling of plant; the drafting of an import and export plan; land reform and the presentation of an agricultural plan; and a single currency and financial reform for all Germany.

These reorganization plans thus comprised the essentials of a nationwide trade union programme. Like the justification given for the trade unions’ demand for co-determination, these plans for reshaping the economy laid particular emphasis on the prevailing distress and the experiences of the recent past. The unions’ concern “that the reactionary and military forces that were chiefly responsible for the Hitler regime and the war, with their deep roots in monopoly capitalism and the administration, are in part holding on to their positions or trying to win them back” seemed to give more force to their demands.

Like the “resolution on the political position of the trade unions and their relations with the political parties”, the principles underlying the “reorganization of the economy” gave a good idea of the trade unions’ self-image – anti-Fascist and anti-militarist. “It is the duty of the new German trade unions to give an economic and political lead in restoring a united Germany by rebuilding the economy, social legislation and a new cultural life,” stated the final, unanimously adopted resolution of the inter-zonal conference of February 1948.

With the disagreements over assistance under the Marshall Plan and the drifting apart of the blocs, the borders between which bisected Germany, the burgeoning East-West conflict affected the trade union movement. At the eighth inter-zonal conference in May 1948, the representatives of the FDGB rejected the Marshall Plan, which the west German trade union federations supported. Though there was a final inter-zonal conference in August 1948 – after the June 1948 currency reform in the

western zones and after the blockade of Berlin had started – the trade unions were not able or willing to resist the pressure of the blocs to which they were attached. The ninth inter-zonal conference on 17–18 August 1948 came to grief – to outward appearances – over the issue of the participation of the Berlin opposition, which had split off from the FDGB that June and set itself up as the Independent Trade Union Organization (UGO) on 14 August. But this was only the pretext for the breach, which had already emerged in protracted debates about decisions of principle on trade union policy in the shadow of the Cold War. The ultimate cause was, however, the differing concepts of social order in East and West, the incompatibility of which was felt, above all, by the (West) Berlin trade unions, which had clearly opted for the model of western, parliamentary democracy.

The Cold War also had an impact on efforts to rebuild the international trade union movement. The World Federation of Trade Unions, founded in Paris in October 1945, was joined in 1949 – owing to the domination of the Communists in the latter – by the rival International Confederation of Free Trade Unions (ICFTU), to which the unions of 52 countries, including the Federal Republic of Germany, belonged.

2. Trade union work under occupation law

Anyone who expected to see the prompt rebirth of the trade unions as democratic mass organizations was disappointed. Once again – just as under the Kaiser – the unions were forced into the role of local and regional organizations as a way of curbing their development. Along with other problems such as travel restrictions, poor postal, telephone and transport services and the lack of newspapers, this was a major obstacle to union work, which combined action to relieve acute distress with ambitious reorganization objectives.

The main concerns of union work in the immediate post-war period were determined by the dismal situation, of which unemployment, a housing shortage and hunger were the chief features. The unions sought to prevent the dismantling of plant, to contribute to economic reconstruction and provide the people with food, clothing, fuel and housing. Many entrepreneurs, compromised by their activities as “leaders of the economy” in the National Socialist state, had gone under ground or were interned, so that in a number of companies unions and works councils took the job of restarting production into their own hands. They led clear-

ance work, organized repairs and arranged supplies of raw materials and orders.

The west German economy had been badly damaged by the war, by remorseless war production and bombing, but its core survived. In view of the difficult conditions of the post-war period, however, production was slow to get going. Plant had been destroyed or worn out, raw materials were lacking, and the productivity of the workforce was low, exhausted as it was by the war and war production. Matters were made worse by the fact that conversion from wartime to peacetime production ran into considerable difficulties, especially lack of purchasing power to sustain demand.

In addition, Allied objectives had to be taken into account. Chief among them was the endeavour to curb the German economy to prevent it competing on the world market and, in particular, to prevent it from re-emerging as a military threat.

