

COMMON SENSE

Journal of Edinburgh Conference of Socialist Economists



- *NAZISM & THE WORKING CLASS*
- *BOSNIA*
- *THE SCOTTISH ROOTS OF CIVILISATION*
- *TONI NEGRI ON CONSTITUTION*
- *REVIEWS: 'MARX AND FEMINISM'*
& 'TIME, LABOUR & SOCIAL DOMINATION'

16

COMMON SENSE**E**
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Bosnia, Bohemia & Bilderberg: The Cold War Internationale

Alfred Mendes

To elicit some sense of logic out of current events - with America firmly ensconced in the role of 'World Policeman' and the entry of NATO on to the Balkan scene - it is necessary to recall some crucial events from 1917 onwards.

The vast wealth amassed by the Vanderbilts, Astors, Morgans and other suchlike at the turn of the century fuelled the extraordinary growth of the American mass-production machine, and the resultant corporations were soon looking abroad with the intention of extending their interests. On the other hand, the Bolshevik's seizure of power in Russia in 1917 created, in effect, a call to wage-earners worldwide for the setting up of a marxist system of social distribution of wealth - the very antithesis of the capitalist system of garnering profit from the wealth created by labour. The corporatists now had little option but to commit themselves to the destruction of this subversive, marxist threat, even though this entailed the dubious - if not impossible - concept of the destruction of an Idea, an Ideal! Above all, they had to avoid this dichotomy being seen as one of ideology per se, the inequity inherent within their capitalist system being too vulnerable to scrutiny. No, the struggle had to be seen by their public as one of 'Good Nation' against 'Evil Nation'; 'White' against 'Red'. This would be made easier both by ownership of the means of communication - the media - and the subornation of political parties of all shades outside of America (as in Italy post-World War 2): the weak left in America itself would be squashed by bâton and gun.

Such was the ideological impasse that lay at the root of all subsequent events, and it is therefore essential to look more closely at the role of corporate America, the key stall-holder in the world market, and the group that would stand to lose the most in the case of failure. For them, political control was now important: politicians could not be entrusted with the task of avoiding, repudiating the temptations of this new ideology. Control was accomplished in two ways:

(1) By direct secondment of top company executives to high government posts, thus skirting the democratic process. An example of this was the fact that in the first two years of Truman's presidency, of the 125 principal appointments made: 56 were corporate lawyers, industrialists and bankers (one of whom, James Forrestal of Dillon, Read & Co., was probably the earliest and most vigorous promoter of what was soon to be known as the 'Cold War'); and 31 were high ranking military officers.

And (2) by the formation of the influential 'advisory' groups. A survey of these reveals that, contrary to the popular view of America as the epitome of a

pluralistic, competitive society of 'rugged individuals', its corporations display a very high degree of cohesion of purpose, and this cohesion is exemplified by their manifest urge to form cabalistic groups, many of a pseudo-social character. This is a phenomenon that should come as no surprise to anyone who has attended an American university, with its fraternity-ethos which invariably leads to the masonic lodge on graduation. Indeed, when it is recalled that the first president, Washington, and nine of the signatories to the Declaration of Independence in 1776 were known freemasons, and that subsequent rituals used for both Washington's inauguration and the laying of the Capitol's cornerstone were masonic- then it would seem that this phenomenon has certain traditional roots.

The result is such groups as:

(1) **The Business Council**: a government advisory body holding immense political clout since 1936, when President Franklin D. Roosevelt (FDR) commissioned it to draw up his Social Security Act, thus helping to diffuse a potentially revolutionary situation. (It is interesting to note that from FDR onwards, the only time that the Business Council withdrew from its advisory status was in the latter part of JFK's presidency, after its confrontation with him in 1962).

(2) **The Bohemian Club**, with its prestigious membership and its 127-lodge Grove Camp north of San Francisco on the Russia river - where, for instance, the atom-bomb Manhattan Project was conceived in 1942 at the prompting of physicist Professor Ernest Lawrence.

(3) **The Euro-American Bilderberg Group**, formed in 1954 to serve as a forum for lobbying at the highest political level in order to ensure that consensual policies were adopted by the West in general, and signatories to the NATO Alliance in particular. Implicit within the structure of this group, with its publicised claim to having no formal organisation; no 'membership' as such; no charter, and no elected officers is its unaccountable, autocratic nature. However, the very fact that it has a chairman (currently Lord Carrington), a steering committee, and annual conferences surely means that - contrary to the claims above - it has a formal organisation. All doors to the seats of power are open to the Bilderberg.

The inevitable interlocking of membership among such groups resulted in the creation of an intricate web of influence (The Bohemian Club, with tongue in cheek, cautions its members - and equally influential guests - on entry to the Grove: "Spiders Weave Not Here!" - as if a spider could exist without weaving its web!). The following table covering nine of such clubs/groups illustrates concisely the complexity and scale of the web, as it existed in the early 1970s. (Two points: the Bilderberg is not included because of its structural ambiguity noted above, and it must be kept in mind that each figure represents a top-ranking executive in the American military/industrial/banking complex):

KEY:	BO	= Bohemian Club	PU	= Pacific Union
	CA	= California Club	RA	= Rancheros
	LI	= Links Club	CE	= Century Club
	BC	= Business Council		
	CFR	= Council for Foreign Relations		
	CED	= Council for Economic Development		

	BO	PU	CA	RA	LI	CE	CFR	CED	BC
BO									
PU	252								
CA	136	96							
RA	40	20	45						
LI	67	69	33	1					
CE	22	8	7	1	57				
CFR	34	25	15	1	108	332			
CED	20	24	17	2	60	23	52		
BC	27	24	14	2	77	12	42	49	*

Two notorious, well-documented examples of the use to which this influence was put are:

1) In Iran, mid-'53, the Americans deposed Mossadegh, President of Iran who had nationalised the Anglo Iranian Oil Company (AIOC) (latterly BP) in 1951, and installed the Shah by means of a CIA operation codenamed 'AJAX'. Legal counsel for the AIOC had for years been the distinguished New York Corporate law firm, Sullivan & Cromwell, the senior partners of which were the Dulles brothers (another partner was Arthur Dean, who was later a co-chairman in the Bilderberg for some years). At the time of the coup, John Foster Dulles was Secretary of State; Allen Dulles was CIA Director. It is worth adding here that the AIOC was financed from its early years by the Industrial Bank of Iran, an offshoot of the German Schroeder banking house (about which, more later).

2) In Guatemala, June '54, a CIA-sponsored coup d'état removed the reformist, constitutionally elected government of Jacobo Arbenz Guzman (a land-owning, military officer), and replaced it by a military dictatorship. Arbenz had, in 1953, expropriated, as part of his much-needed agrarian reform, large, uncultivated tracts of land belonging to the American United Fruit Company (UFC), whose earlier predatory incursion into Central America had caused the area to be known as 'the Banana Republics'. For years, the counsel for the UFC had been Sullivan & Cromwell, and at the time of the coup the Dulles still held the posts they had held in 1953. Indeed, John Foster Dulles was also a large stockholder in the UFC. This coup, incidentally, was a blatant violation of Article 15 of the, US-inspired, Organisation of American States (OAS) which specifically forbade any interference - political or military - by one state in the affairs of any other state.

These examples of corporate power-wielding reveal the lack of any democratic accountability, as well as a disregard of national frontiers, this latter aspect due largely to the now-multinational nature of the corporations. There were even a number of cases in the 30's and 40's when such activities militated *against* the national interest of their *own* country - to the benefit of Germany in the instances that follow.

The 1920's had been a particularly crucial period in Germany because of the extraordinarily rapid rise to power of the Nazis: what had been a rag-tag of street dissidents had, within a decade, become a well-uniformed, well-organised, and

obviously well-financed organisation. Above all, it projected a very marked anti-Bolshevik bias. This attracted Corporate America, and contacts were soon made. International Telephone & Telegraph (ITT) and Sullivan & Cromwell were among the more high profile firms to do so. In the case of both firms, the German contact used was Dr Gerhardt Alois Westrick, Hitler's financial agent - and through him deals were made with Baron Kurt von Schroeder of the Schroeder banking house (see AIOC above). This bank was a channel for funds for the Nazi Party in general, and the Gestapo in particular (it was in von Schroeder's villa in Köln on the 7th January 1933 that Hitler and Franz von Papen had met to plan details for their subsequent seizure of power, and von Schroeder was later made SS Gruppenfuehrer).

In ITT's case, in return for directorships for both Westrick and von Schroeder in ITT, the latter acquired a number of German firms, the most intriguing of which was a 28% share in the Focke-Wulf aircraft company, whose aircraft saw much service in the ensuing World War 2 - much to the discomfiture of Allied servicemen and civilians. Moreover, in 1967, ITT were paid \$25 million in compensation by the American government for war damages to its factories in Germany!

For its part, Sullivan & Cromwell acquired as clients:

- 1) I. G. Farben, the German chemical conglomerate which, in 1937, developed the deadly nerve gas, Tabun.
- 2) The well-known Swedish ball-bearing manufacturer, SKF, which supplied 60% of its production to Germany - primarily for its armaments.
- 3) The Schroeder banking house itself, Allen Dulles becoming a director of its New York offshoot - a post he held until 1944. Inasmuch as it exposes one of the filaments of the 'Corporate Web', it is pertinent to note here that the man who initially approached Sullivan & Cromwell on behalf of Schroeder was the latter's vice-president, John L. Simpson, the chief confidant of Steve Bechtel Sr. (of Bechtel Corporation) who was a member of the most influential 'camp' in the Bohemian Grove, Mandalay Camp (Bechtel was later to supply the US government with such figures as John McCone, George Schultz and Caspar Weinberger).

