

XI. Social successes and political defeats: the trade unions in the years of the “economic miracle” 1950–1965

The currency reform and especially the effects of the “Korea boom” on the West German economy triggered an economic upturn of unexpected proportions. The integration of the Federal Republic into the West, the intensification of the Cold War and above all the “economic miracle” of the 1950s determined the social and political conditions for the policy of the trade unions, which at the start of this phase made yet another attempt to put into effect their ideas on democratizing the economy.

1. *The disputes over the Law on Co-determination in the Coal and Steel Industry and the Company Statute Law*

Ever since the economic democracy programme of the 1920s it had been one of the basic assumptions of trade union policy that the “democratization of political life” – to quote the “Economic Policy Principles” of 1949 – “must be complemented by the democratization of the economy”. Repeated references were made to the fact “that in 1933 a surprise seizure of state power was able to succeed because the democratic constitutional form remained devoid of living substance, ossified into a bloodless formula, while the economic life of the country was able to imbue its very real power structure with new vigour daily”. The experience of the destruction of political democracy in 1933 was considered the most important argument in favour of abolishing “unenlightened absolutism” in the economy.¹

The employers in heavy industry – threatened by dismantling of plant, expropriation and break-up – had offered the unions participation in management early in 1947, and the British military government had introduced co-determination in the iron and steel industry in their zone in March 1947. Shortly after the foundation of the Federal Republic it turned out that these co-determination provisions would neither be secured nor extended “automatically”, as it were. But in return for their

¹ Viktor Agartz and Erich Potthoff, *Die Mitbestimmung der Arbeitnehmer in der Wirtschaft* (December 1949, duplicated)

assent to the Marshall Plan and their cautiously favourable position on rearmament (in contrast to the SPD under the chairmanship of Kurt Schumacher) the unions, led by Hans Böckler, basically expected concessions by the governing majority in shaping the economic and social systems.



The unions assumed that the uniform national settlement of the Company Statute Law (*Betriebsverfassungsgesetz*) would be based on the regional laws passed in 1947–48. Particular importance was, naturally, attributed to the extent and status of the works councils' co-determination rights. On the lines of the Company Statute Law in South Baden and Hessen, the trade unions demanded that the works councils not only be given rights of information, consultation and proposal, but also equal powers of co-determination – in welfare, staff and economic matters. Secondly, the unions were hoping to push through bipartite representation on the boards of directors of all large companies, on the model of the coal and steel industry.

These goals can be found in the “Proposals for the reorganization of the German economy” adopted by the DGB’s federal committee on 14 April 1950. A little later, on 22 May 1950, the DGB submitted a draft bill, “On the reorganization of the economy and society”², laying down that in all undertakings with more than 300 employees or company assets of more than DM 3 m, the supervisory board or, in the case of unlimited companies, the advisory committee, should be occupied in equal proportions by representatives of the shareholders and the trade unions. They wanted the worker-director system practised in the coal and steel industry to be applied to other large undertakings. In companies employing 20–300 staff, economic committees with the same make-up should be created. In order to achieve economic co-determination, chambers of commerce, industry, trade and agriculture should have bipartite representation. Alongside the wage earner’s rights of co-determination at company level and on economic self-management bodies, provision was made for the formation of an agricultural council and a federal economic council, on which the trade unions would also be represented, as advisory bodies for government and parliament.

² See Geschäftsbericht des Bundesvorstandes des Deutschen Gewerkschaftsbundes 1950–1951 (Düsseldorf, undated), p. 182 ff.

These proposals went much further than the government draft of 17 May 1950. With the aim of bringing their positions somewhat closer, talks began in early summer 1950 between employers, unions and government representatives. While agreement was soon in sight on the question of the creation of a federal economic council, agricultural council and chambers of economics, the employers firmly rejected joint representation on chambers of commerce and industry and boards of directors, as well as rights of economic co-determination for works councils. As the discussions failed to lead to a result acceptable to the trade unions, the DGB federal executive and federal committee declared a deadlock on 18 July 1950 and announced their intention to take industrial action. The two sides were no closer together at the end of July, either, when the governing parties' draft Company Statute Bill was given its first reading; the SPD parliamentary party tabled its own bill, based on the proposals of the unions. The same was true of discussion in committee, which were broken off in autumn 1950 owing to the debate on co-determination in the coal and steel industry.

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It very quickly became evident that the trade unions were coming up against determined resistance on the part of the employers. There was, they said, no place for the reorganization of the economy demanded by the unions within the framework of the German system of laws; moreover, co-determination provisions of the kind suggested would jeopardize the development of the economy, which was just taking off again.

The trade unions were caught unawares by the speed with which the employers' had once more become entrenched in their "old" positions and rebuilt their economic and industrial organizations.

As early as 1945–46, the chambers of commerce and industry in the British zone, for example, had resumed work with the agreement of the military government. The chambers in the British and American zones then amalgamated to form the Association of Chambers of Commerce and Industry of the United Economic Area, and in October 1949 they founded the German Industrial and Trade Association (*Deutscher Industrie- und Handelstag* – DIHT).

The employers' trade associations were also rapidly re-established in 1945–46, initially for the individual *Länder*. As early as 1946 they set up umbrella organizations such as the Employers' Committee for North-Rhine Westphalia. There followed in 1947 the Employers' Association for the British zone, and then the Central Secretariat of the Employers of the

United Economic Area. In 1950 the Federal Association of German Employers' Federations (Bundesvereinigung der Deutschen Arbeitgeberverbände – BDA) was founded.

The formation of business and commercial associations was also approved by the western occupying powers in autumn 1945. By April 1946, 24 business associations and 26 special trade associations had been set up in the British zone; undertakings throughout the zone were organized in six associations with 32 affiliated trade associations. The centralization of the employers' associations gradually went ahead; in October 1949 they merged to form the Industrial Associations' Committee on Economic Affairs, from which emerged in 1950 the Federal Association of German Industry (Bundesverband der Deutschen Industrie – BDI).

So by the summer of 1950, the trade unions were once again confronted by the full panoply of economic interest associations, which forged a united front against union demands. The employers, led by Fritz Berg, the president of the BDI, warned the government against giving any co-determination arrangements in the coal and steel industry the force of law, and rejected any such measures on behalf of all large-scale industry.

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The employers' ideas had evidently not failed to have a political impact; at any rate, the trade unions found out in November 1950 that the Ministry for Economic Affairs headed by Ludwig Erhard was preparing an implementation decree on Control Council Law 27, whereby the supervisory boards of large concerns in the coal and steel industry would be made up "in accordance with German law" – that is, with no union participation. The issue at stake was thus not the extension of the co-determination measures demanded by the unions in May 1950, but the defence of the co-determination provisions decreed by the British military government in 1947.

The unions concluded that the move by the Ministry compelled them to take some action. The Engineering Union and the Mining and Power Union conducted ballots in November 1950 and January 1951 on the question of whether the workers were prepared to strike to secure or extend co-determination rights. The result was unambiguous: 96 per cent of trade unionists in the steel industry were in agreement with industrial action, and 92 per cent of the miners.

Chancellor Adenauer condemned the conduct of the unions as unconstitutional in a letter to Böckler on 4 December 1950: in a "democratic state [. . .] there could not be a strike against the constitutional organs of

legislation".³ The union militancy evinced by the ballots led, however, to fresh talks, which culminated on 25 January 1951 in the conclusion of an agreement on co-determination in the coal and steel industry. This compromise, whereby existing co-determination provisions were kept and extended to the coal industry – though not to other large undertakings – formed the basis of the Law on Co-determination in the Coal and Steel Industry passed by the Bundestag on 10 April 1951, with a few abstentions and about 50 votes against – for instance, from the ranks of the FDP (Free Democratic Party) and the 15 KPD deputies.

The Law on Co-determination in the Coal and Steel Industry⁴ gave legal endorsement to co-determination for wage earners on the supervisory boards of all joint stock companies, limited companies and mining-law companies with more than a thousand employees and producing chiefly coal and iron-ore or iron and steel. In more detail, its provisions were as follows. The supervisory boards of these undertakings were to consist of equal numbers of shareholder and staff or union representatives; in addition, there was to be a "neutral" member, on whose appointment both sides had to agree. For the employee side this meant that, of a board with 11 members, the trade unions would nominate two representatives, and a third with no personal interest; the other two worker representatives were to be proposed by the works council of the company concerned. The supervisory board was to appoint the company's executive committee, including the worker-director, who could not be appointed or dismissed without the majority approval of the employee side.

Like the Stinnes-Legien agreement of 15 November 1918, the Law on Co-determination in the Coal and Steel Industry was applauded as a major union success: "These clauses constitute a revolutionary document, a milestone – on the third road to a new social order." Of course, it was obvious that it had only "kicked open the door to a new social order", which could only be achieved "when the social system throughout Germany is freed from the fetters of the rule of capital over labour".⁵ Precisely because of these ambitious objectives, the trade unions' chief concern now had to be to extend co-determination to *all* large concerns. But they

³ According to Theo Pirker, *Die blinde Macht. Gewerkschaftsbewegung in Westdeutschland*, Vol. 1 (Munich, 1962), p. 192

⁴ Gesetz über die Mitbestimmung der Arbeitnehmer in den Aufsichtsräten und Vorständen der Unternehmen des Bergbaus und der Eisen und Stahl erzeugenden Industrie vom 21. Mai 1951, in *Der Bundesminister für Arbeit und Sozialordnung* (ed.), *Mitbestimmung* (Bonn, 1979), p. 123 ff.

⁵ Walther Pahl, *Mitbestimmung in der Montanindustrie nach dem Gesetz vom 10. 4. 1951*, in *Gewerkschaftliche Monatshefte 1951*, pp. 225–7; this quot. p. 226



Co-determination strike ballot on 17-19 January 1951



Rally of 100,000 workers in Frankfurt on 20 May 1952 to protest against the Company Statute Law

were still a long way from realizing the ideas on socialization and the planned economy that had informed their 1949 "Economic Policy Programme" – so far, in fact, that these demands were soon eclipsed by the call for co-determination



Having secured legal backing for co-determination in the coal and steel industry by threatening industrial action, the unions' main concern was now to extend this scheme to the economy as a whole. But when the consideration of the Company Statute Bill by the relevant parliamentary committee was completed in April 1952, it was plain that the bill hardly accorded with union ideas. Furthermore, on 22 February the Cabinet had announced a draft Staff Representation Bill for the public services, making it quite clear that the unions' demands for bipartite co-determination and equality of treatment for the public service and the private sector would not be met.

At this, the DGB's federal executive, now headed by Christian Pettenkofer, the chairman of the Printing and Paper Union, who was elected at an extraordinary federal congress in Essen in June 1951 following the death of Hans Böckler on 16 February, decided at an extraordinary meeting on 10 April 1952 to take action against the government proposals. They actually wanted a negotiated settlement, especially as the threat of strike action and the strike ballot in the co-determination dispute in the coal and steel industry had been much criticized for putting pressure on the democratically elected parliament. The demonstrations and protest strikes, probably involving some 350,000 people in all, were intended to force the government to the negotiating table. The protests culminated in the "newspaper strike" by the Printing and Paper Union from 27 to 29 May 1952. This particular strike, which was widely seen as an attack on the freedom of the press, cost the unions a good deal of sympathy, even among those who were favourably disposed towards trade unions demands.

No doubt swayed by the militancy demonstrated by the trade unions, Adenauer offered a new round of talks; in addition, the second reading of the company statute law was deferred. At this, the DGB federal executive called off all further protests on 4 July 1952 – an act that was criticized by many middle-ranking and junior union officials as a backdown and a sign of weakness.

In June 1952 talks were duly held between the Chancellor and representatives of the unions and the governing parties. They led to the formation of a commission that was instructed to draw up proposals for amend-

ing the Company Statute Bill. But things did not turn out as the unions had wished. They were unable to obtain a postponement of the governing parties' timetable and when it also came out that the Cabinet had already adopted the draft Staff Representation Bill, they broke off negotiations. There was no fresh call for organized protests.

On 16 and 17 July 1952, the *Bundestag* gave the Company Statute Bill its second reading, and eventually passed it on 19 July by 139 votes to 139 with 9 abstentions – that is, against the votes of the SPD and KPD.

What were the provisions of the Company Statute Law promulgated on 11 October 1952⁶? The rights of participation granted to the works councils to be set up in firms with at least five employees were severely limited. In staff matters they only had the right to object in questions of recruitment and dismissal, and in economic matters they were given a say only where company objectives were to be modified or in company closures. The economic committees to be set up in companies with at least 100 employees were granted a right to information only. The composition of the supervisory boards of joint-stock companies with more than 500 employees did not meet union demands, either: the employee representatives were given one third of the seats only, and there was no provision for a worker-director on the management board, as there was in the coal and steel industry.

On top of this, there were problems over a number of other provisions. The works councils were, on the one hand, supposed to be independent of the trade unions; on the other, pursuant to Paragraph 49, they were supposed to co-operate with the employer “within the framework of the prevailing collective agreements in a spirit of trust [. . .] for the benefit of the company and its employees, taking into account the common good”. By making the works councils wear two hats – appointing them as representatives of the workforce while obliging them to collaborate with the employers – and by limiting their powers to a say in social and staff matters, the government made it quite clear that this law was pursuing the ideals of “social partnership” without intervening in the economic decision-making processes of the management. The Company Statute Law thus fell well short of works councils laws previously adopted by a number of the *Länder*. And whether rights of participation in a jointly appointed supervisory board could really be described as “co-determination” is very much open to question. In 1953 came the Staff Representation Law, with sep-

6 Betriebsverfassungsgesetz of 11 October 1952, in *Der Bundesminister für Arbeit und Sozialordnung* (ed.), *Mitbestimmung*, p. 145 ff.

arrangements for the public service, setting the seal on the defeat suffered by the unions over the Company Statute Law.