In the Potsdam Agreement of August 1945, the Allies had agreed on the "elimination of the present over-concentration in the economy" of Germany³; this resulted in the confiscation of the major economic enterprises, which were to be "unbundled" and re-formed as smaller economic units. Further, certain areas of the economy such as iron and steel were placed under Allied control. Finally, the occupying powers were to be entitled to compensation for war damage by dismantling German industrial plant and also in the form of goods taken out of current production.

The first industrial plan drawn up by the Allied Control Council in March 1946 limited German industrial output to 55 per cent of the 1938 figure; 1,800 companies were to be dismantled. After tough negotiations in which the unions teamed up with the owners in opposing the policy of dismantlement, as it destroyed jobs and production alike, the number of firms destined for dismantling was cut to 682. In the years that followed the trade unions continued to press for an end to dismantling and for the formation of viable enterprises when large concerns such as IG Farben were dismembered.

But the Allies not only proceeded to put their economic objectives into practice; in 1945–46 a number of directives were issued exerting a decisive influence on industrial relations and hence the narrower sphere of trade union policy. Freedom of association, labour courts, the arbitration service, works councils and the standard eight-hour day were all restored. But wages were frozen at the level of 8 May 1945, thus depriving the trade unions of one of its prime fields of action.

³ Official Journal of the Control Council for Germany, ed. by the Allied Secretariat (undated), Supplement No. 1, German section, p. 13 ff.



Trümmerfrauen (women of the ruins) came to symbolize the desire for reconstruction after the war

The wage freeze policy was partly to blame for the decline in real wages as the value of money fell steadily. Wage earners had nothing to offer on the black market, whether buying or bartering. They had to rely on the food ration, which was often below subsistence level. By the end of 1945, the official ration gave 1,200 – 1,500 calories per day; United Nations experts, however, calculated that the minimum requirement was 2,650 calories. Allied restrictions on trade union work and the general poverty led many people to seek individual solutions: hoarding trips, vegetable gardening and the quest for better-paid jobs (with wages partly in kind) were some of the ways of improving the situation. Competition between wage earners and those seeking work certainly did little to promote the development of the unions. In the minds of large sections of the population, trade unions played a minor role, all the more so as the traditional conflict between capital and labour had been obscured by the clash of interest with the occupying power. In attempting to find solutions to problems such as the wage freeze, food shortages and the mass unemployment that lasted until 1949–50, it was not the employers but the occupying powers, presently followed by the German authorities, who were considered the proper quarter to address.

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But the trade unions of the post-war period did not suffocate in the daily grind of union work, which placed an enormous strain on them, with the reconstruction of the organizations on the one hand, and the relief of acute social distress on the other. In fact, trade union demands aimed at a fundamentally new order of things: the denazification of state and economy, the transfer of key industries into public ownership, co-determination and economic planning – it was with these objectives in mind that the unions advocated the re-shaping of society in 1945. The fact that this list of demands did not contain any potentially explosive issues as far as the emergent “unified unions” (*Einheitsgewerkschaften*) were concerned was partly because these goals were common to most of the major political groupings – the SPD, KPD, and also sections of the CDU. In its Ahlen programme of February 1947, the CDU of the British zone considered the “age of the unrestricted rule of capitalism” over and conceded the need to “socialize the primary industries, iron and coal”.⁴

⁴ Reprinted in *Dokumente zur parteipolitischen Entwicklung in Deutschland seit 1945*, Vol. 2. Part 1 (Berlin, 1963), p. 52 f.

The lesson of the past seemed obvious. At the first trade union conference in the British zone in March 1946, Hans Böckler declared, "What happened to the German workers in 1920–21 shall not occur again – that in spite of their honest efforts they ultimately end up being deceived once again." And he drew the conclusion, "We must be represented on a completely equal footing in the economy; not only on the individual bodies of the economy, not in the chambers of the economy alone, but in the economy as a whole. So our plan is: seats on the managing and supervisory boards of the companies."⁵ Accordingly, the introduction of co-determination at concern level and the improvement of the old Works Councils Law of 1920 were demanded.