Implicit in the political unaccountability of the American Corporate oligarchy is its secretiveness. We are thus justified in assuming that the few examples that are in the public domain - as above - must mean that there are many more of like import and gravity *not* in the public domain, and any concerned curiosity about such unpublicised activities, or hidden agenda, is therefore equally justified.

Balkan Backdrop

The current Balkan crisis, and America's role in it, offers an opportunity to indulge this curiosity. However, any examination of a subject as complex as the Balkans must necessarily be preceded by a brief historical review of the region: the Roman/Orthodox split in the Christian church and the subsequent five centuries of Muslim Ottoman rule ensured that the Yugoslavia that was to be formed in 1918 would be a land simmering with religious discord - a situation not eased by the earlier incursions of the Habsburgs in the north and the Bulgars in the east. The setting up of the Catholic State of Croatia under the fascist Ustase in the wake of the German invasion of Yugoslavia in 1941 ignited this discord, resulting in large-scale massacres of Orthodox Serbs - and jews, muslims and gypsies on a lesser scale. Another area of discord during the war was the split between the ultra-Serbian royalist Chetniks under Mihailovich and the more ethnically-mixed communist/republican

Partisans under Tito, a Croat (it is strange that this historical aspect has not been taken into account by any publicised analysis of the current crisis: after all, the 'Bosnian Serbs' are self-proclaimed Chetniks, a minority group among Serbs as a whole, and to imply that they - the Chetniks - reflect the aspirations of all Serbs is therefore misleading, and smacks of duplicity).

At this point it is necessary to recall that at the end of World War 2, America emerged with three-quarters of the world's invested capital and two-thirds of the world's industrial capacity - Russia with its infrastructure decimated. The distribution of American aid that followed was significant in the choice of countries so aided, and the relative amounts involved. Russia was denied aid, and the reason given by the US for this denial (which, incidentally, circumvented UN agreements) was that, at the critical Moscow Conference which started on the 10th March 1947, the Russians had spurned America's gestures of compromise - conveniently disregarding the fact that on the 12th March 1947 (just two days into the conference) Truman had dropped his bombshell of a speech to Congress - his 'Doctrine', which was, in effect, an ultimatum to Stalin: you're either with us - or against us! The Marshall Plan was announced three months later. Between 1946 and 1961 the US distributed \$8.7 billion of economic aid and \$7.9 billion of military aid to the five dictatorships of Turkey, Greece, South Korea, South Vietnam and Formosa (Taiwan). This was more aid than Europe - with a greater population - received over the same period. Furthermore, of the economic aid received by Europe, fascist Spain received \$1 billion; and of the \$7.5 billion military aid given to Europe, France received \$4 billion (\$2.5 billion for her Indo-Chinese war); and Spain, \$500 million.

George Kennan, who was head of the US State Department Planning Staff in the late '40s (and protégé of James Forrestal), supplied the official rationale that lay behind the above facts concisely in articles he wrote at the time under the pseudonym of 'Mr. X'. He stated "...the United States has it in its power to increase enormously the strains under which Soviet policy must operate ... and ... to promote tendencies which eventually find their outlet in either the break-up or the gradual mellowing of Soviet power".

These irreconcilable ideological differences between Russia on the one hand, and Britain and America on the other, meant that their wartime alliance had been an alliance of convenience, of pragmatism (e.g. contrary to America's assurance to Russia in May '42 that a 'second front' would be opened up later that year, this, in fact, did not occur until June '44 - when it became clear to the Western Allies that the Russians were advancing inexorably westwards). Thus, at war's end in 1945, the Western Allies, for their part, immediately reverted to their pre-war anti-communist strategy. This entailed the recruitment of key Nazis - such as the chief of Intelligence on the Eastern Front, General Reinhard Gehlen (who, with the assistance of the CIA, formed the West German Intelligence agency, the BND), and the channeling of many others - such as wanted war criminals like Eichmann, Barbie, Mengele et al - to sanctuary in the West (primarily South America). This channel ran through Italy, and understandably, due to its geographic proximity and its close relationship with the Vatican, many of the escapees were Croatian Ustase (including the Poglavnik, Croatian Fuehrer, Ante Pavelic, a wanted war criminal). This escape channel was a Vatican-controlled operation run by a Croatian priest, Fr. Krunoslav Draganovich, Secretary of the Confraternity of San Girolamo in Rome, member of Interarium, and a man, moreover, who co-operated with Reinhard Gehlen, whose brother was a secretary

to the SMOM (see below) in Rome. American intelligence (OSS at that time), under the command of Allen Dulles in Bern, co-operated with this operation, naming it RATLINES after their own escape route for downed Air Force crews in Europe in the war. And with Tito now in power, over the next few years bands of Krizari (Crusaders) were recruited by Western Intelligence from the Ustase who had fled into Austria and Italy - and sent into Yugoslavia on destabilising missions.

A significant post-war event that was to play a crucial rôle in both the 'Cold War' and Yugoslavia's future was the Greek civil war. The popular communist-led party, EAM - with its military wing, ELAS - would have assumed power in Greece in 1944 had not the British intervened militarily with two divisions, as a result of the (then) secret deal Churchill had made with Stalin in October '44: in effect, allowing the British a free hand in Greece in return for Russia having a free hand in Bulgaria and Romania. The subsequent guerrilla war waged by ELAS, with Tito's assistance, was held up as the 'bête noire' by Truman in his 'Doctrine Speech' in '47, calling for the West to rally to his crusade against the " un-American, communist way of life". In the following year, 1948, two crucial events occurred in Yugoslavia - now understandably in a parlous economic state: 1) Tito broke off relations with Stalin, and 2) America loaned Yugoslavia \$1 billion. Disregarding any question of a causal line here (inasmuch as the chronology of the two events is not to hand), the consequences were that Tito stopped assisting the Greek rebellion - which collapsed as a result - and embarked on a debt-ridden course which eventually led to the dissolution of the Yugoslav Federation. And America had now replaced Britain as the broker in the region.

Roman Gladiators

Furthermore, any historical review of the region would be inadequate if it did not include the rôle that religion in general, and the Roman Catholic Church in particular, has played in it - but in view of the schism that exists in the Church between the oligarchic 'Integralists' and the liberal 'Base Communities', it should be noted here that any reference/s to 'the Church' is/are directed towards the former: the autocrats in the Vatican. The involvement of the Church in the region was inevitable, given its geographical juxtaposition to, and historical association with Slovenia and Croatia - long regarded by the Church as a bastion against both the Orthodox Serbs (since Pope John 10th's crowning of Tomislav as King of Croatia in 925 AD) and later, the Muslim Ottomans.

One significant aspect of the Vatican/Yugoslav relationship during the early post-war period was that, whereas the Polish government (a Russian satellite) had intervened far more in the internal affairs of the church than had Yugoslavia (which had broken off relations with Russia) the Vatican had adopted a far more intransigent attitude towards the latter (as exemplified by their opposition to Tito's agrarian reform, their stance over the Istria confrontation, and their ban on priests joining the long-established Priests' Associations) than towards the former. This could only have been a case of *political opportunism aimed at Tito's comparative weakness*. It was certainly not a case of religious principle.

Given their common, fervent anti-communist bias, it was also inevitable that there would be co-operation between Corporate America and the Vatican (as already referred to). Perhaps the most active Catholic group which so co-operated was the Venerable Sovereign Military & Hospitaller Order of St. John of Jerusalem of Rhodes and Malta, better known as the Knights of Malta (SMOM for short), an Order which, like the

Vatican itself, is based in Rome and enjoys sovereign status, issuing its own passports and stamps. One of the SMOM's functions in the RATLINES operation was, in fact, the supplying of false passports to the Nazis on their way to sanctuary. Other examples of this co-operation in the post-war period were the setting up of the anti-communist propaganda radio stations, Radio Liberty and Radio Free Europe, joint ventures of the CIA (for funding) and SMOM members J. Peter Grace (W. R. Grace Corp.) and Frank Shakespeare (CBS-TV, RKO and US Information Agency) - among others. Although membership of the Order was opened to Americans only in 1927, it is a measure of that country's influential standing that by the 1940s the American Cardinal Spellman held the post of 'Grand Protector' within the Order, whereas King Leopold of Belgium and Queen Wilhelmina of Holland were mere 'protectors' within their respective countries! To name but a few of its members, past and present, is to reveal its élitism and power: Juan Péron, CIA directors John McCone and William Casey, King Juan Carlos, ex-NATO Commander and ex-Secretary of State Alexander Haig, Joseph Kennedy - and Nazi Vice-Chancellor Franz von Papen, who negotiated the Hitler/Vatican Concordat of 1933.

This Concordat was an agreement that meant, in effect, that a government with an ostensibly strong anti-religious bias had taken the seemingly extraordinary step of imposing a church tithe on its populace! To understand this apparent paradox it is necessary to recall the ties that bound Germany to Rome for some eight centuries (926-1806) under the aegis of the Holy Roman Empire, with its succession of German kings. The unavoidable conclusion to be drawn here is that these ties were still alive in 1933, and the setting up of the puppet states of Slovenia and Croatia in 1941 are thus comprehensible. That these ties still exist today is attested to by the facts that 1) the Concordat is still in effect, and 2) since World War 2 the German political scene has been dominated by Christian Democratic (Catholic) parties. Indeed, there can be no other rational explanation for Germany's extraordinary action on the 15th January 1992 when, contrary to the advice and warnings given them by the UN, EEC and Bosnia itself (Itzebegovic had even gone to Bonn in a vain attempt to dissuade them from taking this step) they recognised the independence of Slovenia and Croatia, thereby sanctioning the violent outbursts of nationalism that had occurred as a result of the earlier Declarations of Independence by those two autonomous members of the Yugoslav Federation. It was inevitable that the German action would lead to the Bosnian débacle - and it is difficult to believe that Germany was not aware of this.