Though the trade unions accepted the decision of parliament, they could certainly not have been satisfied with this law. For them, the crucial factor was that it had prevented "the urgent reorganization and democratization of the economy". They criticized the fact that "the fundamental structure of the capitalist economy is not changed and the entrepreneur's sole right of decision-making is retained".⁷ And Otto Brenner, the chairman of the Engineering Union, looking back, reached the bitter verdict: the Company Statute Law's "inherent ideology is that of an age which we thought we had overcome once and for all in 1945"; this was an overt allusion to the Law on the Organization of National Labour of 20 January 1934, with its notions of popular and corporate communities.⁸

The harshest criticism, because it was the most fundamental, came from Viktor Agartz of the DGB Institute of Economic Science. To his mind the Company Statute Law was reactionary and anti-union, since it drove a wedge between the staff of a company and the trade unions. For the rest, he repeatedly stressed that "co-determination rights for wage earners in companies, however far-reaching" were still no substitute for state planning, when it came to "clearing the way for socialism".⁹ Before long nobody wanted to know about such radical plans as this, even within the union movement.

The employers, however, had good reason to be pleased. For them the "crucial" factor was that in the Company Statute Law "the basic elements of free enterprise are preserved: the freedom of the entrepreneur to make decisions on the economic management of his company and the freedom of entrepreneurial initiative".¹⁰

What were the reasons for the trade unions' lack of success in getting their policies implemented? The DGB's second federal congress in October 1952 did debate the failure of the unions' co-determination demands in some depth; but criticism focused on the men at the top. Christian Fette was voted out of office and replaced by Walter Freitag of the Engineering Union. But this very course of action prevented any

7 Machtpolitik, in *Die Quelle* 8, August 1952, p. 393 ff.; this quot. p. 394

8 Otto Brenner, *Fortschrittliche Betriebsverfassung – Prüfstein der Demokratie in unserer Zeit* (Frankfurt, 1966), pp. 121–32; this quot. p. 125

9 Viktor Agartz, *Mitbestimmung als gesellschaftsformende Kraft*, in *Die Quelle* 10 (1952), p. 509 f.

10 *Der Arbeitgeber* of 15. 7. 1952; quot. Wolfgang Hirsch-Weber, *Gewerkschaften in der Politik. Von der Massenstreikdebatte zum Kampf um das Mitbestimmungsrecht* (Cologne and Opladen, 1959), p. 110

genuine elucidation of the causes of defeat. For criticism of Fette only got at half the truth. Though Fette may not have acquired the stature of Böckler, he rather seems to have been made the scapegoat for a flawed union strategy. The provisions of the Company Statute Law giving the unions less than equal representation were already on the cards once a separate co-determination law had been accepted for the coal and steel industry. Furthermore, the conditions for industrial action had again shifted in 1951–2 to the disadvantage of the unions. While the issue of co-determination in coal and steel was basically about defending an arrangement that was already widespread, an extension of this model to all large undertakings would actually have been an innovative step for which the climate was not really favourable in 1952. The market economy had stabilized, as had the position of the employers. The passage of the Company Statute Law brought home to the unions with the utmost clarity the limits of their political influence. The unions were already on the political defensive in the dispute over co-determination in coal and steel; with the Company Statute Law it turned into defeat. The significance of this defeat was all the greater in that the arguments about co-determination also concerned the importance of the unions' role in the Federal Republic's democratic system.



The conflict over the Company Statute Law had far-reaching implications. Firstly, there were the direct consequences of union policy: the resultant strikes and other action were seen by many as an attempt to coerce Parliament. A fierce legal controversy flared up over the unions' right to strike for clearly political demands, that is, demands on the lawmakers. The opposing positions were championed by Joseph Kaiser Erich Forsthoff and Hans Carl Nipperdey on one side, and Wolfgang Abendroth on the other. The former saw the political strike as an attack by the unions' minority interests or special interests on the common good represented by the state; Abendroth depicted the unions as the *champions* of democracy, who without the weapon of the political strike would have to stand by helplessly and watch the state fall prey to the privileged classes under the monopoly capitalist economic system.¹¹ Abendroth also

¹¹ See Joseph H. Kaiser, *Der politische Streik* (Berlin 1955); Hans Carl Nipperdey, *Streikrecht*, in *Handwörterbuch der Sozialwissenschaften*, vol. 10 (1959), pp. 226–31; Wolfgang Abendroth, *Verfassungsrechtliche Grenzen des Sozialrechts*, in *Gewerkschaftliche Monatshefte* (1951), pp. 57–61

appeared as an expert on behalf of the unions to substantiate the proposition that "a demonstration strike that is temporary – that is, limited in time – and has the sole aim of bringing the attitude of the wage earners firmly to the notice of the competent legislative bodies during the preparation of a law [could] not be considered unconstitutional".¹²

But in their rulings the labour courts and, from 1954 on, the Federal Labour Court took the view that the trade unions' right to strike had to be restricted. The judgment of 28 January 1955¹³ established the principle that strikes were only permissible if they were over demands that the other party to a collective agreement, the employer or employers' federation, was in a position to meet. At the same time, it established the principle of "equality of weapons" – strike and lockout – as this was considered the only way of ensuring "parity" in the struggle between unions and employers. The lockout ban in the Hesse regional constitution was thus circumvented, as it had already been with the adoption of the Basic Law. Shortly afterwards the scope for trade union militancy was restricted even further. The evaluation of the strike ballot as a form of industrial action (1958) and the ban imposed in 1963 on participation in "wildcat strikes" (that is strikes that had not been properly called by the unions on expiry of the obligation to desist from industrial action) showed the clear tendency of the judiciary to curb the right to strike

The controversies about co-determination in the coal and steel industry and the Company Statute Law also had a major effect on the way the unions regarded themselves. With the market economy and the power of the employers firmly entrenched, union plans for reorganization concentrated on, or confined themselves to, the problem of co-determination. The unions thus dropped the links between socialization, the planned economy and co-determination established in the 1949 principles of economic policy. The crucial factor in this was no doubt an appraisal of the relative power of the two sides in 1950–51, which also suggested that it might be wise to concentrate on the issue on which the unions could count on the support of some sections of the Catholic Church. For co-determination offered an opportunity to consolidate the idea of the "unified union" in union programmes; after all, the 1949 Catholic assembly in

12 Wolfgang Abendroth, *Die Berechtigung gewerkschaftlicher Demonstrationen für die Mitbestimmung der Arbeitnehmer in der Wirtschaft*, in *Antagonistische Gesellschaft und politische Demokratie* (Neuwied and Berlin, 1967) p. 203 ff.; this quote p. 229

13 Reprinted in Michael Schneider, *Aussperrung. Ihre Geschichte und Funktion vom Kaiserreich bis heute* (Frankfurt, 1980), p. 243 ff

Bochum had supported this objective.¹⁴ By detaching the demand for co-determination from their other plans for reorganization, the unions were granting express recognition to the goal of equal rights for capital and labour, which was firmly rooted in the tradition of all three of the major union federations of old.

It was apparent to the trade unions that with the current distribution of parliamentary seats they had no chance of pushing through even their limited ideas on reorganization. Since they did not want to take the course of mobilizing extraparliamentary support for fear of Communist subversion, but also because they had recognized the foundations of parliamentary democracy, they focused all their expectations on the outcome of the next Bundestag elections, when – once again – they were pinning their hopes on a good performance by the SPD. “For a better Bundestag” was the slogan with which the unions attempted indirectly to recruit electoral support for the SPD. Ironically, the DGB was heeding a suggestion of Adenauer’s in doing this. During the arguments about the Company Statute Law, the latter had written to Fette that in the forthcoming elections the following year the DGB would have “the opportunity to put forward its views on a uniform and progressive company statute in the manner provided for in our constitution”. But the DGB failed in its appeal to members to vote “only for such men and women who are either members of unions or by their attitude in the past have shown that in the new *Bundestag*” they will fulfil the “justified wishes and demands” of the wage earners. In the general elections of 6 September 1953, the CDU and CSU increased their share of the vote to 45 per cent. Furthermore, the appeal led to internal tensions, since – borrowing Adenauer’s arguments – the Christian Democratic unionists, in particular, considered that the DGB’s “obligation, under its rules, to observe party political neutrality” had been “breached in the gravest manner”.¹⁵ We shall have occasion to examine the consequences of this below.

2. *The unions’ share in the “economic miracle”: policy on wages, working hours and social welfare*

After the failure of the campaign “for a better *Bundestag*”, the unions concentrated on their original field of action – pay policy and social policy:

14 See W. Hirsch-Weber, *Gewerkschaften in der Politik*, p. 83

15 Quot. Dieter Schuster, *Die deutschen Gewerkschaften seit 1945* (Stuttgart, 1973), p. 42 f.

more far-reaching ideas about reorganization took the back seat. This is most clearly reflected by the DGB's First Action Programme for May Day 1955, unanimously adopted by its federal executive and federal committee. It presented demands for a pay rise, shorter working hours, improvements in social provision and industrial safety, and the consolidation and extension of co-determination. Unlike the debate on the economic system and the conflict over co-determination in 1951-52, in these areas the unions were to prove thoroughly successful. These successes, however, were only attained on the basis of an economic boom without parallel in German history.

The economic trend

Though the economic statistics were already indicating an upward trend after the currency reform of 1948, the upward forces were still weak. It was not until the "Korea boom" came along that the rates of increase in the gross national product reached the level characteristic of the 1950s.

From summer 1952, the German economy enjoyed a self-perpetuating upswing which brought average economic growth of 6.3 per cent annually from 1952 to 1966, though it showed a tendency to slow down around the mid-1950s that grew more pronounced in the early 1960s.¹⁶

Two features of the Federal German economic structure should be singled out for special mention. From the early 1950s the Federal Republic's balance of trade showed a growing export surplus; in the 1960s it became the second strongest trading nation after the United States, and later after Japan. The growth of the export side of the economy was given a lasting boost by membership of the European Economic Community, which was created in 1958. In addition, the concentration of the economy went ahead at a furious pace in the 1950s. Between 1954 and 1963, the turnover of the 50 largest industrial enterprises rose from DM 36.8 to 118 billion; their share of total turnover rose from 25.4 to 36.2 per cent over the same period.¹⁷

¹⁶ The growth rates of the GNP were as follows: 1951, 10.4%; 1952, 8.9%; 1953, 8.2%; 1954, 7.4%; 1955, 12.5%; 1956, 7.3%; 1957, 5.7%; 1958, 3.7%; 1959, 7.3%; 1960, 9%; 1961, 4.9%; 1961, 4.9%; 1962, 4.4%; 1963, 3%; 1964, 6.8%. Figures from Karl Theodor Schuon, *Oekonomische und soziale Entwicklung der Bundesrepublik Deutschland 1945-1981*, in *Lern- und Arbeitsbuch deutsche Arbeiterbewegung* vol. 2, p. 733

¹⁷ Jörg Huffschmid, *Die Politik des Kapitals. Konzentration und Wirtschaftspolitik in der Bundesrepublik Deutschland* (Frankfurt 1969), p. 44

Hand in hand with economic growth there was a clear shift in the relative importance of the different sectors of the economy. Agriculture and forestry declined steadily, while manufacturing industry and the service sector grew. Whereas in 1950 23.7 per cent of the working population were still engaged in agriculture, this had fallen to 10.6 per cent by 1965. Those engaged in manufacturing industry increased as a proportion from 43.3 to 49 per cent over the same period, and those working in the service sector from 33 to 40.4 per cent (see Table 6a). Parallel with the steady expansion of the service sector and the increasing importance of administration and retailing in the manufacturing sector, white-collar workers increased as a proportion of all employed persons from 22.9 per cent (1950) to 32.1 per cent (1965); the proportion of civil servants also increased – from 6.1 to 8.2 per cent; but the proportion of manual workers fell from 70.9 per cent (1950) to 59.7 per cent (1965). If the changes within the wage-earning groups are also related to the total working population, the result is an illuminating picture of social change in the 1950s and 1960s (Table 6b).

The economic growth rate led to a rapid fall in unemployment, which had been as high as 11 per cent in 1950. From 5.6 per cent in 1955, it fell to 1.3 per cent in 1960 and 0.7 per cent in 1965 (Table 5b). Despite the influx of millions of refugees and the increased number of working women, towards the end of the 1950s there was virtually full employment – indeed even a labour shortage, so that when domestic manpower reserves started to dry up, industry began recruiting large numbers of workers from abroad.

Economic growth was on such a scale that it opened up opportunities for distributing profits, enabling the unions to score successes in wage policy and social policy without the need for a high level of industrial action. It was precisely the favourable economic trend that was crucial in convincing large sections of the public of the advantages of the market economy. And the majority of employers accepted the trade unions as a force for order – all the more easily as, in their day-to-day policies, the trade unions had given up their ideas of introducing radical changes in the system.