Erich Potthoff, head of the DGB's Institute for Economic Science from 1946 to 1949 and from 1952 to 1956, doubtless spoke for many of his contemporaries when he observed at the British zone trade union conference in Bielefeld in August 1946, "The collapse of the National Socialist regime signified the collapse of the capitalist economy as a whole."⁶ In 1945–46 there was a widespread belief that basically there was no need any longer to fight for the trade unions' ambitious goals – it would suffice to give them legal form and then have them passed by the parliaments.

Co-determination and socialization were the key concepts in the unions' demands for the "reorganization of the economy", and the issue of co-determination had two levels: corporate and supra-corporate.

Post-war ideas on co-determination showed a greater concern with the company level than had been the case in the 1920s. This was at least partly the result of experience in the Weimar period, when the trade unions, despite programme declarations to the contrary, rarely entrenched their policies in the companies. But after 1945 the situation was different. Although works councils had proved their worth in reconstruction, in getting production going again and in questions of supply, the structural tensions between workplace representation and trade union policy grew worse for many wage earners, not least because of heavy Communist representation. Moreover, the western occupying powers, who through the Allied Control Council had provided a legal basis for the activities of the works councils formed immediately after the war, regarded an active works council policy with suspicion precisely because they feared a growth in Communist influence.

⁵ Die Gewerkschaftsbewegung in der britischen Besatzungszone. Geschäftsbericht des Deutschen Gewerkschaftsbundes (britische Besatzungszone). 1947–1949 (Cologne, 1949), p. 79

⁶ Erich Potthoff in Protokoll der Gewerkschaftskonferenz der britischen Zone vom 21. bis 23. 8. 1946 in Bielefeld (Bielefeld, undated), p. 10

The union demand for democratization of the economy could certainly be traced back to the ideas of the Weimar period. But alongside the goal of a supra-corporate co-determination arrangement, from 1947–48 on attention increasingly focused on the idea of co-determination at company level. The legal introduction of co-determination was considered a matter of urgency, as it was assumed that it would not be possible to push through socialization (the unions' real aim) immediately after the war. The chance to secure rights of co-determination came along with the first positive action by the British military government to break up the cartels. The unions believed that with the introduction of bipartite co-determination in the iron and steel industry the first step had been taken towards the democratization of the economy. They failed to see that the offers put forward by the employers in early 1947 to grant bipartite co-determination were also – and primarily – designed to secure trade union support for opposition to the Allies' plans for dismantling plant and breaking up the large corporations. Concessions over co-determination were also intended to avert worker discontent, thus leaving calls for socialization to peter out.

In fact, for a while it did look as though demands for socialization, for example, might be met. In 1946–47 the possibility of expropriations by the state was written into several of the regional constitutions. But it soon turned out that the unions did not have the expected backing of the political parties nor, crucially, of the occupying powers. The Truman doctrine of March 1947 and the failure of the foreign ministers' London conference in December 1947 clearly showed that Germany was split in two by the boundary between two different and mutually hostile social systems. The western zones and the Soviet zone thereby took their allotted places in the military and political blocs.

It was a natural consequence of American thinking on the economy, in particular, that socialization plans and laws were doomed to fail. For instance, the law passed by the regional parliament of North Rhine-Westphalia, implementing the socialization article of the regional constitution, to bring the mining industry into public ownership was suspended by the military governor of the "Bi-zone" in September 1948. The occupying powers (and many German politicians with them) maintained that socialization was a matter for federal law that could only be settled after the establishment of a west German state.