Enter Nato

The collapse of the communist states in the East caused many in the West to query the further need for NATO. It is now evident that this query was based on two grave misconceptions: 1) that NATO had been set up solely to resist Soviet expansion, and 2) that the collapse of the latter had meant the end of the marxist ideal. Had this been so, logic would have decreed immediate redundancy for NATO! By the very nature of its conception in April 1949, NATO operates under American patronage and hegemony. Patronage, as attested to under its Article 3 whereby \$25 billion of military aid was given to its partners by the US in the first twenty years only of its existence; hegemony, as attested to by a glance at NATO's command structure which reveals that, of its three 'commands' - SAFEUR or SHAPE (covering Europe), SACLANT (the Atlantic) and CINCHAN (the Channel) - the first two named, the crucial areas, can be under only American command (Eisenhower, Haig, etc).

NATO's true role since its formation has been to act as a counter-revolutionary,

counter-reformist arm of the Corporate West. This was clarified by no less a person than George Kennan (once again) when he stated that, when NATO was formed, the State Department considered "...the communist danger in its most threatening form as an *internal* problem - that is, of *western* society" - and if anybody should have known, it was he. This was a statement, moreover, that conformed precisely - and understandably - to the tenets of Corporate America. This now calls for a closer look at NATO's Article 9, which empowered the setting up of subsidiary bodies, such as civilian institutes, military staff and other such. The fact that GLADIO is such a 'subsidiary body' is enough to cause unease. GLADIO (aka GLAIVE, aka ZWAARD) is a secret anti-Left terrorist group set up by the CIA and British Intelligence in Italy in 1950, and subsequently absorbed by the Clandestine Planning Committee of SHAPE in 1959. Recent judicial investigations into political corruption in Italy have unearthed evidence linking GLADIO to post-war terrorist acts in that country (such as the Bologna bombing). One such act - though an abortive one - was the attempted coup d'état in 1970 led by Prince Valerio Borghese and his neo-fascist protégé, Stephano delle Chiaie - a known terrorist. Borghese, a fascist and naval commander in the war, had been sentenced to death for war crimes by the Italian Resistance at war's end, but rescued by James Jesus Angleton, who headed the OSS-controlled American/British Special Counter-Intelligence Team, SCI-Z, then operating in Italy (Angleton later became head of CIA Counter-Intelligence, and throughout his career retained exclusive control over CIA liaison with the Vatican). Borghese, for his part, played a leading rôle in post-war fascist politics, and was a Bailiff Grand Cross of Honour and Devotion in the SMOM.

However, GLADIO must be seen in its wider, proper context: namely, the subordination of post-war Italian political parties by the American oligarchy in order to ensure that the communist party did not attain power in that country. In March 1948, Secretary of State General George Marshall told the European nations bluntly that "...benefits under ERP (Marshall Plan) will come to an abrupt end in any country that votes communism into power". Concurrently, the CIA played a pivotal, funding role in this subordination, partly with the co-operation of Catholic Action, which was led by Doctor Luigi Gedda who created a network of 18,000 'civic committees' with which to garner votes. He was a member of SMOM. There is little doubt that the \$65 million that the CIA alone channeled into the coffers of the Christian Democrats and the Socialists between 1946 and 1972 fuelled the corruption now in the public eye.

Crossing the Adriatic brings us once more to the Balkan crisis. Many aspects of it appear very puzzling to the public. There are many relevant questions *not* asked, and many such questions *not* answered. In the light of the secretiveness of the 'web' so far described here, this is hardly surprising - but the questions persist: why was Lord Carrington made a peace-broker, and by whom? And Cyrus Vance? Why did Germany recognise Slovenia and Croatia, and why did the remainder of the West 'about turn' and do the same? Why was Britain prone to so many 'changes of mind' of such a crucial, contrary nature? Is there no rational explanation, no common denominator of logic here?

In the absence of answers, conjecture inevitably takes over: was Carrington chosen because he had been Secretary General of NATO? Or a Bilderberger? Or member of the powerful consultancy/lobbying firm Kissinger Associates?; was Vance chosen because he had been US Secretary of Defense? Or Secretary of State? Or on the board of the armaments manufacturer, General Dynamics? Was the German decision in any way

influenced by the fact that the Vatican had already 'recognised' Slovenia and Croatia (indeed the first sovereign body so to do)? Or in any way connected to the fact that two crucial NATO posts - that of Secretary General and Assistant Secretary General of Political Affairs - were held by Germans? And was there a causal link here? As for Britain's behaviour: it can be explained in no other way than as the behaviour of one not in control of one's actions. This gives rise to one more question: who is in control?

NATO's involvement in the Balkans has been one of steady progression from its avowed readiness in June '92 to support peace-keeping under the umbrella of the Conference on Security and Cooperation in Europe (CSCE) formed in 1972, through its sanction-monitoring with the Western European Union (WEU) in the Adriatic, its policing of the 'No-Fly Zone' over Bosnia - to its current function as UN 'hitman'. This encroachment on to the scene reveals that, behind all the well-publicised, misleading posturings of politicians, statesman and 'peace-makers', it - NATO - has ingratiated itself into a key position in the region - with the ultimate authority of military supremacy. Far from being redundant now that the Cold War is over, it is preparing to play a more active, high-profile rôle in the now-enlarged European theatre. This will be in the form of its new subsidiary body: the Allied Command Europe Rapid Reaction Force - or ARRC for short. This was set up in October '92 as a result of a review undertaken in June '90. It is expected to be fully operational in 1995, and will presumably augment that other rapid reaction force of the US Army, its Central Command - or CENTCOM (of 'Stormin' Norman' fame) - which was formed in 1983 primarily to 'protect' (control) the Mid-East oilfields, replacing Carter's Rapid Deployment Force.

The future seems to grow more ominous daily, in spite of - or more likely - because of that Disneyland vision of 'The New World Order' as seen by such as George Bush and like Corporatists. Here in Britain the public has been subjected over the past decade and a half to a PR exercise boosting the benefits of the 'Free Market', an exercise of such intensity and breadth that it - the public - has been rendered comatose, thus allowing the Tory representatives of corporations to side-line the Trade Unions and dismantle all the hard-won public services. That this has been done in a duplicitous manner is attested to by the fact that businessmen, politicians and media moguls alike indulge in a plethora of double-speak: capitalism becomes 'Free Market'; cheaper labour becomes either 'a more competitive society' or 'a more flexible market' and so on, ad infinitum. The Corporate Spider weaves its web!

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Nazism and the Working Class 1933-93

Sergio Bologna

translated by Ed Emery

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A meeting like this doesn't just happen by chance. We have received assistance from a number of organisations. For example, the Micheletti Foundation (to be specific, Pier Paolo Poggio) has researched the available literature in English, American and French journals; the research institutes in Hamburg and Bremen have made available original research work and a selected bibliography; and Michael Wildt, editor of Werkstatt Geschichte undertook to study the journal published for history teachers in junior and secondary schools in Germany, *Geschichte im Unterricht*. We wanted to see whether the teachers' association has, in recent years, addressed itself to the relationship between Nazism and the working class, whether the subject has been discussed in their journal, and whether we might find useful bibliographical references. As it happens, in the past six years the topic has not even been broached.

Such a lack of interest strikes me as bizarre, given that recent events in Germany's political and social life have brought to the fore the problem of the influence of extreme Right-wing and neo-Nazi ideas and forms of behaviour within the working class, among skilled workers, apprentices and irregularly-employed youth.

On the other hand, in a disturbing development, over the past decade various historians have focused increasingly on what they say was the decisive contribution of sections of the working class to the Nazis' electoral victories, and they have also documented a massive presence of the working class within the social composition comprising the electoral base of the Nazi Party.

In this area we are witnessing a crescendo of contributions.

1. The workers who voted for Hitler: the new historical revisionism

Already by the early 1980s work was being done on analysing election results from the 1930s. This work has been continually updated and enriched, and has now arrived at the following conclusion: the percentage of votes for the Nazi party deriving from the working class showed a continual upswing in the period preceding the Nazis' seizure of power. Jürgen Falter is one of the historians who has researched the phenomenon in depth, and he presented his initial results in 1986 in the journal of the Friedrich Ebert Foundation, an organisation close to the Social Democratic Party. In his most recent article, published at the start of this year (in the journal *Geschichte und Gesellschaft*), Falter previews the results of his research project carried out on 42,000 Nazi party membership cards, from which it appears that the party's working-class membership stood at more than 40 per cent.

What we have taking shape here is an interpretation of Nazism as a phenomenon within which the working-class component is strongly present, if not decisive. This flies in the face of the traditional interpretation, which sees the Nazi party essentially as the party of the *Mittelstand*, in other words of the middle classes. This is one aspect of the problem.