Pay policy: a fair wind

The Law on Collective Agreements of 9 April 1949 having laid the legal foundation for annual pay rounds, in the 1950s they became a matter of course. The cornerstone of the Federal Republic's collective bargaining

system is the concept of *Tarifautonomie* ("pay autonomy"), meaning that the negotiating parties are independent and answerable only to themselves; the state has no powers to force them to go to arbitration. In view of the rate of growth and the resultant prospects for greater profits, the employers were more inclined than before to yield to the unions' demands for a share in the benefits of increased productivity. The employers probably also saw a possibility of forestalling more radical political demands by showing some financial flexibility. And the trade unions were quite prepared to take into account the figures for the national economy as a whole in their pay policy

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Not until the mid-1950s was an attempt made to use pay policy – theoretically – as an instrument of income redistribution. Viktor Agartz put forward his plan for an "expansive wages policy", designed to raise living standards and demand, ensure economic prosperity and full employment and, at the same time, a fairer distribution of the national product.¹⁸ One of Agartz's chief supporters was Otto Brenner of the Engineering Union, who introduced the slightly more moderate concept of the "active wages policy" into the debate – and saw to it that Agartz delivered the main speech on economic policy at the DGB's 1954 congress. The concept of the active or expansive wages policy also amounted to a rejection of the government's plans to encourage "wealth formation" by employees, which it put into effect with such measures as the Encouragement of Savings Law (1959) and the introduction of "people's shares" (1961).

Agartz's ideas on pay policy led to a debate on principles inside the unions. The militant turn which Agartz wished to give to trade union policy displeased many Christian Democratic unionists. In contrast to Agartz, they advocated the wage earners' co-ownership of the wealth produced by business, since wealth creation plans – in accordance with the Christian-social tradition – were regarded as a step towards equal rights for wage earners in the economy. In view of the ferocity of the internal union arguments about the basic principles of wages policy, which contributed to the setting-up of the Christian trade union movement in 1955, Agartz resigned from the Institute of Economic Science at the end of 1955.

It would, however, be simplistic to view the controversy over the questions of pay policy and wealth creation simply as a quarrel between the

¹⁸ Viktor Agartz, *Beiträge zur wirtschaftlichen Entwicklung 1953. Expansive Lohnpolitik*, in *WWI-Mitteilungen* 12, 1953, p. 245 ff.



Otto Brenner, chairman of the Engineering Union, IG Metall



Georg Leher, chairman of the Construction Union, IG Bau, Steine, Erden

Christian-social and Social Democratic trade unionists. The dispute continued to rage within the DGB even after Agartz's resignation and the re-establishment of the Christian trade unions. It now focused on the differing views championed by Otto Brenner of the Engineering Union and Georg Leber of the Construction Union. Brenner was undoubtedly voicing the majority opinion in rejecting the sale of state shares in economic enterprises – even in the form of widely distributed “people's shares” – as a reckless waste of public property. The same is true of his fears that the shares would in any event soon be concentrated in a few hands once again, so that ultimately all that could be expected was a strengthening of big business. Moreover, this type of popular capitalism would inevitably lead to the workers' final acquiescence in the system of private capitalism, without any significant changes in its structure. At most, Brenner was prepared to accept the transfer of wage earner shares into union-administered funds.¹⁹

While Brenner took it for granted that a just distribution of income and wealth could never be achieved under the capitalist system, Leber held that the workers had to acquire, here and now, through the collective bargaining process, a share in the wealth produced by the economy.²⁰ The Construction Union consistently followed this path: on 31 December 1962 a collective agreement for the building industry was signed, according unionized building workers fringe benefits and in 1965 agreement was reached on wealth-creating benefits for the building trade. The differences on pay policy between Brenner and Leber (or between the Engineering Union and the Construction Union) were at bottom a manifestation of a deep-seated political conflict over attitudes to the West German state and divergent views of the union movement – as a counter-balancing power or as a regulatory force. Brenner and Leber stood for different political positions within the unions that were repeatedly in collision, in the debate on the emergency laws and again over the 1963 “programme of principle”. Who were these two union leaders who helped shape the image of the unions in the 1950s and 1960s?

Born in Hanover in 1907, Otto Brenner had a typical trade union career behind him when, in 1952, he took over the leadership of IG Metall, the Engineering Union, which he headed with Hans Brümmer until 1956, and then alone until his death in 1972. He had worked his way up from general labourer to factory electrician and electrical engineer. At 15 he had joined the DMV and in 1926 the SPD, which, however, he left in

19 Otto Brenner, *Die Zeit nutzen*, in *Die Quelle* 10, 1955, p. 449 f.

20 Georg Leber, *Vermögensbildung in Arbeitnehmerhand* (Frankfurt, 1964)

1929 over the armoured cruiser affair, co-founding the SAPD in 1931. In 1933 Brenner was arrested by the Gestapo and sentenced to two years' imprisonment for preparation for high treason. He remained under police surveillance until the end of the war, scraping a living as a builder's labourer, fitter and newspaper roundsman. In 1945 he joined the SPD and the Engineering Union, becoming chairman of the Hanomag works council and, in 1947, head of the Hanover district of the union. From 1952 on, "Otto the Iron Man" – his nickname expressed admiration and respect – took a leading part in determining the policy of IG Metall.

His adversary within the union movement was the equally forceful Georg Leber. Born the son of a bricklayer and Christian trade unionist in 1920 in Obertiefenbach an der Lahn, he completed a business training and became a white-collar worker, and then after the Second World War, a bricklayer. In 1947 he joined the union and the SPD; from 1949 to 1952 he was local secretary of the Construction Union in Limburg. After becoming editor of the journal "Grundstein" in 1952, he advanced to vice-chairman of the union's executive committee in 1955, and took over the leadership two years later. The same year, Leber became a *Bundestag* deputy. From then on his career was notable for the fact that, unlike other trade union leaders, he simultaneously played an important part in the SPD. In the 1960s and 1970s he occupied leading positions both in the SPD and in the government, as Transport Minister (1966–69) and Defence Minister (1972–78). His energetic advocacy of the "social partnership" idea meant that he was always being cast in the role of Brenner's internal opponent within the movement; but at the same time it made him a useful mediator in awkward situations, for example, in the struggle for a reduction in working hours in 1984.

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But back to the 1950s and 60s. The successes of union pay policy were nothing to be ashamed of: for all the differences between one industry and another, between men's and women's wages and between the agreed rates and actual rates, it is a fact that in the five year period 1956–1960 real wages rose by an average of 4.6 per cent a year, and in the following five years by even more, 5.3 per cent (Table 3c). The clear fall in the rate of increase to 2.5 per cent in 1963 reflected the beginning of economic difficulties, which led – as evidenced by the industrial dispute in the engineering industry in North Baden-North Württemberg – to an intensification of pay conflicts. The successes of union pay policy were all the more substantial in that from the second half of the 1950s pay rises were accompa-

nied by the first cuts in working hours, the cost of which was added on to the rate of increase in wages in all collective agreements.

If one looks more closely at the development of wages, the remarkable thing is that – with a few exceptions – there was no year in which it outstripped the growth in productivity. Secondly, it appears to have been more than a minor blemish in union policy that the pay differences between men and women persisted. For it was precisely pay policy that had to be the acid test of the seriousness with which the unions took the decision announced at the founding congress in Munich to work for equal rights for men and women in social and economic matters.²¹ True, the DGB's 1954 congress did instruct the trade unions "to set wage and salary brackets in collective agreements according to the nature of the work involved and no longer according to sex, and not to agree to any passages permitting lower payments to female employees";²² but in practice the problem of female wage brackets was solved, from a legal point of view, by employing gender-neutral wording, while the effective differences in fact survived more or less unchanged thanks to the device of *Leichtlohngruppen* ("light wage groups", that is, groups of – usually female – workers paid less than other workers performing comparable tasks) (Table 3e).

Although the unions were able to take the credit for the annual increase in real wage rates during the years of full employment, the question is, thirdly, whether co-operation with the employers over pay policy really did bring in as much as it might have done. Payments above the agreed rate, quite substantial in some industries, would seem to indicate that a union policy less anxious to avoid industrial strife could have won workers in flourishing sectors of the economy wage awards higher than they actually received. This "wage drift" prompted proposals to formulate pay policy closer to the shopfloor – which might also have boosted worker participation in union work. But the trend towards centralization of collective bargaining (and disputes) could not be halted by the notion of a "shopfloor pay policy". The automatic nature of the annual pay rounds and wage rises may also have led large numbers of workers to regard union membership as unnecessary, since they received the wage rises negotiated by the unions anyway, without any effort on their part.

Fourthly, it should not be forgotten that while average income from paid employment more than doubled between 1950 and 1960, the income

21 Protokoll. Gründungskongress des Deutschen Gewerkschaftsbundes. München. 12.–14. Oktober 1949 (Cologne, 1950), p. 338

22 Protokoll. 3. Ordentlicher Bundeskongress, Frankfurt a.M., 4. bis 9. Oktober 1954 (Düsseldorf, undated), p. 701

of the self-employed increased threefold over the same period. Again, wages as a proportion of national income rose (on the face of it) from 58.4 per cent in 1950 to 59.4 (1955), 60.6 (1960) and up to 64.7 per cent in 1965. But if one takes into account the steady rise in the number of wage earners as a proportion of the working population as a whole, there is a drop in the adjusted figures from 58.4 (1950) to 54.1 (1955), and 53.6 (1960) to 54.8 per cent in 1965.²³

Against this background, plans for “wage earner wealth formation” took on new importance. The path taken by the government in 1961 with the “312 Mark Law” and the issue of “people’s shares” were regarded by most trade unionists as “popular capitalism”, to which they preferred the idea of wealth accumulation via large funds in which wage earners would receive share certificates.²⁴ The fact is that neither the Capital Formation Law of 1961 nor the raising of the exempt savings limit to DM 624 by the law of 30 June 1971 did anything to alter the distribution of the wealth produced by the national economy.

Heading for the 40-hour week

With the improvement in the economic situation in the early 1950s the average working week in industry returned to pre-war levels. From 1950 to 1956, it was somewhere between 47.5 and 48.6 hours (Table 4b). May Day 1952 was devoted to the union demand for the introduction of the 40-hour week. Point 1 of the action programme of 29–30 March 1955 set out the aim: “A five-day week, eight-hour day with no loss of wages”. The intensification of work was the reason given: the reduction in working hours was necessary to “refresh exhausted powers” but also to protect the “social and moral foundations of family life”.²⁵

Ever since its programme of principle in 1953, the DAG had also supported the demand for the introduction of the 40-hour, five-day week. And in the action programme adopted at its party conference in Dortmund in 1952 and extended at the 1954 Berlin party conference, the SPD supported the union call for the “reduction of working hours without loss of wages” to 40 hours per week.

23 Frank Deppe, *Autonomie und Integration. Materialien zur Gewerkschaftsanalyse* (Marburg, 1979), p. 64

24 Bruno Gleitze, *Sozialkapital und Sozialfonds als Mittel der Vermögenspolitik*, 2nd ed. (Cologne, 1969)

25 According to *Geschäftsbericht des Bundesvorstandes des DGB 1954–1955* (Düsseldorf, undated), p. 72 ff.

Agitation for the 40-hour week culminated in the mid-1950s. The most famous slogan was the DGB's 1956 May Day appeal, "On Saturday Daddy belongs to me!" The unions took the view that the reform should be introduced by law – failing which by collective agreement – with provision for a gradual reduction in working hours permitting adjustments to be made to production techniques. Since the prospect of full employment was just around the corner, there were only sporadic references to the effect on the employment, that is, that continuing rationalization was releasing wage earners, whom cuts in working hours would enable to secure new jobs. Otto Brenner warned even then of the danger of "technological unemployment".²⁶ But in the 1950s this seemed a distant prospect.

With the profits at their disposal, the employers were quite ready to compromise. The employers' associations presented their position on the question of working hours in a ten-point programme on 12 January 1956. The share of the productivity increase due to the employee should be divided up between pay rises and cuts in working hours, with the cuts following the development of productivity in stages.²⁷ This negotiating offer not only safeguarded "social peace" – from the employers' point of view – but held the unions to a cut in working hours that entailed no loss of output nor any relative increase in wages as a proportion of national income.

The success of union policy on working hours had an impact at the level of the individual trade unions. On 14 November 1956, for example, the Food, Beverage and Allied Workers' Union concluded a general agreement on conditions of employment for workers in the cigarette industry, reducing working hours to 42.5 hours per week from 1 January 1957 to 31 December 1958, and implementing the 40-hour week (Monday to Friday) from 1 January 1959. The major breakthrough in the widespread introduction of the 40-hour week was the work of the Engineering Union. In June–July 1956, IG Metall and the employers' association, Gesamtmetall, concluded the "Bremen Pact", recommending that from 1 October 1956 the working week should be cut from 48 to 45 hours with no loss of pay in all areas covered by collective agreements. Then, under the "Soden Pact" of 28 August 1958, working hours in the engineering industry were cut to 44 hours per week from 1 January 1959. Finally, under the terms of the Bad Homburg Pact of 8 July 1960 agreement was reached on the step-

26 Otto Brenner, *Automation und Wirtschaftsmacht*, in *Gewerkschaftliche Monatshefte* 1958, pp. 198–201

27 *Vorschläge zur Frage Arbeitszeit und Lohn*, hrsg. von der BDA (place and date of publication not given); *Jahresbericht der BDA* 1. 12. 1955 – 30. 11. 1956 (Bergisch-Gladbach, 1956), p. 126

by-step introduction of the 40-hour week. The Bad Homburg Pact served as a model for many of the settlements governing working hours in other industries. In detail, it was agreed that, "With effect from 1 January 1962, the regular contractual working time per week shall be reduced to 42½ hours: from 1 January 1964, to 41¼ hours; and from 1 July 1965, to 40 hours. On the controversial issue of "wage compensation" it was stated: "To compensate for the reduction in working hours [. . .] standard (basic) wages shall be increased as follows: by 3.5 per cent from 1 January 1962; by 3 per cent from 1 January 1964; and by 3.1 per cent from 1 July 1965." It went on to say, "The parties concur that the step-by-step plan agreed between them to reduce working hours is intended both to conserve the employees' labour power and to put the economy in a position to take the necessary steps in good time to cope with the production tasks incumbent upon it." For this reason, the parties agreed: "a) In the years in which a reduction in working hours coincides with new wage settlements, the material impact of the reduction in working hours is to be taken into account. b) The parties to the wage agreement shall, if one of them so wishes (from stage 2 on), engage in discussions, three months before the dates mentioned above, on the feasibility of implementing the reduction in working hours in the light of the current economic situation. Regardless of these discussions, the reductions in working hours shall come into force on the agreed dates, unless the parties to the wage agreement decide to amend the arrangements by a voluntary agreement."²⁸

This problem was also at the heart of one of the biggest industrial disputes in the history of the Federal Republic, the dispute in the Baden-Württemberg engineering industry in spring 1963, which is described in more detail below. Suffice it to say that the employers did not attain their aim of deferring the reduction in working hours set for 1 January 1964 by resorting to a mass lockout, though they were able to slow down the increase in pay.