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As early as autumn 1946, the miners had refused to work special shifts. Widespread worker discontent with the food situation, and also with the delays in meeting demands for the reorganization of the economy, erupted in April–May 1947 into demonstrations and strikes in the Ruhr district. Tens of thousands of workers underlined their demand for better food supplies and immediate socialization. With their 24-hour strike on 3 April 1947, the miners also marked their support for the “just control and distribution of available food supplies” under trade union supervision, for “backyard controls”, for severe punishments for black marketeers and spivs and for socialization – particularly of the mines.⁷

Protests of this kind were condemned not only by the military administration but also by the trade unions. On 10 April 1947 the conference of trade unions of the American zone unanimously adopted a declaration protesting against further cuts in food rations and expressing fears that “in the event of further cuts the peace and discipline that have hitherto prevailed among the workers cannot be guaranteed”, though they did not see “taking strike action” as “an appropriate means of improving the present food situation”.⁸ True to this view, the trade unions refused to give their backing to the wave of strikes in the winter and spring of 1948. A single pay rise of 15 per cent in April 1948, sanctioned by the Allied Control Council, was intended to take the wind out of the strikers’ sails.

The trade unions were neither willing nor able to resist the trend towards the stabilization of economic conditions. Although they must have realized that Marshall Aid was designed to strengthen private capitalism and would exacerbate the economic and political divisions in Germany, the German representatives at the international trade union conference of March 1948 approved the European Recovery Program – that is, the Marshall Plan. After heated debate, the extraordinary congress of the trade union federation of the British zone, which met in Recklinghausen from 16 to 18 June 1948, adopted the same position. The intimate link between American economic aid and the stabilization of private capitalism was evidently underestimated – or accepted – by the trade unions.

The collapse of the socialization plans and disappointment at the consequences of the currency reform caused the trade unions to change course for a while. By the currency reform of 20 June 1948 liquid assets and debts

⁷ Quot. Anne Weiss-Hartmann and Wolfgang Hecker, *Die Entwicklung der Gewerkschaftsbewegung 1945–1949*, in F. Deppe, G. Fülberth and J. Harrer (eds), *Geschichte der deutschen Gewerkschaftsbewegung* (Cologne, 1977), pp. 272–319; this quot. p. 295 f.

⁸ Quot. *ibid.*, p. 297 f.

were devalued at the rate of 100 to 6.5 and 100 to 10 respectively; individuals were paid 40 Marks each, followed by another 20 Marks later; firms received a business grant of 60 Marks per employee. This procedure alone clearly discriminated in favour of those who owned material assets. On top of this, on 25 June 1948 price controls on most goods were abolished, though the wage freeze in the Bi-zone was maintained until 3 November 1948 – another redistribution of wealth detrimental to wage earners. The cost of living rose by 17 per cent in the second half of 1948; unemployment doubled, reaching a million. The shops filled with goods after the currency reform, demonstrating that the disastrous shortages of yesterday had not always been due to a genuine scarcity of goods but often to hoarding and production cuts with a view to the imminent reform.

Calls by the trade unions and the SPD for some of the burden to be lifted from the wage earners went unheeded. Principally out of resentment at this situation, the trade union council of the Bi-zone decided in October 1948 to prepare for a general strike. The aims of the strike were, firstly, the repeal of the provisions of the currency reform that were felt to discriminate unfairly in favour of holders of material assets and the introduction of a system of financial compensation that benefited wage earners, and secondly, the implementation of economic democracy. Internal union dissension, in combination with the intervention of the military governors, restricted the strike on 12 November 1948 to a symbolic 24-hour walkout in the American and British zones, with 9.25 m workers taking part out of a total of 11.7 m. A strike ban was enforced in the French zone.

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Political differences in the leading trade union bodies and Allied restrictions prevented the unions from asserting their organizational strength in 1947–48. Economic unity in the western zones, the currency reform and the Marshall Plan were all implemented without trade union involvement. When dismantling was finally stopped in 1950 it was due more to efforts to integrate the Federal Republic into the West against the background of the Cold War than to trade union pressure. The calls for reorganization of the economy also went unheeded – apart from passages to that effect in some of the regional constitutions of 1946–47 – after the US Government had thrown its weight behind the view that radical changes in social policy should only be tackled after the formation of a German central government.