In my opinion there is an even more important consideration. Namely: since the fall of the Berlin Wall, a number of articles and books have appeared in Germany, published with remarkable editorial efficiency, all tending to demonstrate not only that the working-class component was decisive within Nazism before Hitler's taking of power, but also that, after taking power, the policies pursued by the Nazi regime were actively favourable to the working class and tended to bring its social status closer in line with that of the middle classes, along tendentially egalitarian lines, thus making Hitler a true "social-revolutionary" of the twentieth century.

A key work in this revisionist strand is Rainer Zitelman's book *Hitler, Selbstverständnis eines Revolutionärs* (published in Italian translation by Laterza in 1990).

Before dealing with his theses, it is worth pointing out that about ninety per cent of the literature on the relationship between the working class and Nazism in Germany does not accept this interpretation. However our publishing industry chooses to ignore this fact, and is happy to promote books that are launched by the media, particularly if they present a challenge to accepted historical interpretations.

Given that the Italian Left also tends to follow cultural fashions, it has become a kind of echo chamber for this historiographical revisionism.

Zitelman's text is pretty insubstantial, given that it consists of a compilation of quotations from Hitler's speeches and writings, unaccompanied by any research into archive sources. The basic thesis is that Hitler was a true working-class leader who had a real interest in the betterment of the working class; he set in motion highly advanced social policies, and specifically a policy which used the instrument of the indirect wage to produce equalising tendencies within the structure of German society.

All this, as I say, is based not on a close examination of the facts, but on Hitler's official statements, writings and speeches. I would say that here we are dealing with a kind of historiography which is tendentially new, compared with the historiography around which

the issue of the so called *Historikerstreit* developed. This latter involved a dispute around the nature of Nazism and the problem of the guilt of the German people, prompted by the publication of the work of Ernst Nolte. The controversy began in 1986, but by 1989 it had run its course, partly because the polemic had run out of steam, but also because in that year the fall of the Berlin Wall opened a whole new series of contradictions and cultural problematics which were inevitably also reflected within historiography.

The new polemic to which I am referring has not yet arrived in Italy, but I expect that it soon will. It would be sensible not to let ourselves be taken by surprise. In order to avoid being thrown onto the defensive by this new revisionism, we need to react in advance, in order to clarify publicly the terms of this new debate.

2. Historical research in Germany today

The fall of the Berlin Wall, as well as creating new contradictions, made available a large amount of new historical material - sources from the ex-German Democratic Republic, which were particularly rich in material covering industrial and economic issues in Germany during the Nazi period. This source material is invaluable for a reconstruction of the context of working-class life and work under Nazism. In addition, in West Germany, as from the early 1980s a number of major industrial companies opened their archives, not only to company historians, but to outsiders too. The Daimler Benz company provides a good example of this development. In 1987, two research projects were published virtually simultaneously. The first was put together by a group of researchers whose principal concern was to present a good image of the company; the second was able to highlight Daimler Benz's grave responsibilities in the preparation of the Nazi war machine, and in the use of forced labour. This second text, the *Daimler Benz-Buch*, prepared by our Foundation (principally by Karl-Heinz Roth) was widely read (a new and updated edition is about to be published by the 2001 publishing house). Its importance was that it opened a breach in the wall of silence on the subject of forced labour under Nazism, to which I shall return below. Among other things it forced Daimler Benz to admit publicly the silences and contradictory claims of its "official" historians, and, for reasons of image, to shell out the not inconsiderable sum of 20 million marks as financial compensation for surviving forced labourers and their families.

The fall of the Berlin Wall and the events that surrounded it produced a major upheaval in the structures of historical research in ex-East Germany, and set in motion a process of self-criticism among various leading East German historians, in particular over how they had handled the problem of relations between the working class and Nazism.

In short, with the fall of the Wall, a sound basis was laid for continuing detailed research work and examination of the documents and archives of the Nazi period. This has subsequently led to a vigorous publishing activity. The effect of two decades of this work has produced results which the machinery of revisionism will be incapable of eradicating.

My intention in drawing your attention to all this research is to enable you to judge for yourselves the baselessness and intellectual dishonesty of the new voices of historical revisionism, and the profound ignorance of those who choose to publish and promote their books.

3. Forced labour in the Nazi period: examples of research

An early example of this research is an article by Ulrich Herbert, director of the Centre for Studies of the Nazi Period, in Hamburg. This was published in the journal *Geschichte und Gesellschaft* in 1979, under the title "Workers and National Socialism. A historical assessment. Some unresolved questions". Ulrich Herbert is a well-known historian, particularly known in Italy because of his work on an overlooked corner of historical research - the use of foreign labour-power within the German war economy from 1938 onwards.

As I said above, the question of forced labour was also one of the main points of the research carried out by Karl Heinz Roth on the history of the Daimler Benz company, and it has been the subject of work done recently by Italian historians.

Unfortunately not many Italians choose to research the social history of Nazism. For this reason it is worth mentioning two important recent works by Italians - the study by Gustavo Corni entitled "The agrarian policies of National Socialism, 1930-1939", and Brunello Mantelli's piece entitled "*Camerati del Lavoro*", on the use of Italian forced labour within the German war economy.

Mantelli's studies have been proceeding in parallel with a study by our own Foundation, on the transfer of Italian workers to Nazi Germany, an oral-history project which has been largely in the hands of Cesare Bermiani. Bermiani's work has opened new understandings of everyday life in Nazi Germany on the basis of a little-studied episode in relations between the Third Reich and the fascist government in Italy: the handing over of some half a million workers in return for supplies of fuel. This was an anomalous episode in the history of Italian emigration. Before the Second World War, emigration was spontaneous and uncontrolled, whereas in the case studied by Bermiani and Mantelli the exchange of labour power was formally contracted between two nation states.

As I was saying, progressive German historiography has given us a useful view of the years of the war economy namely that the composition of the workforce was multinational, the ethnic stratification was extremely rigid, and 80 per cent of this workforce was working under conditions of forced labour.

This element of forced labour has been one of the new areas of research which has been pursued during the past decade not only by our Foundation, but also by other researchers, and it provides a fundamental basis for understanding the relations between Nazism and the working class.

4. The work of Timothy Mason, and the debate among German social historians

A crucial work in the history of relations between Nazism and the working class is the book by Timothy W. Mason, *Arbeiterklasse und Volksgemeinschaft* ("Working Class and the 'National Community'" [published in English as *Social Policy in the Third Reich*, Berg, Providence and Oxford, 1993]), which revolutionised our view of working-class behaviour under Nazism. Halfway through the 1970s, and in opposition to all previous positions, he used unpublished documentation to show that, in Nazi Germany, in the period from 1936-37 onwards, in particular among the working class, and not only in the factories, there was a passive resistance, which often became active, and that there

were also strikes, to which the regime was forced to respond with repressive measures.

Mason thus completely overturned the dominant view which claims that there was no resistance to the Nazi regime from within the working class except during the first few months of its rise.

Mason's thesis is supported by a wealth of documentation. The book (1,300 pages long) was published in 1975. More than three quarters of it consists of documents. The only part to have been translated into Italian was the Introduction, which was published by De Donato in 1980, under the title *La Politica Sociale del Terzo Reich*, a book which unfortunately disappeared from circulation when its publisher went bankrupt.

As from that moment, all historical research had to take account of Mason's work. On the one hand it produced further studies along similar lines, and on the other it created fierce opposition.

The new wave of historical revisionism tends to dismiss Mason's work and documentation out of hand. Mason's great merit, leaving aside his observations on the subjective behaviour of German workers, was that of redefining the historiography of Nazism, which, in Germany in particular, at least until the mid-1970s, had only once shown signs of life, in the debate sparked by the great Hamburg historian Fritz Fischer.

For the rest, Western historiography continued churning out books on Nazism as a totalitarian model, following the canons of an institutional historiography which was completely blind to phenomena in the society at large.

Although Fischer also belonged to this school, his merit was to have posed the problem of the "continuity of elites" in German history, a continuity which carried on uninterrupted in the transition from the Wilhelmian period to Weimar, and from Weimar to the Nazi period: the continuity of the power groups, particularly in the field of economic power, had the effect of diminishing the effects of institutional changes. Broadly speaking, the transition from monarchy to republic, and then from republic to dictatorship, were changes of façade, while real power remained firmly in the hands of the same groups as previously.

Many historians polemicised against this interpretation. One of the protagonists - and this brings us to our own area of interest - was a historian who is seen as one of the founders of social history in Germany, Jürgen Kocka.

The social historians counterposed to Fischer's line of argument a conception of social dynamics based on an analysis of class relations and on the emergence of forms such as the socialist mass parties. This conception was in opposition to what they saw as Fischer's "immobilist" vision, trapped within analysis of the power elites. On the other hand, for Karl Heinz Roth and for the work of our Hamburg Foundation, Fischer's thesis has provided a fundamental interpretational tool.

The historical debates that followed on this were not particularly to do with Nazism, but they had important consequences in the historiography of the Nazi period, in particular the controversy among the social historians themselves. This divided the current headed by Jürgen Kocka for the "young" historians who, arising out of the movements of 1968, gave greater importance to a "history of the everyday" (*Alltagsgeschichte*), breaking down the divisions between the personal and the political. This tendency distanced itself from a

social history which had tended to work within the classic schema of working class = trade union.

In the course of the debate, different conceptions of the "working class" were to emerge. For Kocka and his school, the working class means waged labour; for historians of the everyday, the monolithic concept of working class is sterile, because in their opinion the historian's job is to analyse all the divisions and differentiations within society, and in particular to analyse all aspects of everyday life, even where they are not principally defined by work or by work relations.