Some time later, however, use was made of the possibility of postponement provided for in the Bad Homburg Pact, in view of the recession in the engineering industry. Under the first and second Erbach pacts (of 13 July 1964 and 18 February 1966) the reductions in working hours set for 1 July 1965 and 1 July 1966 were postponed, so that the 40-hour week was finally introduced in the engineering industry on 1 January 1967. In addition, the first Erbach Pact contained provisions increasing the number of

²⁸ Reprinted in Michael Schneider, *Streit um Arbeitszeit. Geschichte des Kampfes um Arbeitszeitverkürzung in Deutschland* (Cologne, 1984), p. 249 ff.

days' holiday from 1965 and 1967 and increasing holiday pay by 30 per cent.

But it was some time yet before the 40-hour week became the agreed norm for virtually all wage earners. In 1973 "only" 69 per cent of employees worked an agreed 40-hour week; not until 1978 did the proportion reach 92.6 per cent. The fact that reduced working hours were enshrined in collective agreements and not in law was undoubtedly an indication of the reluctance of governments since the days of Konrad Adenauer to take political action over working time.

The holiday question was the only one in which the situation reached through collective bargaining was given legal status – through the Federal Holiday Law of 1963. While holidays averaged about two weeks in the first half of the 1950s, by 1960 this had risen to three. The legally stipulated three weeks' annual holiday was, however, swiftly overtaken by negotiated improvements: by the end of the 1960s the average holiday was four weeks, and by 1975 it was pushing five.

It is a striking fact that the working week has been reduced since the 1950s without any significant reduction in daily working hours. The reduction in the working week is principally due to the abolition of Saturday working. Nor should the increase in part-time working be overlooked. Part-time workers as a proportion of all wage earners rose from 2.6 per cent in 1960 to 8.5 per cent in 1977. Part-time work was – and still is – largely the province of female workers; it was instrumental in boosting the number of married women who go out to work, which has risen continuously since the 1950s. Incidentally, another consequence of the cut in working hours was the increase in shift work during the 1960s.

The introduction of the 40-hour week was not without its impact on the employment situation. Employers' fears that the reduction in working hours would lead to a shortage of labour proved unjustified – but only because the demand for labour was, so it seemed, easily satisfied. Firstly, by recruiting foreign workers and, secondly, by increasing the number of working women. In actual fact, much of the effect of reduced working hours on the labour market was probably absorbed by rationalization measures, as a result of the gradual introduction of the 40-hour week.

Strike policy

The years of the "economic miracle" established the German trade unions' reputation for being particularly "peaceful" by international standards. This verdict was certainly justified if one compares the German

unions with the Italian, French or English unions, in particular. It is also accurate if the 1950s and 60s are compared with earlier periods in German history. Never before were so few workers involved in industrial disputes and the number of days lost so small (Tables 2c and 2d). But this does not mean that the unions were dedicated to preserving industrial peace in these decades. Of course, their organizational strength and their potential threat to the employers on the one hand, and steady economic growth with production running at full capacity on the other, made it easier to secure demands without industrial strife. It may also have been of some significance that the Federal Labour Court restricted the right to strike in several judgments of principle. Out of respect for the rule of law, the unions recognized these judgments, which equated strikes and lockouts, banned spontaneous and political strikes and established the principle of "social adequacy" (that is, a strike must be directed against the party that is in a position to meet the demands made). Consequently, from the mid-1950s the strike weapon was employed only in highly controversial issues of principle.

Closer scrutiny shows that the first half of the 1950s was a time of relatively high industrial militancy, compared with the years that followed. From 1950 to 1955, 1.1 m employees took part in industrial action, with a loss of 6.3 m working days. In the following years – 1956–60 – it was "only" 332,000 employees and 3.6 m days lost. Then, between 1962 and 1967, the number of workers involved rose to 664,000, while the number of days lost fell to 2.8 m (Table 2d).

The strikes were very unevenly distributed across the different sectors of the economy. Looking at the number of strikers, we find that in the 1950s it was mining, metal working, the public services and the iron and steel industry that showed an above-average level of industrial action. The number of days lost reveal that workers in metal working and the iron and steel industry waged the longest industrial struggles by far.²⁹ Even this brief survey shows the importance of the part played by the Engineering Union, IG Metall, which was the bargaining agent in both industries.

What were these struggles about? After the threat and limited use of "political" strikes in 1951–52 in the confrontation over co-determination in the coal and steel industry and the Company Statute Law, the unions concentrated on their real strength, collective bargaining. In the first half of the 1950s, it was often a matter of pushing through the idea of regular

²⁹ Walther Müller-Jentsch, *Streiks und Streikbewegungen in der Bundesrepublik 1950–1978*, in Joachim Bergmann (ed), *Beiträge zur Soziologie der Gewerkschaften* (Frankfurt, 1979), pp. 21–71: these figures p. 27

pay rounds. Since the employers and the Ministry for Economic Affairs took the view that improvements in productivity benefited the wage earner in the form of lower prices, pay rises did more harm than good, in their opinion, because their effect was to force prices up. A number of strikes right across the economy – from the construction industry (1950) and farming (1951), the graphical trade (1952) and the textile industry (1953 and 1958) to local authority enterprises (1954 and 1958) and the timber industry (1956) – were concerned with levels of pay. In the engineering industry alone, there were ten strikes between 1951 and 1954 over wages. The number of industrial disputes shows two things. Firstly, there was no union that was prepared to take on the job of outrider, taking the lead in collective bargaining. Secondly, there was no precise co-ordination between the major unions over which area they should start with. Not until the mid-1950s did IG Metall assume the role of “trailblazer” in matters of pay and working hours.

Few of these strikes are remembered today. But it is worth recalling the six-week strike which IG Metall conducted in Schleswig-Holstein in 1956–57 over the continued payment of wages in the event of sickness and for longer holidays. This strike effectively forced the *Bundestag* to grant legal recognition to the actual equality between manual workers and white-collar workers which the unions had secured. The Law on the Continued Payment of Wages in Cases of Sickness of 26 June 1957 laid down that workers should receive 90 per cent of their net wages from the third day of sickness; in 1961 this regulation was improved, so that the full net wage was paid out from the second day of sickness; on 1 January 1970 full equality between shopfloor and white-collar workers came into force.

Though in view of the above the strike may be considered to have been a success, it had adverse effects on the rules governing the right to strike. The employers sued IG Metall for damages, construing the conduct of a strike ballot during the arbitration talks as industrial action in breach of the obligation on both sides to refrain from industrial action during wage negotiations. The Federal Labour Court supported this interpretation on 31 October 1958 and sentenced IG Metall to damages. The employers did not insist on immediate compensation, hoping they would be able to browbeat IG Metall into behaving well for a few years by threatening to demand payment of the damages. At least as important was the fact that the Federal Labour Court assessed strike ballots as a form of industrial action in themselves; in consequence the unions had to take another legal obstacle into account in their strike policy if they wished to avoid incurring more damages.

As well as the longest industrial dispute of this period, mention should

also be made of the most widespread: the dispute in the engineering industry of North Baden–North Württemberg, which brought the lockout – which had almost been “forgotten”³⁰ – back into the public eye. When the economic boom of the early 1960s started to run down, while the unions went on pressing for increases in real wages, the employers – Gesamtmetall – made the following demands, as early as October 1962: (1) a wage freeze; (2) postponement of reductions in working hours; (3) central negotiations and longer validity for collective agreements; and (4) the conclusion of an arbitration agreement. In talks with the unions in the winter of 1962–63 the employers tried hard to push their demands through. They threatened to declare the talks stalled if IG Metall – as planned – terminated the current collective agreements on 28 February without declaring its readiness to defer the reduction in working hours that had, in fact, already been agreed. Fresh talks were constantly held, dragging on into the spring of 1963. But only after a strike and a lockout, affecting more than 300,000 workers, was agreement reached on 7 May 1963 (backdated to 1 April) on a pay rise of 5 per cent, to be increased by a further 2 per cent on 1 April 1964. The agreed reduction in working hours was to come into force on 1 April 1964, while the collective agreement as a whole was to remain in effect until the end of September that year. The IG Metall executive accepted this outcome on 7 May, as did Gesamtmetall. Whereas 73 per cent were in favour of ending the strike in the ballot held in Baden–Württemberg, in North Rhine–Westphalia – where no lockout had been called – the proportion was only 55 per cent.

Decisions of principle on social policy

After their defeat over the Company Statute Law, the unions concentrated on pay and social policy. It was not until the mid-1950s that the problem of co-determination once again featured in the public discussion. When Hermann Reusch described the law on co-determination in the coal and steel industry as “the result of brutal extortion by the trade unions” at the general meeting of the Gutehoffnung mine, 800,000 workers responded with a protest strike on 24 January 1955. A little later the point at issue was the safeguarding of coal and steel co-determination in the concern’s holding companies.

³⁰ According to Rainer Kalbitz, *Aussperrungen in der Bundesrepublik. Die vergessenen Konflikte* (Cologne and Frankfurt, 1979)

As the concentration of undertakings proceeded, the employers tried to change the structure of the undertaking by setting up holding companies, so that the co-determination law for the coal and steel industry would no longer be applicable. This process was facilitated by the “old” coal and steel companies’ move into chemicals and plastics. In order to prevent this attempt to undermine co-determination in the industry, the Supplementary Co-determination Law (Holding Amendment) was passed in August 1956, ensuring co-determination in the holding companies of the coal and steel concerns. But the process of dismantling co-determination in the coal and steel industry could not really be halted by law. In 1958, for example, Mannesmann AG incorporated six formerly independent and thus “co-determined” subsidiaries into the main company; not until the “Lüdenscheid Pact” between the unions and the company management in 1959 was bipartite co-determination protected in the coal and steel companies.

If one examines the social measures of the 1950s, it becomes clear that they were, and remained, subordinate to economic decisions. The importance attributed to the market economy is illustrated by the attempt to curb or control the process of concentration in the economy by means of legal measures. Because the market economy was being jeopardized by concentration, a law was introduced in 1957 to counter restrictions on competition, a cautious move towards the monitoring of monopolies. This was also the idea behind the “aligned society” programme advocated by Ludwig Erhard in the mid-1960s: to avoid endangering the market economy by stemming concentration and the influence of organized lobbies. The unions probably had a sharper eye for the problem of the concentration of economic power, because they saw it from a political angle. The law against restrictions on competition was considered far from adequate when it came to coping with the political consequences of the accumulation of economic power.³¹ For the unions the concentration trend was not so much a threat to the market economy but a “danger to the democratic state”, according to the resolution passed at the big rally held in November 1958, “The concentration of economic power – social asset stripping”.³²

The governing majority may have been dismissive about all the unions’ more far-reaching plans for the reorganization of the economy,

31 Karl Kühne, *Kartellgesetz und Wettbewerb*, in *Gewerkschaftliche Monatshefte* 1957, pp. 529–36

32 Rudolf Quast, *Konzentration und Mitbestimmung*, in *Gewerkschaftliche Monatshefte* 1959, pp. 513–21; this quot. p. 513

but on issues of social policy some pioneering decisions were taken in the 1950s. The way was smoothed by the favourable development of the economy, which boosted state revenue as well as profits. But the expansion of the system of social welfare was also related to traditional Christian-social ideas. Acting upon these ideas put some social flesh on the market economy, gave it greater stability and, at the same time, made it acceptable in the eyes of large sections of the public.

Decisions of principle governing the "social state" were made in 1952 and 1953 with the law setting up the Federal Institute for Labour Exchanges and Unemployment Insurance, later the Federal Institute of Labour, and the laws on labour courts and social welfare tribunals. This was followed in 1954 by the introduction of a system of child benefit. On 22 January 1957, with the votes of the CDU/CSU and SPD (opposed by the FDP), the *Bundestag* passed a law reforming old age pensions, allowing for adjustment to keep pace with increases in earnings. The union demand for a standard national pension, or a minimum pension laid down by law, was not met. The same year – on 26 July 1957 – a law stipulating equal treatment of manual and white-collar workers in the event of sickness was enacted. In 1962 a nationwide social security scheme was set up and in 1963 a holiday law was introduced giving legal force to the three-week minimum annual holiday which had already been incorporated in collective agreements.

The unions assisted in the preparation of all these laws; in some cases – for example, the continued payment of wages in the event of sickness – it required weeks of industrial action to attain the goal of equal treatment for manual and white-collar workers in collective agreements, thus paving the way for legislation. It was also thanks to union pressure that welfare benefits as a proportion of GNP rose from 17.1 per cent in 1950 and 16.3 per cent in 1955 to 18.7 per cent in 1960 and 24 per cent in 1965.³³ Furthermore, it was, above all, the unions that attempted to influence the climate of the 1950s in their favour, with their ideas on the "social state" as formulated by Wolfgang Abendroth.³⁴ While the unions had some success as far as social policy was concerned, this did not result in fundamental recognition of the unions as an "integrating factor in democracy". And the political commitment that sprang from this view of themselves was continually rejected.