Certainly, there was such a thing as a socialist mood in 1946–47. Even the CDU policies of those years had a strong social tinge – for instance, the

call for a “true Christian socialism” in the Cologne principles of June 1945, the call for the transfer of large-scale industry and the major banks into public ownership in the Frankfurt principles of September 1945 and, lastly, the above-mentioned Ahlen programme of February 1947, drawn up by the CDU in North Rhine-Westphalia. However, this phase of strong pressure for social reform was short-lived, and had passed by the time the Marshall Plan was implemented. Misgivings about Communist experimentation and any form of state control or “dirigisme” were reinforced by the picture of the economic and social reorganization measures taken in the Soviet zone. These reservations were subsequently confirmed by the economic upturn that followed the currency reform, which was seen as a success for the market economy. The idea of the “social market economy” advocated by Ludwig Erhard (CDU) was based on the following neo-liberal principles: private ownership of the means of production and entrepreneurial initiative were to be retained and encouraged; the “social component” was to be ensured, firstly, by the law of the market (supply and demand regulating prices) and, secondly, by means of “market-oriented” state control measures, from the company statute and controls on monopolies to social policy.

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Discussions on the Basic Law (Grundgesetz) were also affected by the political *Zeitgeist* of the late 1940s. On the basis of the “London recommendations” of December 1947, the west German regional parliaments set up a parliamentary council to draw up the constitution. Vital decisions of principle had already been taken by the Frankfurt Bi-zone economic council set up in June 1947, which consolidated the idea of the “social market economy” popularized by Ludwig Erhard with economic and financial action. Trade unionists were not represented. The SPD, which had not managed to secure its candidate a director’s post, retreated into an oppositional role. The Social Democratic Party and the trade unions not only underestimated the influence of the Economic Council as a “quasi-parliament” but also the importance of constitutional deliberations; several times they shelved their demands in the social sphere and their ideas on reorganization, believing that the Basic Law was of a provisional character only.

For this reason, trade union views on the constitution (which were anyway limited) were not put in any emphatic way. It was chiefly Böckler, at the head of the Trade Union Federation of the British zone, who supported the establishment of the right of association and the principle of

the social state in the form of a Basic Law. The 38-point declaration, “On the constitutional question”, which initially summarized the DGB’s demands in the British zone with regard to the regional constitution of North Rhine-Westphalia, was also the basis for its stance on the discussions on the Basic Law. This set of demands included formal recognition of the right to work, the right of association and right to strike, the transfer of primary industries to public ownership and a guaranteed minimum wage.⁹ Böckler reiterated these constitutional demands in a letter to Konrad Adenauer, the president of the Parliamentary Council in Bonn. But it did not seem necessary to mobilize the workers behind these aims, simply because the unions and the SPD believed that the SPD would win a majority in the forthcoming *Bundestag* elections, enabling it to put the ideas of both organizations into effect by using the law.

Once again the expectations of the unions proved to be illusory, in more ways than one. The Basic Law adopted by the Parliamentary Council on 8 May 1949 did not turn out to be the constitution of a short-lived provisional set-up; it laid down the ground rules that determined the long-term framework of trade union activity. Article 9.3, for example, stated: “The right to form associations to protect and improve working and economic conditions is guaranteed for everyone and for all professions.” Other provisions of particular importance to trade union work – apart from the overall provisions of the Basic Law – are the requirement to use property for the common good (Article 14.2), the permissibility of expropriation for the public good (Articles 14.3 and 15) and the definition of the Federal Republic as a democratic and social federal state under the rule of law (Articles 20.1 and 28.1). The implications of the emergency constitution and the jurisdiction of the Federal Labour Court for the law on industrial relations are dealt with below.