This debate has very important implications at the level of relations between the working class and Nazism.

Why? If we adopt a monolithic concept of the working class, inevitably our judgement on its behaviour in relation to the Nazi regime will end up being schematic – either for or against, either opposition or submission – whereas if we use the more highly differentiated concept of stratified class composition and analyse everyday behaviours as "political" behaviours, this gives us a more diversified space within which to judge the attitude of the German people as a whole, and of the proletariat in particular. It enables us to reach more articulated conclusions. Furthermore, Kocka's conception, which is similar to that of many Italian historians close to the ex-Italian Communist Party, assigns a central role to the organisations of the labour movement – the political party and the trade union – in the history of the working class and of working-class mentality. They tend to assume an identity between the class and the party, whereas the historians of the everyday tend to highlight the "autonomy" of the working class from the party and from party ideology, a possible "distance" that separates the culture (or rather cultures) of the various working-class and proletarian groups from the culture of the party and union.

Among the principal exponents of the "historians of the everyday" we might cite Alf Lüdtke and Lutz Niethammer - the latter being the author of a recently published book *Die volkseigene Erfahrung*, which attempts to understand, via a series of interviews, the subjective view which the citizens of the ex-DDR had of the communist system of power.

5. The movement of grass roots historians

When historians of the Kocka tendency come to deal with Nazism, they generally view the behaviour of the working class negatively, and therefore consider Tim Mason's work as exaggerated in its claims.

The *Alltagshistoriker*, on the other hand, see Mason as an important reference point. Arising out of his treatment of the social history of everyday life, the end of the 1970s saw a new movement emerging in Germany - that of the *Geschichtswerkstätten* or "History Workshops". As elsewhere, this was a movement of non-professional "grass roots" historians, but more importantly it can also be seen as part of the movement of *Bürgerinitiativen*, of the civil rights movement, insofar as it defended the right of local communities to know and understand their own pasts.

It played an important role in preventing the distancing and the demonisation of Germany's Nazi past, and thus also made possible a reconstruction of the history of the working class and proletariat, insofar as its concern was more with the "history of the forgotten ones" than with the history of Great Protagonists.

This was one of the aspects of the *neue soziale Bewegungen* (the "new social movements") in the 1980s.

This overall movement, which reached its height in the period 1983-4, today finds expression in two journals: *Geschichtswerkstatt* and *Werkstatt Geschichte*. One of the controversies between the social historians and the "historians of the everyday" hinges on the definition of "culture": the social historians accuse the historians of the everyday of replacing the idea of "class" - in other words of a social formation defined by a set of material conditions that are quantitatively verifiable - with an idea of "culture" as an ensemble of subjective and "non material" elements which tend to dissolve any "class" identity. The historians of the everyday, on the other hand, accuse the social historians of wanting to limit the identificational criteria of a social class to quantifiable elements, and of advancing party and trade-union ideology as the only element of collective working-class culture.

Alongside this debate there also developed a debate on the use of oral sources. While these methodological disputes were important in the sense that they helped lay the basis for a new phase of studies on the relationship between the working class and Nazism, what was more interesting was the results obtained at the concrete level of researching documents, connections and memories.

A couple of major oral history projects were carried out in individual regions, in an attempt to gain a better understanding of the behaviour of German people under Nazism; Lutz Niethammer's study on the Ruhr focused on relations between the working class and Nazism in an industrial region, while Martin Broszat's study on Bavaria dealt with a principally agricultural region where Nazism enjoyed its earliest successes. These two were followed by many other studies which focussed on a given region, a city, a village, a factory, a neighbourhood, or even a group of friends.

So, we have a project of diffuse local research which in part confirms Mason's theses and in part highlights the ambivalence of working-class attitudes and behaviour.

As I say, one of the controversies was over the problem of culture, and the contradiction between the culture of working-class communities and the culture of political parties and trade unions.

The historians of the "everyday" tendency maintain that working-class culture is a culture which is created in specific environments (neighbourhoods, factories, local communities), and is thus a *gruppenspezifisch* (group specific) culture, of limited social nuclei which live in a community or milieu of their own; it is, if you like, a sub culture, and thus the history of the working class is to be seen as a history of interconnecting sub-cultures.

Secondly, the history of the working class is to be analysed in all the various fragmentations and segmentations which the working class has experienced; one should not limit oneself, as so often happens in the work of social and labour-movement historians, to examining only the central portion of the factory working class that is tied culturally to the social democratic party and the social democratic trade union.

This historiographical innovation had the merit of mounting a radical criticism of the concept of culture, and of the way that it was used by social democracy.

Some of these researches have maintained that the culture of the party and its functionaries was seen as alien by the rank and file. Apparently they termed it *Wissensozialismus*, the socialism of abstract knowledge; these historians say that the history of culture has to be examined in the mental attitudes of the working class at this mass level too, because the fracture between high culture and low culture, between rank and file culture and the culture of party functionaries, becomes very strong in certain historical periods.

One may or may not agree with these theses, but from a heuristic point of view they were strongly innovative and set in motion a series of fruitful research projects aimed at establishing a relationship between historical memory and the new generations of Germany's citizens, without the filtering mediation of ivory-tower academics or party apparatchiks. This gave us a historiography which identifies the localities where things took place, uncovers the historical remains, and restores to specific locations – to cities that were devastated by war, razed to the ground, and then rebuilt – the memory of their past, particularly the memory of their past under Nazism. Here, for example, we had many initiatives in the area of *Gedenkstätte* – of places where one could meditate on the recent past (for example, uncovering the traces of concentration camps or some of the smaller forced-labour camps) – and also many initiatives aimed at gathering the memories of communities that had subsequently been dispersed, be they neighbourhoods, factories, or villages.

After the devastation of World War II, which resulted in internal migrations and emigrations, other migratory movements were then sparked by the division of Germany into two separate states, and the return of territory of the ex-Third Reich to neighbouring countries such as Poland, Russia and Czechoslovakia, which caused further movements of populations; then there were the great waves of immigrant workers coming from southern Europe, the Balkans and Turkey, resulting in a continuous redesign of localities.

The fact of preserving traces of the past and constructing around them an initiative based on historical memory – not simply the setting up of a memorial stone – ranks high in the scale of civil activity and meaning.

What does it mean? It means that, whether we like it or not, history has a political function. And, as it says in the title of a recently published collection of historical essays, *Geschichte als demokratische Auftrag* ("History as a democratic under-taking"), the preservation and elaboration of memory should be one of the commitments of democracy. From a cultural point of view, this way of doing history is the absolute antithesis of an academic culture, counterposed to it in mentality, intentionality, tone and language. In many cases local trade-union and municipal organisations have encouraged and supported these rank and file initiatives, which have been simultaneously a challenge, a warning, and a stimulus to the university-based historical establishments.

We have seen various professional academic historians abandoning their isolation and getting involved with this kind of initiative; a number of factory councils have organised the gathering and recording of people's memories, and have encouraged companies to open their archives; we have also seen priests and pastors collaborating, in making available documents from Church archives.

Many of these grassroots historians are teachers and social workers.

Anyway, the point that I am making is this: in Germany there was the growth of a rank and file movement which, through to the mid-1980s, was able both to monitor and stimulate the research of professional university historians. This movement was able to add many pieces to the historical jigsaw of working-class life in the Weimar Republic and under Nazism.

6. The debate on "modernisation".

One of the problems which has animated historians in the past ten years has been the so-called "modernisation" debate. In other words, is it the case that, far from being a step back in history (as earlier interpretations have seen it) National Socialism was in fact a period of powerful innovation at all levels, not only in economic and technological terms, but also in social and industrial policy, in management of the media, etc. Needless to say, a question like this puts the cat among the pigeons, because if one sees the regime as having been innovative and modernising, one may end by having a more favourable view of it.

The problem here is in the ambiguity of the terms "modern" and "modernity", and in the values which they are accorded among different historians, depending on their vision of the world and their idea of progress.

This discussion concerns us here, because in the recent period it has focussed on the problem of social policy, in other words on the regime's initiatives aimed at "integrating" the working class.

Karl Heinz Roth's latest work to be published by our foundation completes the edited collection of documents of the Institute of the Science of Labour of the DAF (*Deutsche Arbeitsfront*, the Nazi trade union). In this work Roth gives a clear exposition of the various phases and positions represented in this debate, and he takes a position which is categorically opposed to the modernisation thesis.

In Roth's opinion, the Nazis' measures and policies of control, repression and destruction of the working class are far more in evidence than measures and policies aimed at consensual integration.

Naturally, this debate has not been limited to the history of the Nazi period; it has also extended back to the history of the Weimar period. One of the most original contributions has been that of a young historian who died recently – Detlev Peukert. He coined the phrase "the pathology of the Modern" to characterise the regressive aspects of Weimar and the Hitlerite regime. Peukert dealt with, among other things, the anti-Nazi resistance of German youth and of German militant workers. (His book *The Social History of the Third Reich* was published in Italian by Sansoni in 1989.) A number of his colleagues have since written articles in a volume in his memory, dealing with the problems arising from the concept of the "modern" and its use by historians: *Zivilisation und Barbarei. Die widersprüchlichen Potentiale der Moderne. Detlev Peukert zum Gedenken*, ed. F. Bajohr, W. Johe and U. Lohalm (1991).