³³ According to Bernhard Schäfers, *Sozialstruktur und Wandel der Bundesrepublik Deutschland* (Stuttgart, 1981), p. 190

³⁴ For example, Wolfgang Abendroth, *Zur Funktion der Gewerkschaften in der westdeutschen Demokratie*, in *Gewerkschaftliche Monatshefte* 1952, pp. 641–8

3. *The trade unions as a political opposition*

It was by no means a universally accepted thing for the unions to express an opinion on political issues that went beyond wages, conditions and social policy. Particularly when making pronouncements on “general political” questions the cohesion of the unified trade unions was put to the test. In the debates on the economic system and the “expansive wage policy”, the old dividing lines in the union movement had often taken the form of party political differences, leading in 1953 to the formation of the Christian-social group within the DGB. There was an even more violent collision of views over the justification for and content of trade union statements on other political issues.

In numerous debates in the early 1950s about the unions' view of themselves and their role, the possibilities and limitations of the unified union as a political factor were explored.³⁵ The two opposing viewpoints were represented by Goetz Briefs and Wolfgang Abendroth. Briefs thought that with the establishment of parliamentary democracy and the recognition of their rights by the state and by public opinion, the trade unions had become “entrenched”. Henceforth – in line with the theoretical approach of the earlier Christian unions, in particular – the unions ought to see themselves as “organs of the national economy”, that is, they had to place their power at the service of the “organic pluralism” of the democratic state, which would otherwise not be able to fulfil its task of ensuring the welfare of all. Where unions were not prepared to do this voluntarily, their freedom of action – for instance, the right to strike – should and must be legally curtailed. Briefs even saw the unions' calls for co-determination as steps on the road to a “trade union state”.³⁶

In contrast to this, Abendroth considered it the unions' duty to transform “formal” democracy into “substantive” (that is, social and economic) democracy. Society should be democratized by a consistent union policy. This meant that the unions could and must claim a general political mandate in order to gain a hearing for the will of the wage earners.³⁷

This controversy had a profound impact on the unions, as shown by a large number of articles in “*Gewerkschaftliche Monatshefte*”, the DGB's

³⁵ See especially the articles in *Gewerkschaftliche Monatshefte* 1952 by Wolfgang Abendroth (p. 641 ff.), Viktor Agartz (p. 464 ff.), Eugen Kogon (p. 482 ff.) and Theo Pirker (1951: p. 481 ff.; 1952: p. 76 ff., p. 577 ff. and p. 708 ff.)

³⁶ Goetz Briefs, *Zwischen Kapitalismus und Syndikalismus. Die Gewerkschaften am Scheideweg* (Munich, 1952)

³⁷ Wolfgang Abendroth, *Die deutschen Gewerkschaften. Weg demokratischer Integration*, 2nd ed. (Heidelberg, 1955)

theoretical journal. The “European discussions” were also characterized by a struggle to find a position acceptable to all trade unionists. But a consensus of this kind could not be found theoretically; it had to be recaptured again and again in the arguments on single political issues, though, in contrast to 1951–52, there was no debate about an overall concept of the social order desired. The task was made more difficult, however, by the fact that controversies over political issues always involved party political loyalties as well.

Simply looking at the distribution of trade union members in the parliamentary parties and the party allegiances of the trade union leaders gives a false impression. Certainly, there can be no doubt about the large overlap between the unions and the SPD in terms of individuals. Of the 115 unionized deputies in the first German *Bundestag* (1949), 80 belonged to the SPD group and 22 to the CDU/CSU group. A 1953 survey revealed 142 SPD and 47 CDU/CSU deputies out of a total of 194 trade unionists. The number of unionists in the *Bundestag* carried on rising; the corresponding figures for 1957 were 202 unionists (154 SPD and 46 CDU/CSU) and for 1961, 223 (179 SPD and 41 CDU/CSU).³⁸

So what about the party loyalties of the union leaders? Like the chairmen of several individual unions, Walter Freitag and Willi Richter, the DGB chairman from 1956 to 1962, were members of the SPD group in the *Bundestag*; most of the union leaders were members of the SPD, or sympathized with the party.

The question of party political neutrality was thus a constant stumbling block in the way of trade union unity. In the view of leading trade unionists, neutrality should mean being independent of political parties while adopting a firm stance on political issues. It is hardly surprising that this turned out in favour of the SPD, given the similarities in policy content and the party political commitment of most union leaders.

The discrepancy between claims to party political independence and the reality of the situation did not merely give rise to arguments with Christian-social and Christian-democratic trade unionists; in addition, there was the problem of confrontation with the Communists in the unions, aggravated by the partition of Germany. Their work on the works councils won the recognition of many, including trade unionists; but there were fears, too, that the unions might be turned into instruments of the Communist Party. Partly in view of developments in the GDR – for instance, the revolt on 17 June 1953 – the unions frequently reacted by

³⁸ Kurt Hirche, *Gewerkschafter im 5. Deutschen Bundestag*, in *Gewerkschaftliche Monatshefte* 12, 1965, pp. 705–12; these figures p. 708

marginalizing and finally expelling Communists. At any rate, the ban imposed on the KPD in 1956 was not opposed by the unions, who sided with the government in their anti-communism. Of decisive importance to the trade unions' course in the early 1950s was not merely the rejection of communism, which it shared with the SPD, but above all their support for firm links between the Federal Republic and the West, symbolized by the May Day rallies in West Berlin.

Against rearmament and the issue of nuclear equipment to the Bundeswehr

There is no question, then, of total political unanimity between the SPD and the unions. Whereas the DGB consented to the 1949 Petersberg Agreement and hence the entry of the Federal Republic into the international Ruhr authority, the SPD under Kurt Schumacher was – for all the internal party criticism – on the whole against it. Nor could the differences be overlooked in the debate on rearmament. Both under Böckler's leadership and under Fette the DGB accepted rearmament, which the SPD rejected in the circumstances as cementing the partition of Germany. For the same reason, the SPD rejected the Schuman plan for setting up the Coal and Steel Union, which the unions supported as a contribution to economic reconstruction. The same thing applied to the idea of European integration; the unions came out in favour of it at any early stage – Otto Brenner and Ludwig Rosenberg were their spokesmen – calling for a European policy with a strong emphasis on social reform.³⁹

There had already been criticism of the preparations for German rearmament at the second DGB congress, held in Berlin in October 1952. After the defeat over the Company Statute Law this criticism grew more vocal and the critics increased in number. The third DGB congress in October 1954 firmly rejected a German defence contribution, though without any action being taken to mobilize the membership. This was no doubt due to the threatened split in the movement.

Many former Christian trade unionists, such as Jakob Kaiser and Karl Arnold, had felt the DGB's 1953 election appeal to be a breach of the obligation to observe party political neutrality. Then, from 1952, the

³⁹ See, for example, Ludwig Rosenberg, *Eine Idee beschäftigt die Welt*, in *Gewerkschaftliche Monatshefte* 6, 1950, pp. 241–4; and *Europa ohne Konzeption*, in *ibid.* 4, 1951, p. 169 ff.; Otto Brenner, *Die Gewerkschaften und die europäischen Institutionen*, in *Die Neue Gesellschaft* 5, 1957

DGB rejected the first move towards German rearmament, the German defence contribution, which it had initially accepted, as jeopardizing international detente and the reunification of Germany. It underlined this vote at its 1954 congress by 387 votes to 4. Moreover, it failed firmly to reject Viktor Agartz's ideas on economic policy. This eventually led to the establishment of a new Christian union movement. After the return of the Saarland in 1957, this union movement could boast some 200,000 members and in 1959 it renamed itself the Christian Trade Union Federation (CGB). It was supported by the leadership of the German Catholic Wage Earners' Movement (KAB), especially by Johannes Even and Bernhard Winkelheide; but there were also prominent Christian Democratic trade unionists such as Jakob Kaiser, Karl Arnold and Anton Storch who steered clear of the CGB.

After the predictable failure of the trade union protest against rearmament, the unions were more reluctant to tackle politically sensitive issues. Leading trade unionists and SPD politicians took part in the Paulskirchen movement, formed in January 1955, against the Paris treaties of May 1955; and the DGB's 1956 congress in Hamburg expressed support for those who were attempting by democratic means to halt rearmament, which was formalized with the introduction of compulsory military service in July 1956.

Finally, the unions had to interpret the results of the elections for the third *Bundestag* on 15 September 1957, which still reflected the feeling of shock at the crushing of the 1956 Hungarian uprising, as broad approval for the policy of integration in the West. The CDU/CSU gained 50.2 per cent of the vote and 270 out of 497 seats, giving it an absolute majority; Konrad Adenauer was re-elected for his third term as Chancellor. The SPD could only raise its share of the vote from 28.8 per cent (in 1953) to a modest 31.8 per cent and remained in opposition – now alongside the FDP.

*

The second major domestic political controversy flared up in 1957–8 over the deployment of nuclear arms in the Federal Republic and the equipping of the *Bundeswehr* with tactical nuclear weapons, that is, in fact, over whether the *Bundeswehr* should be equipped with delivery systems, the nuclear warheads for which would remain under American control. An emergent extraparliamentary opposition, consisting of trade unionists and professors in particular, was more strongly in evidence now than during the rearmament debate. After the DGB congress of 1956 had

stated its opposition to atomic and hydrogen bomb tests⁴⁰, in April 1957 the DGB federal executive rejected the storage and manufacture of atomic weapons and training in the use of such weapons on German soil. And on 12 April 1957 eighteen scientists warned of the consequences of nuclear armament in the "Göttingen declaration"; another 44 university and college professors expressed their opposition to nuclear weapons on 26 February 1958. The oppositional movement merged on 10 March 1958, setting up the action committee "Fight against nuclear death", in which Willi Richter took part on behalf of the DGB.

The parliamentary conflict over this issue culminated in the *Bundestag* debates of 20 and 25 March 1958, in which the SPD speakers – albeit for different reasons – came out against nuclear armament and the construction and deployment of nuclear weapons on German soil. Adenauer stressed, however, that it was necessary to equip the *Bundeswehr* with nuclear arms, as it was an important part of NATO; but NATO itself had to be strengthened in order to open the way for successful talks with the Soviet Union. A declaration to this effect was passed by the *Bundestag* with the CDU/CSU (plus one FDP vote) outvoting the SPD (and one FDP vote), and most of the FDP abstaining.

Concurrently with the *Bundestag* debate, the "Fight against nuclear death" action committee organized a series of events and meetings, calling on parliament and the government to break off the arms race, at least in nuclear arms. They also wanted efforts to set up a nuclear-free zone in central Europe to be supported, as a contribution to detente between East and West.

On 24 March 1958 the DGB federal executive's management committee had also decided to support the campaign against nuclear armament, but in no circumstances to seek to impose its views by means of a general strike. At the federal executive's extraordinary meeting of 28 March there was a long and heated discussion on the question of a general strike.⁴¹ Richter referred to the Frankfurt rally on the issue of "Fight against nuclear death", at which the writer Robert Jungk had replied to an interjection calling for the declaration of a general strike, "If the unions leaders have the courage!" Erich Ollenhauer, the chairman of the SPD, had retorted, "that it is easy to call for general strike at a rally, but leave the implementation and responsibility to others". In the executive discussion

40 Protokoll des 4. ordentlichen Bundeskongresses des DGB in Hamburg, 1.–6. 10 1956 (Düsseldorf, undated), p. 729

41 See Protokoll der ausserordentlichen Sitzung des Bundesvorstandes des DGB am 28. 3. 1958, pp. 2 and 4 f. (DGB-Archiv)



Preparations for the DGB's 1958 May Day rally in Munich

on a general strike, Otto Brenner, the chairman of IG Metall, spoke in favour of “major rallies with stoppages of a few hours’ duration, in conjunction with a lull in traffic”. Georg Leber, on behalf of the Construction Union, also supported the staging of rallies. He said, moreover, that his union would give legal and financial assistance to building workers who refused to build launching pads for nuclear weapons. In a resolution⁴² the federal executive expressed its regret at the *Bundestag* decisions, saying that it was “convinced that the majority of the German people does not support these decisions”. Accordingly, the DGB would bring its misgivings to the attention of the government and the parliamentary parties and support the “Fight against nuclear death” campaign and the idea of public opinion polls. These demands were backed by large rallies in Hamburg, Bremen, Kiel, Munich, Mannheim, Dortmund and Essen on 19 April 1958. In the spring of 1958 the campaign mobilized more than 300,000 people at demonstrations and rallies, not counting those who attended the union meetings on May Day 1958, which was also devoted to the anti-nuclear movement.

Starting in March 1958 attempts were made to carry out public opinion polls on nuclear armament. Since the efforts of the SPD parliamentary party to introduce a federal law to this effect were doomed to failure, the *Länder* under Social Democratic control had a special part to play. Hamburg and Bremen, in particular, together with certain areas of Hesse, pursued the matter and enacted laws in May 1958 providing for public opinion polls, with the backing of the SPD’s federal organization. But on 30 July 1958 these laws were declared null and void by the Federal Constitutional Court, as armament matters were the sole responsibility of the Federal Government. This judgment, and the outcome of the regional parliamentary elections in North-Rhine Westphalia in July 1958 – in which the CDU gained an absolute majority – prompted a mood of resignation in the SPD. Although the party executive decided on 3 September 1958 to continue supporting the “Fight against nuclear death” campaign, there was no longer any sign of Social Democratic activity on the issue.