Hopes of an SPD victory in the *Bundestag* elections of 14 August 1949 were dashed. With 29.2 per cent of the vote, the SPD could not even attract one third of the electorate. A coalition government consisting of the CDU/CSU, Free Democratic Party (FDP) and the German Party (DP) was formed, with Konrad Adenauer as Chancellor and Ludwig Erhard as Economics Minister. It did not have a reputation for excessive friendliness towards the trade unions.

9 Die Gewerkschaftsbewegung in der britischen Besatzungszone, p. 343 ff.

3. *The foundation of the German Trade Union Federation*

The formation of the Trade Union Federation in the British zone, the regional unions in the American and French zones and the Trade Union Council for all three zones marked the end of the reconstruction of the unions during the years under occupation law. The principle of the unified union had carried the day – though only in the sense that the split into federations of different political tendencies had been superseded. Another principle that had gained acceptance was the principle rooted in the German tradition and encouraged by the Allies of the federate combination of independent industrial or trade unions, in which manual and white-collar workers and officials were organized together. If one regards centralization and organization as helping to strengthen union power, this was a major advance on the movement's earlier division into politically based federations and its fragmentation by trade and status during the Weimar period.

But as early as 1946–47 there were signs that these plans for unified unions might be frustrated, with efforts to set up separate unions for white-collar workers and civil servants instead of organizing them alongside the workers. This was undoubtedly partly due to the fact that the immediate post-war years saw a growth in influence of those white-collar workers within the German Salaried Employees' Union (DAG) who had formerly belonged to non-Social Democratic organizations. Though these groups did not dominate, they clearly expressed the special mentality of many white-collar workers. In April 1946, the "DAG-Post" answered the question of why a separate white-collar union was needed by referring to the wishes of the employees themselves, to the special law on salaried staff and the special interests of white-collar workers, who were demanding their own organizations.¹⁰

There were thus no party political or ideological considerations behind the fact that the DAG disengaged itself from the process of forming a unified nationwide umbrella organization. In fact, in subsequent years there were several instances of joint positions and actions by all the trade unions, including the DAG. In the talks on the unification of the trade union movement in the western zones, the unified unions offered the DAG a concession by proposing that white-collar workers in commerce, the banks, insurance companies, publishing houses etc. should be organized in a union of their own; but otherwise the principle of industrial

¹⁰ Warum Angestelltengewerkschaften, in DAG-Post No. 12 of 29 April 1946, p. 3

unions had to be respected. When this was rejected by the DAG, with an eye to the white-collar workers in other areas of the economy, the breach was complete. As some groups of civil servants were also insisting on separate organizations, the foundation of the German Trade Union Federation (DGB) in October 1949 did not unite all the unions set up after the war; although it eliminated the feud between federations of different tendencies, it did not quite succeed in overcoming differences of professional status.

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From 12 to 14 October 1949, the DGB held its constitutive congress in Munich. Sixteen industrial unions got together under a single umbrella organization: Construction, Stone and Earth; Mining and Power; Chemicals, Paper, Ceramics; Printing and Paper; Railwaymen; Education and Science; Horticulture, Agriculture and Forestry; Commerce, Banking and Insurance; Wood and Plastics; Art; Leather; Engineering; Food and Beverage; Public Services, Transport and Communications; Postal workers; Textiles and Clothing.

The DGB's organizational structure, as adopted in 1949, was supposed to be permanent. What did it look like? And how much has survived?

Since 1949-50 the DGB – like the individual unions – has covered the territory of the Federal Republic and West Berlin and is organized into three levels: the federal, regional and local levels.

Supreme authority is vested in the federal congress, for which the delegates of the affiliated unions assemble every three years. The number of delegates depends on the numerical strength of the unions. The highest ranking body between congresses is the federal committee, which meets quarterly and consists of the federal executive (25 members), the nine regional chairmen and 100 representatives of the unions. Each union received at least two (now three) seats for the first 300,000 of its members; after that, seats were allocated in accordance with each union's size – one delegate for every 300,000 members.