All these controversies, and the various levels of research that feed them, make it possible for us to set about finding an answer to the fundamental question that Mason's book had posed: why was it that the passive resistance to Nazism did not then translate into active resistance, into an open demonstration of antagonism, and why was there not a "sacrifice"

of struggle against Nazism by the working class and the German proletariat, such as could be presented to the judgement of history as an element of its memory? Why was it that those sectors that did put up resistance were so thoroughly defeated? And how is it possible for historians from the "Left" area close to the Social Democratic party to write – as Günter Mai did in an article published in the late 1980s – "The bourgeoisie brought Hitler to power; the working class kept him there"?

Is it historical revisionism? Is it a polemical exaggeration? Is it a product of the tendency to devalue the role of the working class today? Is it an ideological stance? Or is it a logical consequence to be drawn from a reading of the documents? Is Mason now a thing of the past? Did he misread the documents? Is his distinction between "opposition" and "resistance" artificial? Or is it the case that, as the majority thesis would have it, the resistance was of such tiny, insignificant minorities as to reduce it to a peripheral and passing episode?

I would like to attempt to answer these questions, on the basis of work that has been done by historians from Germany and other countries. I shall limit myself to two basic elements in the period covering the transition from the Weimar Republic to Nazism: the regime's administration of unemployment, and the physical confrontation with the Nazi gangs.

Or rather, instead of providing answers, I shall attempt to provide a better framework for the questions, formulating them in different terms, and highlighting aspects of the history of the German proletariat which may be unfamiliar to the wider public.

7. The structure of the workforce at the end of the Weimar Republic

After that lengthy prologue, I now come to the main body of my contribution.

I have divided it into three parts: 1) class composition and the structure of the workforce in the period of the Great Depression, before Hitler took power; 2) the organisation of self-defence and armed clashes between Nazi gangs and the German communist proletariat, taking the situation in Berlin as my example; 3) employment policies, the industrial lift-off, and the political behaviour of the working class in the early years of the Nazi regime.

So, let us begin with the technical composition of the class.

What was the working class at the end of the Weimar Republic? If we examine the statistics gathered by Heinrich A. Winkler in the third volume of his monumental work on the working class and labour movement in Weimar (*Der Weg in die Katastrophe*, Dietz Verlag 1990, 2nd edition) a few figures will suffice to define the situation: by the end of the Weimar Republic, the number of workers employed in factories with fewer than 10 employees stood at something like 7 million out of a total of 14.5 million – thus around 50 per cent of the workforce; in 1925 this had been 6,800,000 out of a total of 18.5 million, and thus a bare 34%.

Thus when we speak of the working class of the final period of Weimar, we are talking of a working class that was already extremely atomised, which inhabited a factory environment that was fragmented and pulverised – as if they had been subjected to a decentralisation of production *ante litteram*.

If the Weimar Republic was an extraordinary laboratory of modernity, it was partly on account of this form of production: instead of following the tendency of the times towards concentration and the big Fordist factory, it took an opposite path, in order to permit a better political and trade-union control of the workforce.

In addition, we should remember the massive presence of self-employed workers, which rose from 15.9% of the workforce in 1925 to 16.4 in 1933, while the overall percentage of workers remained stable at 46%. According to Hachtmann, the author of a book on the industrial working class of the Third Reich (1989), self employed workers represented 17.1% of workers employed in artisanal industry, and 25.1% of those employed in the transport-trade sector.

Thus we are in the presence of a working class which was extremely fragmented and which was characterised by relatively unstable patterns of employment.

The statistics on unemployment, classified by sector, feature at the head of the list, above engineering workers and workers in the metal trades, a strange figure of a worker, described as *Lohnarbeiter wechselnder Art* – in other words, a mobile waged worker, a worker who moved from one sector to another, from textiles to building, from engineering to transport, from agriculture to the service sector, without fixed employment in any particular sector.

Historians have given scant attention to this, but the statisticians of the period were sophisticated researchers, with a deep understanding of the world of work, and aware of the marked segmentation of the labour market; they were struck by the appearance of this particular figure of manual worker (they were not necessarily unskilled workers; they could as well be skilled workers selling their labour here and there, at higher rates than they could have obtained by remaining in one particular workplace).

The statisticians thus coined this term *Lohnarbeiter wechselnder Art* to describe this unstable, wandering mass. 900,000 of these mobile workers were unemployed in 1931; by 1933 the figure was 1,296,000. In Berlin, at the height of the Depression, they represented 45% of the unemployed, and in districts such as Kreuzberg, 48%.

8. The puzzle of the micro-enterprise

The problem posed by the statistics is the following: what grip was it possible for the political organisations of the labour movement, and in particular the Social Democrats, and the Catholic and Socialist trade unions, to have over a workforce that was so fragmented, dispersed and mobile?

The main thrust of the Social Democratic union had concentrated on the component of the working class employed in the big factories, or in municipal workplaces, where trade union agreements were more or less respected. But this vast territory of the micro-factory, of micro-work, was a territory governed by unwritten rules and family-type relations of control.

This level was characterised either by isolation, or by moments of cohesion that were at best informal. Historians have studied this field very little; what has stood in the way of historical research has been the old prejudice that the micro-enterprise consisted essentially of pre-capitalist artisanal undertakings, and that the artisans, the micro-entrepreneurs,

belonged to the *Mittelstand*, to the middle classes, and were thus all reactionaries.

The problem is that historiography is still carrying with it the prejudices of the historians of the Social Democratic labour movement, who considered as working class only the workers who worked in the big factories, and who have dedicated their research activities almost entirely to them. The result of this is that the province of artisanal undertakings was seen as the territory of the small-to middle bourgeoisie, and therefore entirely reactionary and corporatist.

This prejudice, based on an implicit concept of progress whereby only the big factory was capable of introducing processes of modernisation – by creating on the one hand a productive bourgeoisie and on the other trade unionised workers – has literally blinded historians to the real nature of the processes of decentralisation of production, through which, very early on, capitalism – and the Weimar Republic is a real laboratory in this respect – moved to weaken the social cohesion and trade-union unity of the working class.

The result of this prejudice is that historians have taken account only of the "little bosses" and not of their employees; thus historians have continued to see the artisanal concern as a pre-capitalist left-over, and not as the result of a decentralisation of the production of the big factory and a deliberate atomisation of the working class.

If we want proof that here we are dealing with a "modern" phenomenon (or with a "pathology of the modern", as Peukert would have it), and not with some pre-capitalist remnant, we have it in the fact that after 1925, in the period of so-called "rationalisation", when Taylorist methods were being introduced massively into Germany, and when there was thus a process of modernisation of capital, the number of workers employed in micro-enterprises employing less than ten workers remained constant.

9. The Communist Party and unemployed workers

I now turn to the question of the social base of the Communist Party, and I would begin with the phase of rationalisation, which began in 1924, when the worst of the inflation had been overcome by means of monetary reform, and particularly with help from the Americans.

Productivity in the capital goods industry rose by 30% in the period 1925-29, and by 25% in the consumer goods sector.

These were characterised as Weimar's "golden years": 1924-28. For some sections of the "new bourgeoisie" this was the case, but for the mass of workers it certainly was not. The average level of wages remained below that of 1913, and was only exceeded in a few categories. There was a strong degree of hierarchisation.

In this period, not only did the condition of the working class fail to improve, but there also began a systematic and selective expulsion from the factories of the militant trade-union cadres of the Communist Party, and of the more combative among the Social-Democratic worker militants.

The base of the Communist Party in the following period of the Great Depression, was characterised by considerable fluctuations in its membership, and by a large membership

of young people; these two aspects were in part linked.

In 1931, two years into the Depression, the German Communist Party was a party with a membership made up of 80% unemployed workers.

At the party's organising conference in Berlin Brandenburg, one of the Communist Party's strongholds, 878 of the 940 delegates present were unemployed.

But the years of the Great Depression were also the years of an impressive electoral advance by the Communist Party. Electoral successes (or failures) are always to be measured against the "social power" of the party. We need to examine what strength the party might have had, given the social collocation of its members and supporters, in terms of influence over the mechanisms of power within civil society.

Since it was made up principally of the unemployed, and thus mainly of ex-workers and young people in search of a first job, the Communist Party was not in a position to exercise any kind of trade-union power. It had to limit itself to trade-union propaganda, and to the hope that one or two of its militants still surviving in the workplaces might be able to act as the driving motors of particular conflicts.

For a party that was still rooted in a "workerist" perspective, according to which the struggle against capital was to be won in the workplace, within the relations of production, this situation was profoundly disturbing. The Communist Party was obliged to shift onto "general" terrains, into mass campaigns that were as noisy as they were abstract, and the result of this was to over emphasise the "propagandist", "cultural", "ideological" and basically electoralist side of its activity.

This paradoxical situation, of a workers' party which had absolutely no trade-union power, was one of the reasons for the party's growing "ideologisation" at a time when the collectivity, as a result of the Great Depression, was having to push for things that were very material and concrete – the satisfaction of its most basic needs.

But at the same time the condition of unemployment was a collective condition. The unemployed were not a marginal corner of society – they represented 30% of the population. The KPD was thus the strongest organisation of a new social stratum, that of the "long-term unemployed", which was a potentially explosive mix. This meant that the party had a social power and possibilities for mobilisation which were even greater when one remembers its popularity among the youth of the big cities.

10. Divisions among the unemployed, and fractures within the labour movement

A few statistics will suffice to give an idea of the extent of the unemployment, and the dramatic nature of the situation in the years of the Great Depression, when both the Communist Party and the Nazi party were winning their biggest electoral successes.