Political problems were looming within the unions, too. On 8 July Richter informed the federal executive that their commitment to the “Fight against nuclear death” movement had led to a real test for the DGB: the Christian-social group in the DGB was taking steps to set up an independent organization. The issue was also discussed at the executive meeting of 5 August 1958; although the DGB unions once again professed

42 *ibid.*

party political independence, it was not, they said, to be equated with political neutrality (or complete abstention from politics).

These internal organizational problems and the obvious failure of the campaign both contributed to the DGB's withdrawal from the anti-nuclear movement. Neither a poll of members nor an extraordinary congress could "bring a turn-around and revitalization", feared Brenner at the DGB federal executive on 2 September 1958. Bernhard Tacke, vice-chairman of the DGB and a CDU member commented that as the movement had evidently subsided, and the rallies had been poorly attended as a result.⁴³ One already detects here the mood of resignation in which the DGB's federal committee decided to withdraw from the "Fight against nuclear death" campaign in October 1958.

There was little interest in the unions and the SPD for a renewed publicity offensive over this issue. In 1960 the "Fight against nuclear death" committee ceased operating. Fresh issues – especially the Berlin crisis – had overtaken the nuclear question and quickly pushed it aside. But the debate on the emergency laws was also beginning to have an impact.

The start of the conflict over the emergency laws

The conflict over the emergency laws had its origins in the government's efforts, firstly, to close a "gap" in the Basic Law, and, secondly, to attain "a sovereign state's full control over its internal and external affairs" guaranteed by the General Treaty of 1955 between the Federal Republic and the Allies.

While the SPD advocated parliamentary action over the emergency issue, the government was drawing up internal plans to amend the constitution. These intentions first came to light in a speech by the minister responsible, the Interior Minister, Gerhard Schröder, at a conference of the Police Union, which at that time did not belong to the DGB, on 30 October 1958.⁴⁴ He outlined the main features of a system of emergency measures, which were tabled as a bill of ten articles amending the Basic Law in December of the same year. It was based to a large extent on the

⁴³ See Protokoll der Sitzung des Bundesvorstandes des DGB am 2. 9. 1958, p. 8 f. (DGB-Archiv)

⁴⁴ Gerhard Schröder. Sicherheit heute. Sind unsere Sicherheitseinrichtungen geeignet, auch schwere Belastungsproben auszuhalten? (Sonderdruck des Bulletins des Presse- und Informationsamtes der Bundesregierung, November 1958)

general powers granted by the Weimar constitution in the event of an emergency, from the executive's legal powers to the restrictions on basic civil rights.

Schröder's ideas were overwhelmingly rejected by the Social Democrats and the unions, especially IG Metall. They took the view that the provisions of the Basic Law were quite sufficient to cope with any emergency, particularly any internal crisis. There was, however, a political signal of practical significance in the form of the semi-official contribution of the Social Democratic constitutional expert, Adolf Arndt, who recommended his party to co-operate in the solution of the emergency law problem in an article in "Vorwärts" on 21 November 1958.

More than a year later, the CDU deputy Matthias Hoogen took up Arndt's idea and proposed inter-party talks, though the scope for compromise was bound to be limited as Schröder published the "Draft Bill amending the Basic Law" (the "Schröder Bill") on 18 January 1960, shortly after the opening of the talks. This bill proposed the insertion into the Basic Law of an Article 115a, permitting the declaration of a state of emergency by a simple majority of the *Bundestag* or, in the event of imminent danger, by the Chancellor alone. In addition, it allowed essential civil rights to be set aside, such as freedom of expression (Article 5), freedom of assembly (Article 8), freedom of association (Article 9), freedom of movement (Article 11) and freedom to exercise a trade (Article 12).

The bill was tabled on 18 January 1960 by the Federal Ministry of the Interior and rejected the same day by the committee of the SPD, and a day later by the parliamentary party. The bill was also heavily criticized by the FDP.

The unions' criticism was harsher, and also more fundamental. In a statement to the press on 19 January 1960 the Engineering Union, IG Metall, condemned "the attempt to revoke at will vital democratic rights using the power of the state"; any legislation on emergency powers was to be rejected. This put the DGB's federal executive on the spot. In early February it expressly rejected the "bill tabled" and "on the basis of historical experience" repudiated the plan "to abolish the democratic rights of wage earners and their unions in times of social crisis". The majority of the unions saw the emergency legislation bills of the CDU-led government as an attack on their very existence, and as the culmination of political and legal efforts in the "Adenauer Era" to impose permanent restrictions on the trade unions' right to co-determination and the right to strike.

The position of the critics of the emergency legislation was somewhat strengthened by Schröder's statement in the *Bundestag* on 28 September 1960 that for him the emergency situation was "the hour of the executive,

because this is the moment when action must be taken".⁴⁵ He could hardly have been less sensitive to the feelings of a burgeoning leftwing-liberal public opinion. It was the government's persistent attachment to a tradition of authoritarian, anti-union ways of thought that led to the first, critical articles on the problem of emergency legislation in "Gewerkschaftliche Monatshefte". Another journal, "Blätter für deutsche und internationale Politik", which was associated with the names of Wolfgang Abendroth, Heinrich Hannover and most of all Jürgen Seifert, offered a major rallying point for opponents of the legislation.

After IG Metall's congress had decided in October 1960 to oppose all plans for emergency legislation "if necessary by all legal means, including strikes",⁴⁶ the DGB leadership considered it necessary to stress that it was the umbrella organization that would have overall charge of a political strike. The conflict between the Social Democrats and the unions became apparent when the Hanover SPD party conference of November 1960 expressed majority support for the line taken by the party executive and the parliamentary party: pursuing a policy of consensus, the SPD was prepared to collaborate with the government.

The public controversy, which intensified in the months that followed, was concerned with two main issues. The first bone of contention was whether the Basic Law was just a "fair weather" constitution, or well able to cope with civil emergencies and even war. Against the backdrop of the Cold War it seemed doubtful whether a credible deterrent could be maintained against the Eastern bloc without provision for an emergency. In the eyes of the advocates of legal provisions for an emergency, the parliamentary system was too cumbersome to be capable of functioning in times of crisis. The question of replacing the right of the Allies to assume ultimate control in an emergency also played a major part. But the opponents of the emergency laws insisted that such "enabling laws" constituted a domestic political danger whose potential effects could not be foreseen – but were illustrated by the planned restrictions on the right to strike, freedom of association and other basic civil rights.

Although the Schröder Bill was debated in the *Bundestag* on 28 September 1960 and then referred to committee, the committees concerned did not even place it on their agendas. After the elections of September

45 Verhandlungen des Bundestages, 3. Wahlperiode, 124. Sitzung am 28. 9. 1960, p. 7177 f.

46 IG Metall (ed), Protokoll des 6. Ordentlichen Gewerkschaftstages der IG Metall für die Bundesrepublik Deutschland, Berlin, 17.–22. Oktober 1960 (Frankfurt, undated), p. 398

1961, the CSU deputy Hermann Höcherl replaced Schröder as Interior Minister. Different in his approach from his predecessor and with a realistic assessment of the Social Democrats' blocking minority, Höcherl made contact with the parliamentary parties, the representatives of the *Länder* and the trade unions and announced that a new bill would be drafted.

The SPD indicated its readiness to co-operate in a legal solution with the six-point declaration by its leading bodies on 17 March 1962, which was ratified – with an additional point – in May 1962 at the Cologne party congress. After Willi Richter, the DGB chairman, had shown understanding for the SPD's position in his opening address, a resolution was passed calling for a number of conditions to be imposed on any legislative provision for a state of emergency. A distinction had to be made between an internal emergency, the threat of attack (times of tension) and an external emergency. There was to be no possibility of abusing the provisions to suppress political adversaries or to undermine the free, democratic system of government – particularly by imposing curbs on freedom of expression, trade union rights and the powers of the *Länder*, the Federal Constitutional Court and Parliament.⁴⁷

In January 1962 Otto Brenner, the chairman of IG Metall, had urged the DGB leadership in a letter to stand by its position of opposition to emergency legislation, whereupon the DGB had claimed control over the issue since it affected all the unions. The position of the trade unions – especially IG Metall – became more entrenched in the summer of 1962. The situation was no doubt aggravated by a comment by Hans Constantin Paulssen, president of the Federal Association of German Employers' Federations, in June 1962. Asked why the employers had not simply rejected the unions' demands in the latest engineering pay round, he had replied that industrial disputes were such a "political liability" that "without emergency legislation and provision for state intervention" the risk could not have been taken.⁴⁸

Of course, it should not be forgotten that at its 1962 congress IG Metall had already retreated from its two-year-old strike decision: it would not strike against a two-thirds majority of the *Bundestag*. Anyway, a general strike was the affair of the DGB, which would have to call it if the rights of the unions were curtailed. This decision was accepted by the DGB's federal committee on 24 June 1962: "If civil liberties or the independent trade

47 SPD (ed), *Protokoll der Verhandlungen und Anträge vom Parteitag der Sozialdemokratischen Partei Deutschlands in Köln, 26. bis 30. Mai 1962* (Bonn, undated), p. 582 f.

48 See, for example, the *Frankfurter Allgemeine Zeitung* of 20 June 1962

union movement are endangered it is the duty of the German Trade Union Federation to call a general strike.”⁴⁹ At its Hanover congress of October 1962 the DGB adhered – in a resolution adopted by 276 votes to 238 (54% to 46%) – to its policy of principled opposition to legislation on a state of emergency, which IG Metall’s abandonment of its strike threat had helped to make possible. In view of the importance of the unions as “guarantors of the democratic governmental and social system” and after a profession of allegiance to the Basic Law’s “democratic and social state under the rule of law” (Article 20, paragraph 1, and Article 28, paragraph 1) the congress rejected “any additional legal provisions governing the state of emergency and emergency service, as both projects are likely to curtail basic civil liberties, especially freedom of association, the right to strike and the right freely to express one’s opinion, and to weaken the democratic forces in the Federal Republic”.⁵⁰

The debate on this resolution revealed the differences of opinion between the unions. One of the chief advocates of the SPD line was Georg Leber, chairman of the Construction Union, supported by representatives of the Mining and Power Union, the Railwaymen’s Union, the Post Office Union and the Education and Science Union; in his opinion it was no longer a question of whether legislation would be introduced, merely of what form it would take. This view was resolutely opposed by IG Metall, in particular, and also by the delegates of the Printing and Paper Union, Chemistry, Paper and Ceramics Union and Trade, Banking and Insurance Union.

A few days later, on 31 October 1962, Höcherl tabled a new bill. He could hardly have chosen a worse moment. The “Spiegel” affair had just strengthened the unions’ (and others’) misgivings about excessive government powers. The November 1962 negotiations over the formation of a Grand Coalition also increased reservations about the Höcherl Bill, though it did contain a number of important changes. For the first time a distinction was drawn between internal and external danger and the institution of an emergency committee as an emergency parliament was mooted; the possibility of restrictions of fundamental rights, and the right to issue emergency decrees, remained similar to the 1960 Schröder bill.

This bill also encountered severe criticism from the SPD and the unions. In 1963–4 the opposition widened and became more differen-

⁴⁹ Protokoll der Sitzung des Bundesausschusses des DGB am 24. 7. 1962, p. 12 (DGB-Archiv), published in *Die Quelle* 8, 1962, p. 338

⁵⁰ Protokoll des 6. ordentlichen Bundeskongresses des DGB, 22.–24. 10. 1962 in Hannover (Düsseldorf, undated), p. 960 ff.

tiated. The arguments within the SPD became more incisive; the SPD's South Hesse district, in particular, achieved a sharp profile as opponents of legislation. Individual trade union congresses discussed public education and mobilization campaigns. The DGB leadership argued about the practical, political interpretation of the congress decision. Their means of exerting influence were, however, still confined to appeals to the prime ministers of the *Länder* and the federal deputies to reject the proposed legislation. But the development of a broad-based opposition movement would not have been feasible without the commitment of the Socialist German Student Union (SDS), the "Campaign for Disarmament" and IG Metall, which stepped up its information work towards the end of 1964, when the passage of emergency legislation seemed imminent.

Early 1965 saw a surge of public protest against an apparently impending agreement between the government and opposition parties on the emergency legislation; 215 professors, for example, appealed to the DGB in March 1965 to stand firm by the 1962 decision. But the DGB federal executive decided on 2 February and 4 May 1965 not to call for public rallies against the legislation. Instead it brought its influence to bear in talks and in a letter to all the *Bundestag* deputies on 15 May. So the DGB failed to live up to the expectations of the university protesters as forcefully as they would have liked. Nevertheless, collaboration between the protest of universities and intellectuals, which manifested itself in a congress, "Democracy faced with an emergency", held at Bonn University on 30 May, and the trade union opposition henceforth characterized the debate on emergency legislation, which from this point of view was a continuation of the nuclear armament controversy of the late 1950s.

It was probably due, at least in part, to pressure from the trade unions and the growing opposition of party organizations and public opinion that the SPD party executive, Shadow Cabinet and party council unanimously decided in Saarbrücken on 29 May 1965 to reject the emergency constitutional provisions as tabled by the *Bundestag's* legal committee under Ernst Benda (CDU). A balance sheet of twelve points (compared with the seven points of Cologne) and the "old" demands were repeated. In accordance with SPD's position, this bill also failed to gain the necessary two-thirds majority, after it had been presented against the votes of the SPD on the legal committee. But the years of deliberation in committee and the – secret – inter-party meetings of May 1965 had reinforced expectations that the law would probably be passed before the general elections of September 1965. The unions, in particular, were blamed by supporters of the bill for the SPD's turn-about. The CDU seized the opportunity to portray the SPD as the "prisoner of the unions" in its electoral propaganda. Partly

for this reason the SPD found it necessary to emphasize its independence. In July 1965, Willy Brandt, the SPD's candidate for Chancellor, explicitly repudiated the union view, as formulated at the DGB's Hanover congress, that the provisions of the Basic Law and the constitutions of the Länder were sufficient to meet emergencies. Furthermore, he stressed the legitimacy of the SPD's position in terms of party (conference) decisions.