The federal executive, which meets once a month, consists of the chairmen of the individual unions and the nine-man federal management committee, which in turn consists of the federation's chairman, two vice-chairmen and six other members. The DGB's constitutive congress in 1949 elected Hans Böckler chairman by 397 votes out of 474.

Nine regions form the DGB's next level, structurally a theoretical parallel to the federal level; the regional bodies are the regional confe-

rences and the regional executives. The former regional federations gave rise to the following regions: Baden-Württemberg, Bavaria, Hessen, Lower Saxony (including Bremen), Nordmark (Schleswig-Holstein and Hamburg), North Rhine-Westphalia and Rhineland-Palatinate; not until 1950 did the UGO join the DGB, as the Berlin region; the Saar region followed in 1957 after the Saarland was handed back to Germany. The unification of Germany in 1990/91 will bring more regions into the organization.

Just as the regions largely correspond to the *Länder*, the DGB areas are coterminous with the local authorities; at this level, trade union work is directed by meetings of area delegates and the area executive.

From the point of view of organizational uniformity it is certainly a cosmetic flaw that the industrial union concept was not consistently applied, particularly in the public service area, which in addition to the Public Service, Transport and Communications Union, is also covered by the Postal Workers, the Railwaymen and Education and Science, as well as the Police Union, which joined the DGB at a later stage. It should also be remembered that there are other, autonomous unions such as the DAG and the German Civil Servants' Union (DBB), which detract from the DGB's image as the sole, all-embracing trade union federation. Moreover, it was not long before Christian unions were set up once more (1955-56), a fact which illustrates the DGB's difficulties in persuading people of the credibility of its claim to be independent of political parties.

The DGB is thus a federation of 16 industrial trade unions seeking to put into effect the principle of "one company – one union". The individual unions are autonomous and independent, that is, they have their own rules, manage their own finances and formulate their own policy guidelines at their own congresses. The umbrella organization initially received 15 per cent of the individual member unions' dues (soon reduced to 12 per cent) to discharge its duties.

In 1949, the individual unions affiliated to the DGB had over 4.9 m members, though they were very unevenly distributed among the unions. There were huge industrial unions such as IG Metall, the engineering union, with 1.35 m members, alongside small organizations such as the Art Union with its 42,000 members.¹¹ There were unions with more than a thousand full-time officials and staff, such as IG Metall, alongside those with less than a hundred, such as the Leather Union. Together, the 16

¹¹ Figures taken from Protokoll. Gründungskongress des DGB, München, 12-14 October 1949 (Cologne, 1950), p. 282

unions maintained a total of 1,073 administrative offices with a staff of 4,749 – 167 of whom worked for the DGB's federal executive.¹²

In view of the differences in size between the unions, it was not surprising that their financial resources also differed greatly. This not only affected the level of benefits they were able to offer but also their ability to engage in information and publicity work. For this reason, the smaller unions, in particular, welcomed the DGB's readiness to build up a strong union press, the main features of which were laid down in 1949-50. January 1950 saw the publication of the weekly "Welt der Arbeit", whose circulation quickly topped 100,000; the same month also saw the first issues of the officials' journal "Die Quelle" and the forum for theoretical discussion called "Gewerkschaftliche Monatshefte". For young people there was "Aufwärts"; for female wage earners, "Frauen und Arbeit"; for white-collar workers "Wirtschaft und Wissen" and for civil servants "Der Deutsche Beamte". These were followed in 1952 by "Soziale Sicherheit", a periodical on social policy, and "Arbeit und Recht", the periodical on industrial law.