In the fourth quarter of 1930, the unemployed stood at 3,699,000; in the same period of 1931, the figure was 5,060,000; by one year later it stood at 5,353,000. The peak was reached when Hitler was already in power, in the first quarter of 1933, with 6,100,000 unemployed.

But these are only the "official" unemployed, registered as such at government employment offices. Historians had been working on these figures up to about ten years ago. Then, thanks to work done by a woman researcher, Heidrun Homburg, attention was focused on statistics of the period which suggested the existence of a "hidden" stratum of unemployment. Homburg's work provided the basis for Winkler's reconstruction (for the post-1933 period, Rüdiger Hachman embarked on original research which, however, takes as its starting point the same contemporary works that Homburg had examined). The atomised structure of the workforce in the micro-enterprises, and the presence of a wandering mass of precarious workers, meant that there were very large numbers of people who had not worked sufficiently to get the right to unemployment benefit. In addition, as we shall see shortly, there were reasons that served to keep the unemployed away from Employment Offices.

Thus if we also take into account the hidden unemployment, we arrive at the following figures: 4,115,000 unemployed in the fourth quarter of 1930, of which 32.5% were without unemployment benefit; 5,943,000 in 1931 (33.5% without benefit); 6,704,000 in the third quarter of 1932 (37.6% without benefit); and 7,781,000 in the first quarter of 1933 (31.6% without benefit). In short, if we add the "hidden" unemployment to the official statistics, we have to add between a million and a million and a half people to the figures. Unemployment on this scale produced such a strong fracture within technical class composition that it inevitably had consequences at the level of people's ideas, and thus of their political behaviours.

The first fracture, obviously, was that between the employed and the unemployed, and therefore between a significant part of the base of the Social Democratic parties and the Communist rank and file; the second split occurred between unemployed people on benefit, unemployed people with forms of personal support, and unemployed people with no support whatever.

The unemployment weakened the institution of the trade union in its functions of social control, whereby it creates a connective social fabric, a mediation between society's relatively guaranteed strata and its marginal strata.

Both the parties within the labour movement, the SPD and the KPD, were deeply affected by the unemployment, which undermined their ability to exercise real power in society. The Communist Party tended increasingly to turn to propaganda activities, whereas the Social Democrats increasingly focussed their energies on local municipal administration, and on the administration of health and social security – in other words on that small amount of real power which enabled it to defend its members employed within public administration – and the management of public resources, given that trade-union activity in industrial workplaces had been effectively paralysed by the Depression. There was thus an enormous distance between the mentality of an average SPD cadre – who identified (and not just ideologically) with the bureaucracy of the Weimar Republic – and the mentality of the average KPD cadre. What the Communist Party had to offer its militants (the young, the unemployed, the rootless, the impoverished, the declassed) was the Utopia of the conquest of power – in other words the destruction of the Weimar state and the setting up of a Soviet-style republic. When people talk about "the two parties of the labour movement, the SPD and the KPD", they are perpetuating a mystification, a historical falsehood. But it is one into which it is easy to fall.

The SPD and the KPD occupied such different positions, and the mentalities of their

militants were so different, that it is hard to see them as members of one single "labour movement". These two political forces had been locked in bitter battle since the revolution of November 1918 and the events which followed it: the split between the workers led by the Social Democrats and those led by the Spartacists; the murder of Rosa Luxemburg and Karl Liebknecht; the split between the Social Democratic union and the KPD factory cells during the period of "rationalisation" (in this period the trade unions had attempted to set up structures for co-management, whereas the communist cells had declared outright war on the rationalisation and had been systematically rooted out of the factories, with their militants being sacked in a joint union-employer campaign).

These were deep wounds, which, far from healing, became increasingly open. They were wounds within the body of the working class, and they aggravated the divisions already produced by the differences of social status (employed, unemployed, etc).

It was not simply a question of two separate political lines, of different strategies of leaderships that were at loggerheads with each other; it was a question of two cultures, two different and hostile mentalities, so that "unity at the grassroots level", in other words the kind of unity that can be born out of everyday relations, on concrete issues, was just as difficult, if not more difficult, to create, as unity at the top.

Erich Fromm, who was working at the celebrated Frankfurt Institute for Social Research run by Max Horkheimer, had the idea, in 1929, of organising a Workers' Inquiry, with the intention of examining the mentality and everyday opinions of ordinary working-class people, so as to identify possible inclinations towards authoritarianism; he applied a psycho-analytic methodology derived from family analysis. However his methods were not acceptable to the sociologists at the Institute. As a result of disagreements, the results of the Inquiry (which was terminated in 1931, on a very limited sample of around 700 questionnaires completed) were not published.

Fromm and his collaborator, Hilde Weiss, the woman who actually did most of the work and must therefore be considered the true author of the Inquiry, were only finally able to publish their results in 1939, in exile in America. At the time it appeared that they had been reluctant to publish in 1931, because they were alarmed by the authoritarian streak which was revealed in the answers from their respondents, who were mostly militants or sympathisers of the SPD. A reading of the replies to the questionnaires, which were republished in 1983, confirms this impression.

Although the research sample was small, one can see a clear difference of mentality between the average SPD cadre and the KPD militant. One section of questions concerned issues of women's liberation, of women's dress and sexual behaviour, and another concerned questions of bringing up children.

It is striking that the answers to these questions were more open and more detailed than those about rationalisation and conditions of work in the factories, on which there were about 50% "don't knows".

11. The welfare system as a system of control

Now, to return to the Communist Party, and to probe the source of its difficulties even at the moment of its greater electoral successes. The Party's potential power in society derived from the fact of its being the largest political organisation present within the mass

of the unemployed. This meant that the institutional negotiating partner with which Communist Party members had to deal was the administration apparatus of the Ministry of Labour involved in the organisation of unemployment benefit – in other words, a complex and capillary apparatus which was one of the pillars of the Weimar state. The Communist Party had to prove itself in the organisation and leading of social conflicts not taking place in the workplace, but in the arena of social welfare.

If we wish to understand the crisis of the Weimar Republic and the transition to Nazism, it is clearly crucial that we understand the mechanisms of control, selection and disciplining which the welfare apparatus had at its disposal.

The spiralling rise of unemployment gave this apparatus huge powers during the final phase of the Republic. We could go so far as to say that, in the eyes of the ordinary citizen, the only identifiable face of the state was that of the welfare apparatus. The discretionary powers of this apparatus steadily increased, and at the same time its function as a "benefit agency" was gradually replaced by a function of "gathering information about people".

The final Weimar governments, the two Brüning cabinets, the Von Papen cabinet and the Von Schleicher cabinet, were well aware of the controlling potential of the welfare apparatus. They used the lever of the system of *Arbeitslosenversicherung* – compulsory unemployment insurance - with great cynicism and to calculated effect in order to create a maximum of segmentation and atomisation within the mass of the unemployed.

This policy was put into effect by means of a series of decrees – and thus via a procedure which sidestepped parliament – in which the conditions of access to unemployment benefit were progressively altered. As the conditions of eligibility were changed, some social groups were excluded, while others found their money being drastically cut. In many instances these decrees (which among other things created enormous bureaucratic confusion, and an endless sense of insecurity) confined themselves simply to identifying social groups which were to be excluded from unemployment benefit or social security, for periods which might be temporary... or forever... or until the next decree...

For example, young women without children lost the right to benefit, as did young people below the age of 21, and particular categories of workers (usually the weakest, and the most rebellious). The arguments used to justify the cuts and exclusions – which were always accompanied by some little "present" for other social groups, in order to accentuate the divisions – were always the same: the necessity of reducing the public spending deficit.

Thus millions of the unemployed felt themselves constantly under threat even in an area of social right which they had acquired by means of contributions. Ordinary people, who were already desperate as a result of prolonged periods of unemployment, had the impression that the government was playing roulette with their poverty.

Insecurity and exasperation grew, and there was a strong desire to get rid of the regime. But the atomisation of the unemployed prevented a social reconfiguration to the Left.

The political Left did not exist; the SPD defended the Weimar regime as a democratic regime, as having been won by workers' victories; and the KPD wanted it to be abolished and replaced.

The fact of these constant changes in the rules of social welfare contributed importantly to increasing the level of "hidden" unemployment; increasing numbers of people found themselves denied any form of social security, while others chose not to put themselves in a position of having to apply for moneys over which they would always have to argue.

The system was organised around three forms of intervention. The first was the *Arbeitslosenunterstützung* (ALU), the unemployment benefit made available under the 1927 law on compulsory unemployment insurance. This could be enjoyed only by those who had contributed for a certain period, in other words those who had been continuously employed over a period of years.

The *Krisenunterstützung* (KRU) was a benefit available for exceptional crisis situations in individual industrial districts or factories (along the lines of a special redundancy provision). This was available principally to those who had not accumulated sufficient contributions in order to obtain the ALU - in other words precarious workers, those who were unable to find a steady job, and who alternated periods of employment with periods of unemployment; this form of benefit was also introduced by the 1927 law.

The third form of benefit was laid down in a law of 1924, and could be defined as a poor law; whereas the two previous benefits were administered and paid by the employment offices, and thus were part of a state insurance system, this third benefit was paid by individual municipal councils. The difference lay in the fact that those who did not have a sufficient period of steady employment to enjoy the rights laid down in the law of 1927 fell into this form of assistance. However, it was not a right acquired through an insurance system, but rather a gesture of solidarity of the municipal council and was based on discretionary criteria. It was paid according to the individual circumstances of the person concerned, and the claimant was eventually expected to repay it. This was called the *Wohlfahrtsunterstützung* (WU).