If the negative vote of the SPD had prevented the adoption of the constitutional amendment, the "simple" emergency bills (simple because they only required a simple instead of a two-thirds majority) were passed – bills on the economy, food supplies, transport, water supplies, civil protection, self-protection and protective building. Except for the water supply bill, the SPD voted against them. The bills had anyway been pushed through in far too much of a hurry, as demonstrated by the fact that, owing to subsequent amendments in view of the tight financial situation, the protection bills could not be brought into force until 1968.

After the *Bundestag* elections of September 1965, which once again enabled Erhard to form a CDU/CSU and FDP government, Paul Lücke took over at the Interior Ministry. He tried from the start to cultivate contacts with the SPD and the unions. The fact that the inter-party "Commission of Twelve" commenced work on the preparations for emergency legislation in March 1966 also indicated a "new style", which offered the SPD parliamentary party an opportunity to "co-operate". The SPD group's policy hitherto was given broad support at the party conference in June 1966. An attempt by the South Hesse district to gain a majority for its own position of fundamental rejection of emergency legislation, in view of the risk of a breach between the SPD and the unions, was lost by some 25–30 votes.

In the meantime there was some movement in the internal union discussions. Admittedly, in September 1965 IG Metall once again expressed its opposition to any form of legislation governing emergencies, and in May 1966 the DGB confirmed its 1962 decision by 251 votes to 182 (58% to 42%) after an impassioned debate.⁵¹ But the resolution did not speak of a fundamental rejection of any form of emergency legislation; instead, certain specific conditions were advanced: "The unions continue to reject any emergency legislation that curtails democratic rights, especially in so far as it threatens the rights of assembly and association and the right to strike of the wage earners and their organizations." It should be noted, however, that even the 182 delegates who voted against the resolution did

⁵¹ Protokoll des 7. ordentlichen Bundeskongresses des DGB in Berlin, 9.–14. 5. 1966 (Düsseldorf, undated), p. 12 f.

not do so because they supported the bill tabled earlier, but because they wished to express their view that the DGB should take an active part in discussions on the emergency laws in order to obtain improvements.

To outward appearances, then, the appeals of the emergent extra-parliamentary opposition to the DGB had met with success; but in the internal DGB discussions the minority position prevailed. The DGB's emergency legislation commission set up in September 1966 at Brenner's instigation did vote in favour of the unions taking part in the congress planned for 30 October 1966 by the committee entitled "Democracy in Danger" (Notstand der Demokratie). But after an argument in the DGB executive it was decided that the DGB would take no part in the committee or in the congress. Consequently, only a handful of unions were represented at the congress at Frankfurt am Main: the Engineering Union; Chemicals, Paper and Ceramics; Printing and Paper; Commerce, Banking and Insurance; Wood and Plastics; and Leather. The "Democracy in Danger" committee, set up in August 1966, was based in IG Metall's building in Frankfurt, and the union also gave the committee financial assistance, though it was not prepared to give it a general policy mandate. The congress of 30 October 1966 was simultaneously the culmination and the conclusion of the united protest movement of students, academics and trade unionists, the collapse of which became fully apparent in "May '68" when the emergency laws were adopted.

4. *Under the impact of the "economic miracle": social change, organizational problems and a new policy direction*

Full employment, stable prices, rises in real wages and reductions in working hours – all these things meant that large numbers of working people were able to share in the growing prosperity of the 1950s (Tables 3c, 4b and 5b). The improvement in living standards, security in times of crisis and the increase in leisure had consequences which, though perceived at an early stage by the unions, were not fully analysed in terms of their implications for union activities.

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Economic development, particularly the experience of the "economic miracle" could not fail to affect the consciousness of working people. All those who hoped that the continued existence of the private capitalist economic order would "necessarily" lead to a unified worker consciousness

were – once again – disappointed. The National Socialist dictatorship and the upheavals of war and the post-war period had left deep traces in the minds of the workers. This was demonstrated by a sociological survey carried out in 1953–4 into the political awareness of iron and steel workers; apart from the feeling of “us down here” and “them up there”, there were scarcely any detectable signs of a positive class consciousness or sense of solidarity.⁵² The trade unions were also faced with the problem that “them up there” not only included the management and government, but also, in many cases, the works council and the union machinery.⁵³

The upheavals in the traditional working class environment, which had been a major source of support for the unions, were bound to have implications. The effects of the war, refugees and deportees, the recruitment of foreign workers and the increase in internal migration shook up the traditional areas of working class housing. The trend towards “living where the grass is green” and the construction of residential estates outside city limits aided the development of socially mixed housing areas, with the result that the old solidarity networks were lost.

But it would be wrong to blame the trade unions and their home building policy, as represented by “Neue Heimat”, for the disappearance of this milieu. The reconstruction of entire neighbourhoods and suburban housing estates was brought on by the acute housing shortage and the wishes of many of those in need of a home who were not attracted by the romantic aspects of overcrowding, backyards and kitchens doubling as bedrooms. But the new life style in the seclusion of one’s own flat, the increasingly prevalent family evenings round the TV, the long car journey to and from work undeniably encouraged individualistic tendencies, which were also underpinned by a dismissive attitude towards all collective arrangements, after the experiences of the Third Reich. By the same token, the new way of life created and reinforced similar needs in manual and white-collar workers, which led to the erosion of social differences.

After the catastrophe so recently experienced, the desire for security became one of the most important principles governing people’s lives. Promotion at work, the security of the family, improved opportunities for consumption and a refusal to take an active part in politics characterized the life style of a great many working people. A career was increasingly felt

⁵² Heinrich Popitz, Hans Paul Bahrtdt, Ernst August Jüres and Hanno Kesting. *Das Gesellschaftsbild des Arbeiters. Soziologische Untersuchungen in der Hüttenindustrie* (Tübingen, 1957), especially p. 237 ff.

⁵³ Heinz Kluth. *Im Spannungsfeld der Organisationen*, in *Die Neue Gesellschaft* 1961, pp. 7–15, especially p. 14 f.

to be the same as paid employment; one's true desires were realized through leisure not at work. After people had acquired the basic necessities once again, they saved for the more lasting consumer goods such as a refrigerator, followed by a television set, a car, camping equipment and travel – and, before long, Mediterranean holidays. On a scale hitherto unknown, the social reality of large sections of wage earners was determined by “quality of life” in the form of leisure and pleasure.

This improvement in the standard of living was attributed to the market economy by many wage earners – especially as the poverty and distress of the war and the post-war period and the relatively slow economic recovery in the GDR could be seen as examples of the consequences of state intervention in the economy. The “economic miracle” was the precondition for the broad recognition won by the “social market economy”. Linked with this, large sections of the working population had a favourable attitude towards the private capitalist economic system, favourable at least in the sense that they believed it made a just solution to conflicts of interest possible. Moreover, many wage earners appeared to question the need for trade unions; individual promotion was seen by many as just as likely to improve their position in life.

Also large numbers of working people increasingly saw themselves as belonging to the middle class. As production grew progressively more technical, specializations and qualifications changed and as a result the workforce became increasingly fragmented. Whereas well-qualified skilled workers in a professional position could attain the income level and living standard of senior white-collar workers, the semi-skilled and unskilled, particularly women, remained on the lower rungs of society. Among civil servants and salaried staff, who had increased as a proportion of the working population between 1950 and 1960 from 20 per cent to 28.1 per cent, there developed the “special consciousness” that derived its sustenance from stressing their “differentness” from the workers. Clean office jobs, educational qualifications, proximity to management, better security socially and in industrial law and an income that rose with age all confirmed, along with higher social prestige, the white-collar workers' sense of their own worth. They considered all forms of collective representation of interests dispensable, if not actually “beneath their dignity”. Although there was a process of social levelling between manual and white-collar workers in the 1950s, many of the latter clung on to their belief that they were the real representatives of the “new middle class”.

But it is questionable whether one can adequately describe this development as a “levelled-off middle class society”, a “levelled-off petty bourgeois, middle class society, that is no more proletarian than it is bourgeois,

that is, one that is characterized by the loss of class tension and social hierarchy".⁵⁴ Certainly, there was no mistaking the tendencies towards erosion of the income differences between manual and white-collar workers and fairer access to consumption and entertainment, a fact which led to the question (alarmed or hopeful according to viewpoint), "Is there still a proletariat?"⁵⁵ But in terms of their subordinate status at work, the greater risk of unemployment, and the frequently frowned-upon manual nature of their work, discrimination against the working class continued to be a recognizable fact. The workers were not simply absorbed into the mass of the working population. And from the point of view of society as a whole, the "ideal" of the levelled-off middle class society all too obviously took no account of the problems of uneven wealth distribution, inequality in educational opportunity and differing ability to exert economic and political influence. Such problems could only be passed over because they no longer mattered much to large numbers of wage earners. As they retreated into the private sphere people tended to confine themselves – to a certain extent understandably, in view of past experience – to a spectator role in politics, a trend which also affected the trade unions.

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As we have seen, the shift in the consciousness of "the wage earner" could not fail to have implications for the unions. Although they were able to point to successes in collective bargaining and social policy, this did not cause a marked influx of new members. The statistics, which show a steady rise in membership from 5.4 m in 1950 to 6.57 m in 1965 (Table 1c), are misleading. For measured against the increasing number of people in paid employment, which rose from 14.5 m to 21.6 m over the same period, this was certainly not a particularly impressive performance. Even counting the white-collar union DAG, whose membership increased from 343,000 (1951) to 475,00 (1965) (Table 1c), the degree of organization fell between 1951 and 1965 from 38.6 per cent to 32.6 per cent.⁵⁶

54 Helmut Schelsky. *Wandlungen der deutschen Familie der Gegenwart. Darstellung und Deutung einer empirisch-soziologischen Tatbestandsaufnahme*, 2nd ed. (Stuttgart, 1954), p. 218

55 Hans Paul Bahrdt. *Walter Dirks at al., Gibt es noch ein Proletariat?* (Frankfurt, 1962, 2nd ed. 1969)

56 According to Wolfgang Streeck. *Gewerkschaften als Mitgliederverbände. Probleme gewerkschaftlicher Mitgliederrekrutierung*, in J. Bergmann (ed), *Beiträge zur Soziologie der Gewerkschaften*, pp. 72–110; these figures p. 102

This development was due to a number of quite different factors. Let us look first at the changes in the structure of the working class, which had a direct impact on the development of individual unions. The drop in employment caused by the declining importance of certain industries directly affected the unions concerned. From 1950 to 1965, the membership of the Leather Union fell from 95,000 to 74,000; Horticulture, Agriculture and Forestry went down from 98,000 to 67,000; the Woodworkers from 180,000 to 121,000; Textiles and Garments from 387,000 to 310,000; and Mining and Power from 534,000 to 319,000. The real growth unions were those in the growth industries: the Engineers' Union, IG Metall (up from 1.28 m to 1.74 m); Public Services, Transport and Communications (from 726,000 to 970,000), Chemicals, Paper and Ceramics (from 389,000 to 496,000), Construction (from 376,000 to 436,000) and the German Post Office Union (from 190,000 to 323,000). Membership showed little increase, on the other hand, in Printing and Paper (122,000 to 129,000) and Food, Beverage and Allied Trades (244,000 to 256,000).

But all the trade unions recorded a drop in the degree of organization between 1950 and 1965. In IG Metall it fell from 53 to 34.2 per cent; in Chemicals from 51.3 to 36.6 per cent; and in Construction from 30.2 to 19.2 per cent. It remained conspicuously high in the miners' union, however; although it was an industry that was shortly to be racked by crisis it had "only" experienced a decline in organization from 90.4 per cent (1950) to 68.5 per cent (1965).

Even in the 1950s the unions obviously found it hard to keep up with the changes in the structure of the working population. Although the proportion of workers to total trade union membership fell from 83.1 per cent (1950) to 77.8 per cent (1966) and the proportion of white-collar workers and civil servants increased from 10.4 to 13.2 per cent and from 6.5 to 9 per cent respectively, manual workers were still greatly over-represented, considering that they made up "only" 59 per cent of all wage earners. The trade unions were thus slow to take account of the changes in the labour force, and did so only incompletely.

The trade unions did not succeed during the 1950s in making any substantial breakthrough in organizing white-collar workers. Whereas the degree of organization among manual workers was about 40 per cent in the early 1960s, the corresponding figure for white-collar workers – DGB and DAG unions combined – was about 18–19 per cent.⁵⁷

⁵⁷ *ibid.* p. 103 f.

The organization of women also left much to be desired. The proportion of women members remained unchanged from 1950 to 1965 at about 16 per cent. Yet at least in this area the unions, which had adopted guidelines on female labour as long ago as 1949,⁵⁸ were able to keep pace, organizationally, with the increase in working women – though without improving their weak position.

Problems were also caused by the trend towards an ageing membership. While in 1963–64 only 51 per cent of male wage earners were over 35 years of age, they comprised 72 per cent of union members.⁵⁹ By stepping up their work among young workers from the beginning of the 1960s, the unions attempted to improve the age structure of the membership. They were concerned not simply with vocational qualifications but also – and more especially – with cultural events and political mobilization, the main thrust of which was symbolized by the youth magazine “ran”, launched in 1970.