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It was of decisive significance for the policy statements adopted by the Munich congress in October 1949 that the essential decisions on the social foundations of the Federal Republic of Germany, established just a few months earlier, had already been taken. The balance of political power was also apparent following the *Bundestag* elections of August 1949, allowing the trade unions to relapse into their familiar role of petitioner, with no real chance to influence or shape developments. And yet the congress speeches and resolutions revealed an unmistakable confidence.

This was apparent in Hans Böckler's address on "The tasks of the German trade unions in the economy, state and society", in which he made a number of current demands: higher wages, shorter working hours, a cut in unemployment and the speeding-up of house-building – these were the "tasks" he assigned to the trade unions. Over and above this, he mapped out the unions' economic and socio-political principles, which were adopted in programme form by the congress. Rooted in the demand that political democracy had to be completed and protected by economic democracy, the "DGB Programme" on economic policy advocated co-de-

¹² According to Geschäftsbericht des Bundesvorstandes des DGB 1950-1951 (Düsseldorf, undated), p. 55 ff.

termination, the transfer of key industries into public ownership and central economic planning.¹³

The principles put forward in Munich did not, it is true, constitute a comprehensive trade union programme by the standards of later “programmes of principle”. Rather, they represented an attempt to point the way ahead in some major areas of trade union work, where it was necessary to impose a measure of social control on the newly established market economy. In view of the relative strengths of the parties in the *Bundestag* and the deterrent effect of developments in the GDR, it is scarcely surprising that the DGB’s ideas on socialization and the planned economy were never achieved.

4. *The post-war period – a “wasted opportunity”?*

The years between the end of the Second World War and the creation of the Federal Republic brought a succession of decisions, the effects of which are still felt today: reconstruction on the basis of a private capitalist, market economy, the foundation of a parliamentary democracy and the partition of Germany with each of the resulting states tied to one of the power blocs. The trade unions did not manage to push through a reorganization of the economy and a guarantee for their own rights, especially the right to strike, before the Basic Law was passed. Because of the hopes they pinned on the SPD and a good showing by the party in the first elections for the *Bundestag*, the unions were rather too restrained in influencing the discussions on the Basic Law. They failed to realize that the crucial work in creating a new order had to be accomplished before the adoption of the constitution, that the Basic Law would only perpetuate the status quo and that their demands for a “social state” were destined to remain just that – demands. It should be borne in mind that the unions only became centralized (with the creation of the DGB) when the overall conditions governing their policies had already been established – even the formation of the Adenauer government. More than anything, it was the Cold War that reduced the chances of a policy of reform as desired by the unions and the SPD. For it not only entailed the rejection of the GDR but also discredited all socialist-influenced ideas on reconstruction in the internal arguments about social policy.

¹³ Protokoll. Gründungskongress des Deutschen Gewerkschaftsbundes. München, 12.–14. Oktober 1949 (Cologne, 1950), pp. 318–26

Can it be said, then, that in the post-war years the unions missed their opportunity to put their ideas on reorganization into effect? By the standards of the unions' own pretensions and the anti-capitalist mood of large sections of the population in 1945-46, one's initial instinct is to answer in the affirmative. But what real chances did the unions have of pushing through their plans under occupation law? They could not force their ideas for reorganization through against the wishes of the occupying powers. Though the British Labour Government may have shown understanding for the unions' plans, in view of their own financial dependence they were neither willing nor able to defy the Americans, to whom any moves in the direction of a "social state" were quite alien; and the French Government was chiefly concerned with safeguarding its own security interests.

And anyway how high should one rate the workers' readiness and stamina for large-scale industrial action, in view of the disastrous food situation? Putting the list of demands in order of priority, the acute problems were certainly more important, and the short duration of the strikes of 1947-48 speaks for itself. To make matters worse, strikes expressly directed against the measures of the occupying powers would have been very risky.

The final question which needs asking is this: will the balance-sheet of trade union policy in the post-war period not bear scrutiny if assessed against objectives such as safeguarding the working class against social risks and the construction of a democratic state? The answer to this question must be sought in the history of the Federal Republic.