Changes in economic and social structure, on the one hand, and the experiences of the “economic miracle” and the Cold War on the other left their stamp on the unions’ organizational successes. With the increase in white-collar workers and the growing number of working women, the recruitment of foreign workers and the integration of refugees and exiles boosted the number of wage earner groups who could only be organized with some difficulty. Recruitment was complicated by the survival of the status-minded outlook peculiar to white-collar workers, the specific problems of gender-stereotyping among women, the concentration on short-term income goals and political wariness among refugees and exiles and, in addition, linguistic barriers and traditional ties among foreign workers.

The skilled male worker continued to form the backbone of the trade unions; the unions were also strong in large companies and big cities. The results of the works councils elections in 1963 and 1965 illustrate the relative strengths of the unions: the DGB won 82.2 and 82.7 per cent respectively; the DAG 3.6 and 3.4 per cent; other organizations (including the CGB) 1 and 0.7 per cent and non-organized 13.2 per cent. In the staff council elections of 1962 and 1966, the DGB won 73.6 and 74.8 per cent

58 Protokoll. Gründungskongress des DGB, München, 12.–14. Oktober 1949 (Cologne, 1950), p. 337 f. and Geschäftsbericht 1950–51, ed. DGB-Bundesvorstand (Düsseldorf, undated), p. 599 ff.

59 Walter Nickel, *Zum Verhältnis von Arbeiterschaft und Gewerkschaft. Eine soziologische Untersuchung über die qualitative Struktur der Mitglieder und des Mitgliedspotentials der Gewerkschaften in der Bundesrepublik Deutschland* (Cologne, 1972), p. 119

of seats respectively.⁶⁰ Although the DGB lists were overwhelmingly successful in works council and staff council elections, this cannot disguise the problems of membership structure. The unions had still found no reply to the changes in economic structure; nor did the stepping-up of agitational work at the beginning of the 1960s pay any quick dividends. Not until the political climate shifted did the trade unions catch up with the processes of social change from the mid-1960s.

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How did the unions try to face up to this change in social reality and political *Zeitgeist*? At the end of the 1950s one approach seemed to be to strengthen the power of the organization and the leading role of the DGB; and, secondly, there were plans to replace the 1949 document "Principles of economic policy" with a new programme.

Let us first consider the efforts to reform the organization. In view of the differing strengths of the unions it is not surprising that there were repeated clashes between the unions over the duties and influence of the DGB. Whereas the smaller unions, whose mouthpiece was Georg Leber of the Construction Union, supported the strengthening of the DGB, the representatives of the large unions, headed by Otto Brenner of IG Metall, saw this as a threat to their own influence. At the DGB's 1959 congress in Stuttgart the opposing views collided head on. The conflict over the status of the DGB was eclipsed by discussions on the preparations for a new union programme, which had the backing of Willi Richter, DGB chairman since 1956, and Ludwig Rosenberg, head of the DGB federal executive's economics department. At any rate, it was decided to reform the structure of the DGB trade unions. The aim was to tighten up the decision-making structures and provide the DGB with more money and wider powers.

Three years later, at the Hanover congress of 1962, a number of changes to the statutes were adopted.⁶¹ There was evident caution in the approach to radical reforms designed to standardize the structure of the individual unions and strengthen the umbrella organization. The executive board of the DGB was authorized to "take the necessary steps in matters of particular importance, if a decision cannot be deferred". Moreover,

60 Geschäftsbericht des Bundesvorstandes des DGB 1962-1965 (Düsseldorf, undated), p. 153; the same source 1965-1968, p. 128

61 DGB (ed), Protokoll. 6. Ordentlicher Bundeskongress Hannover, 22. bis 27. Oktober 1962 (Düsseldorf, undated), p. 991 ff.

Paragraph 3 of the statutes stipulated that “the decisions and guidelines of the federal congress, federal committee and federal executive shall be binding” not only on the DGB but also on the trade unions.

But in view of the efforts in the 1960s to strengthen internal union democracy, the consolidation of the position of the DGB federal executive vis-à-vis its member organizations was bound to raise problems. For one thing, the federal executive’s powers over the DGB districts and regions were extended – particularly remarkable was the fact that the elected district and regional executive members could be removed from office by the federal executive. For another, the DGB districts lost their right to submit motions direct to the federal congress. The organization of the DGB was thus centralized, but it is open to question whether this amounted to a strengthening of the organization as a whole.

It was probably the fact that the SPD was on the point of drawing the policy conclusions from the changes in the social and political landscape in the 1950s with its Godesberg Programme, and the inadequacy of their own programme, that led to the decision of the DGB’s 1959 congress in Stuttgart to draw up a new programme. The discussions on the reform of the statutes had not only been characterized by the divergent interests of the large and small unions but also by the clash over the unions’ aims and strategy. So it was no coincidence that those who sought an increase in the DGB’s power were also in favour of a policy review. It was Georg Leber, more than anyone, who now wished – in the wake of the Godesberg Programme – to commit the unions to recognizing the democratic republic and the established economic system. Social partnership and the consistent representation of economic interests on the basis of the status quo were the watchwords. Leber’s most prominent supporters were Heinrich Gutermuth of the Mining and Power Union and the DGB executive, which was headed from 1962 by Ludwig Rosenberg.

Who was the new DGB chairman, whose personal charisma went a long way towards extinguishing the trade union movement’s traditional image of cloth cap and class struggle. Ludwig Rosenberg was born in Berlin in 1903, the son of a businessman. After attending grammar school he joined the family business. In 1923 he joined the Social Democratic Party and took an active part in the Hirsch-Duncker white-collar trade union, for which he started working full-time in 1928. As a Jew and a trade unionist, he was forced to flee from the National Socialists, and from 1933 to 1946 he lived in exile in England, where he worked as a journalist and lecturer and belonged to the English branch of the German trade unionists’ organization. On his return to Germany he took up a post as a secretary at the British zone secretariat in Bielefeld, and from 1948 with the trade

union council in the united zones. From 1949 he worked for the DGB's federal executive, until 1952 as head of the foreign department; from 1954 on he was head of the economic department. In the arguments over Viktor Agartz's proposals on economic policy, Rosenberg became well-known as a champion of free-market ideas. This fact – along with an adaptability based on tolerance – recommended him for the post of the DGB's vice-chairman in 1959, before taking over as head of the organization in 1962.

His adaptability and his diplomatic skills were to be much in evidence in 1963, in the clashes over the “programme of principle”, in which (naturally) IG Metall and Otto Brenner also figured. Unlike Rosenberg, Brenner took the view that Germany was still a class society. To him things were clear: “The dependent position of working people, their modest share in the national product, their general insecurity remain unchanged – not only do these live on, but so do, most importantly, the power and influence of the entrepreneurs, the enormous profits generated by the economy, which are financed and augmented at the expense of the consumers and the working people. In a word, the class society lives on.” Brenner drew the conclusion that the unions should stand by the demands of the Munich Programme for “the transfer of the key industries into public ownership, co-determination and national economic planning”.⁶² At IG Metall's 1960 congress he also championed the central demands of 1949, since the new programme was supposed to be an “improvement and not a dilution of the old one”.⁶³

At the sixth DGB congress in Hanover in 1962 the opposing political viewpoints collided head on in the debate on the emergency legislation. The policy debate, on the other hand, was adjourned to an extraordinary congress as there had not been enough time to discuss the draft programme properly in the trade union organizations.

The following months were, in fact, devoted to the discussion. At the DGB's Düsseldorf congress of 1963, 262 amendments were submitted, many of them taking issue with the failure to adapt to existing conditions criticized by many of the movers. The influence of the critical motions was evident in, for example, the preamble⁶⁴, which emphasized, in the version adopted, that the “capitalist economic system has denied the worker social equality, subjected him to the arbitrary decisions of the

62 Otto Brenner, *Soziale Sicherheit und gesellschaftlicher Fortschritt*, in *Protokoll des 5. Gewerkschaftstages der IG Metall* (Nuremberg, 1958), p. 196 ff.; these quotations pp. 204 and 215

63 *Protokoll des 6. Gewerkschaftstages der IG Metall*, 1960, p. 230

64 *Protokoll. Ausserordentlicher Bundeskongress des DGB in Düsseldorf*, 21. and 22. November 1963 (Düsseldorf, undated), p. 449 ff.

employer, abandoned his labour to the laws of the market, subordinated his social security to the scramble for profit, and causes social evils and crises". And with an eye to the debate on the emergency legislation, the preamble assured that the DGB and the unions were combating "all attempts to restrict or lift the rights enshrined in the Basic Law of the Federal Republic".

Thus the "basic programme" adopted in Düsseldorf in 1963, with Ludwig Rosenberg now heading the DGB, showed signs of an integration of the differing positions. It was based on a far-reaching recognition of the economic and social structure that had developed in the post-war period. The profession of faith in the "social market economy" was, however, complemented by a demand for state controls, from the national accounts to the socialization of key industries, as instruments of an economic policy committed to an economic system in keeping with the free development of the individual and human dignity. Bipartite co-determination was one of the key demands relating to orderly administration. Taking up the ideas of an anticyclical economic policy, the trade unions took the view that the crises in economic development could be softened, if not avoided altogether, by means of counter-measures applied by the state.

To the principles of economic and social policy of 1949 were also added aims in the sphere of cultural policy. Starting from the basic idea that a democratization of society was only possible if the education system was also democratized, the programme demanded reforms in both vocational training and school and college education to give easier access to courses and create equality of opportunity. With this extension of their programme, the unions drew the logical conclusions from their own practice, which was not solely concerned with industrial disputes and social policy initiatives but also with the Ruhr festival in Recklinghausen, the Gutenberg book club, the federal association "Arbeit und Leben", the "Academy of Labour" in Frankfurt, the DGB culture prize and so on.

But the programme was not all of a piece. It contained theoretical criticism of capitalism with recognition of the market economy side by side, without combining them into a unified model of society or even a consistent strategy. It was an attempt by the unions to keep up with the times, to be "modern" – and they allowed themselves to be carried away by optimism with regard to the avoidability of capitalist crises and the chances of social levelling. The optimism was to set its stamp on the decade that followed.

The recognition of the economic status quo in the DGB's programme did not, however, go far enough for the Federal Union of Employers' Associations. It considered that a number of "the DGB's demands, which

are in contradiction with our free economic and social system, [. . .] would be bound to have damaging implications for the whole nation if implemented". In particular, the demands for an extension of co-determination, central control measures, lasting redistribution and the transfer of key industries into public ownership showed, the employers claimed, that the DGB saw only the unions' rights and not their obligations as the "joint guardians of our free social system".⁶⁵

This established the fundamental viewpoints of unions and employers as they entered a decade of social reorganization and modernization. The trade unions as a force for social reform, striving, above all, for a democratization of the state and society on the basis of existing conditions; the employers as defenders of a free economic system which – in their eyes – had proved itself and had to be protected against any claims by the state or the unions to a say in its running.

The fact was, the adoption of the "basic programme" had not managed to resolve the tensions between union demands on the future and the unions' current demands. It exposed the need, which was acted on a few years later, for a revision of the 1955 action programme. "Successes in the implementation" of this programme "and the rapid changes in living and working conditions made it necessary to adapt it to social developments", stated the DGB report for 1962–65.⁶⁶ The action programme presented to the public at a press conference on 23 March 1965 differed from its predecessor on several major points. With ten chapters instead of five, and headed by a preamble, it was partly an optimistic summary of union successes hitherto and partly a pledge to continue working for the goals still to be attained.

The "basic programme" of 1963 had already enlarged the political problem areas which the unions saw as their field of action; the action programme adopted the same approach. Alongside the traditional demands for shorter working hours, wage rises, improvements in industrial safety, the extension of co-determination, the just distribution of wealth and the safeguarding of jobs, it also addressed the question of "social infrastructure", particularly the areas of education, housing and health. But the new demands had a fundamentally pragmatic character that was unparalleled. The collective bargaining aims were a thirteenth month's wages, the provision of "fringe benefits", a contribution towards the just distribution of

65 Reprinted in Arno Klönne, *Demokratischer und sozialer Rechtsstaat. Dokumente zur Gewerkschaftspolitik* (Bochum, 1964), p. 133 f.

66 *Geschäftsbericht des Bundesvorstandes des Deutschen Gewerkschaftsbundes 1962 bis 1. Halbjahr 1965* (Düsseldorf, undated), p. 6; also sets out the action programme

wealth and four weeks' minimum holiday. The list of demands also contained calls for the reduction of the general retirement age, adequate legal protection for tenants and the introduction of a tenth year of schooling. But as Otto Brenner, the chairman of the action programme commission, emphasized at the press conference, the centrepiece was the introduction of full economic co-determination throughout the economy. The demand for co-determination advanced to become the unions' prime objective in the 1960s, and there was scarcely any internal disagreement over this. The DAG also gave a large measure of backing to this demand at its 1963 congress, but insisted that greater account should be taken of the white-collar workers' special position in the Company Statute Law. The Catholic Labour Movement, too, professed its support for an extension of bipartite co-determination to all large concerns in its declaration of principle on social matters of 24 April 1964.⁶⁷

The DGB's action programme was released in the spring amid a blaze of publicity and was the focal point of the 1965 May Day rallies. Whether the individual demands kindled much enthusiasm is open to doubt; in any case, it was not mass mobilization that presented the unions with real opportunities to achieve their aims but the changes in the political landscape that took place in the mid-1960s.

⁶⁷ The DAG and KAB documents are reprinted in Klönne, *op. cit.*, p. 135 ff.