The important point is the following: during the Depression, unemployment became a mass phenomenon and the periods involved grew longer and longer. Given that the system was conceived as operating at three levels, an increasing number of people who had the right to unemployment benefit ended up either losing their right, after prolonged periods of unemployment, or running out of time under the operating system laid down by the law. The result was that during the Depression an increasing number of people fell out of the first two levels and ended up in the third, with the result that local councils found themselves having to cope with a demand for funds which hadn't previously existed. Thus unemployed people were receiving less and less money.

To phrase it differently, the unemployed were being turned into the assisted poor, and the judgement as to whether, and to what extent, they had the right to assistance was decided no longer by a ministerial bureaucracy but by a municipal bureaucracy which was in part unprepared, but which was also overwhelmed by the huge demands being made upon it.

For the latter Weimar governments this situation was something of an advantage, given that it shifted the problem of social security assistance from state finances to local municipal finances.

What did this mean for the unemployed, and particularly for the central core of the working class, which found itself driven into an assistential system which put them on the same

level as the poorest and most marginal members of society? It meant that the workers became "the poor" not only in material terms but also in terms of the law.

The relationship with a "social state" had been very important to social democracy and to the trade unions, in giving a sense of citizenship to the working class of the Weimar Republic and in this way inculcating a loyalty to the Republic's institutions. This bond was now being shattered, and the result was a further sense of alienation among the unemployed working class, in relation to the state and its institutions. Thus, when the working class is accused of not sufficiently defending the democratic Republic, one has to bear in mind that this democracy by now represented very little in the eyes of the central nucleus of the workforce. The result of driving the unemployed onto the system of municipal welfare was to create an army of people obliged to go asking for charity from a bureaucrat, who very often judged their needs solely on the basis of subjective impressions. The unemployed could receive social security only if they succeeded in convincing the benefits officer in a face-to-face interview. This led to the creation of a mass of millions of people who were open to blackmail. Furthermore – a fact which was important for the subsequent Nazi regime – the details of all these people were thoroughly documented.

But this was not all. As I said above, social security benefits paid by the municipal authorities were expected to be repaid. Thus large numbers of people found themselves saddled with lifelong debts to their respective municipal councils. (In a shrewd move, in 1935 Hitler issued a decree which cancelled all debts of welfare recipients to their respective councils.)

These circumstances perhaps explain why it was that, as the crisis progressed, increasingly large numbers of people chose not to take up any form of benefit, and thus added further to the numbers of those who were no longer registered as unemployed.

This is the origin of the political, economic, social and statistical problem of the so-called "hidden unemployment" during the Great Depression. At the start of the crisis, the vast majority of the unemployed had the right to an unemployment benefit, the ALU referred to above. By March 1933, when Hitler was already in power and unemployment was reaching a peak, ALU recipients had become a minority. The vast majority ended up in the third pool: in other words, a situation was created in which millions of people were completely at the mercy of the municipal system of poverty assistance.

To these we should add those who objected to the fact of being subjected to a highly discretionary system, and of being monitored, and in addition of having to pay back their meagre benefits, and who ended up increasingly in the ranks of the "hidden unemployed". These represented, as I say, 32.5% of the total numbers on benefit in 1930, 37% in 1932, and 36.6% at the end of 1933 (we should bear in mind that this slight fall during 1933 was due to a reduction in unemployment thanks to the forced-employment systems introduced by Nazism, to which I shall return shortly).

The result of all this was that during the years of the Depression, the weaker parts of the proletariat were either subjected to a system of monitoring and blackmail by the public social security authorities, or simply decided not to take up benefit, and thus found themselves deprived of any social or institutional reference point except that represented (for a minority) by the political organisations. Among these organisations, the two which exerted the greatest attraction for the mass of unemployed and rootless people were the

National Socialist Party and the Communist Party, which, during that period, won the major electoral successes in both political and local elections.

To repeat, in order to be absolutely clear: the determining factor was not simply the problem of unemployment; it was the way in which unemployment – and unemployment benefits – were managed for the unemployed and the poor. This system seems to have been created deliberately in order to bring about further atomisation within the proletariat (this is clearly suggested by recent research on the crisis years).

12. The "anti-social" strata: from the welfare office to the "Lager"

Recent research projects have shown how the social security system and the bureaucracy which administered it were consistently seen by the German proletariat as an adversary against which it had to stand its ground.

The latest issue of the magazine *Werkstattgeschichte* carries a series of accounts by people telling the stories of their own personal tribulations as unemployed and poor people obliged to queue at social security offices in the 1920s. The accounts cover three successive periods: the Great Inflation (1923), the period following the great rationalisation (1924-28) and the period of the Great Depression (1929-33). In the memories of people who lived through those years, the relation with the welfare office is always conflictual.

The effect of the crisis was to reduce to a state of poverty people who came from a variety of different social strata – clerks, shopkeepers and artisans, for example, who were expected to queue alongside old people, ex-prostitutes, single mothers with children, sailors without ships, unemployed factory workers, young couples devoid of means, and invalids. Once a day, once a week, or once a month, they had to go and convince the relevant authorities of the legitimacy of their requests, and had to repeat their personal stories with a mixture of humiliation and submission.

Ever since the welfare system was first set up by law, the Communist Party had been agitating and mobilising among potential welfare applicants in order to get them to act collectively, to overcome the bureaucracy's attempts to divide them – not to go with a submissive attitude, but to go with the attitude of people demanding their lawful rights. Thus, partly as an effect of communist propaganda work, the behaviour of social security claimants became increasingly peremptory and aggressive, creating angry reactions from benefit officers and a rigidification of the structure. The same issue of the magazine records dozens of episodes of assaults, clashes, threats to benefits officers, and the police repeatedly being called. These scenes were an everyday reality in the Weimar Republic, particularly in the big cities. We should not forget that, despite the fact that they received subsidies from the state, and despite the fact that the broad outlines of criteria were fixed by the state, the municipal councils could only hand out benefits according to their financial capabilities; in small municipalities, which was where the majority of the German population lived, obviously the means available for social security were extremely limited. This meant that as regards the level of benefits, the qualification for benefit, and the form of benefit (which could be supplied partly in kind, or in return for work) there were enormous differences from zone to zone, and from municipality to municipality.

Then there was the major problem represented by the very large numbers of migrant workers, travelling from one place to another in search of work; of necessity they found

themselves requesting assistance not from the municipality of their own home towns, but from the town in which they were residing at the time.

If this situation was already creating tension and unease in the period prior to the Great Depression, one can imagine what it must have produced with the onset of the crisis itself, and with the fact that, as we have seen, all of a sudden millions of people were expelled from the system of state unemployment insurance and put onto the municipal social security system. It was precisely at this point that the role of the social benefit system as a system of control and monitoring came to the fore. With the polarisation of the relationship between the administrative structure and the claimant in the course of the Depression, the structure progressively lost almost all its character as a social service, and became increasingly a supplementary policing system over the weaker parts of society. It became a system which increasingly divided and selected, creating further systems of degradation, but above all institutionalising social differences.

This was the basic building-block of the Nazi system. One of the basic arguments of the research on marginalised sections of the population in the final period of the Weimar Republic concerns the role played by the welfare system. Our Foundation has done extremely important work on this area, around the history of municipal social security in Hamburg (the volume, edited by Angelika Ebbinghaus, was published in 1986 under the title *Opfer und Täterinnen*). What does this research reveal? It shows that the staff of the welfare bureaucracy, which was largely female, went over more or less without problems from the Social Democratic government to the Nazi government. The Nazis took over almost the entire personnel, and asked them to continue working as previously. In other words, to continue carrying out functions of monitoring, surveillance and classifying. In the meantime the Nazis were constructing a parallel structure of selecting out marginalised people on biological and racial grounds. The welfare structure, which included social hygiene personnel in addition to administrative staff, provided various kinds of information on individuals, on single "cases", to the authorities, who then intervened, in the sense of the segregation or physical annihilation of those individuals (internment in labour camps or in so-called psychiatric clinics, where they were subjected to forced sterilization and other "eugenic" operations).

The majority of these people were considered suitable candidates for segregation and eventual annihilation because, for various reasons, they were defined as *asozialen*, in other words "anti-social". The reasons were many-fold; because they had been unemployed for too long; because they had committed small crimes against the common good; because they had been involved in prostitution; because they had illnesses that were considered hereditary; because they were seriously disabled; because their marital or sexual behaviour was irregular; because they had repeatedly assumed antagonistic protest attitudes in the workplace or against representatives of institutions (this was the case with the majority of Communist sympathisers); because they had changed their place of residence too often; or simply because they had been caught too many times on public transport without a ticket.

Large numbers of the poor and the marginalised were thus defined as "anti-social" on the basis of information gathered by the welfare offices and amassed in their personal files, and they were then slotted into a machinery of selection which was not only a process of racial selection, but also a process of social selection. The majority of those interned in camps at the start of the Nazi regime consisted of these so-called "anti-social elements", who were subsequently to be termed *gemeinschaftsfremde* ("alien to the community"). Even by 1941 there were still 110,000 non-Jewish German prisoners in concentration

camps, interned as *asozialen*. The politics of racial selection did not thus originate in anti-semitism; it originated not in ethnic concerns, but in order to handle the social question. The intention was physically to destroy the marginalised. This was what then led to the development of the so-called Nazi eugenics policies, or, as they were called, the "demographic policy" (*Bevölkerungspolitik*). The first Lagers, the first concentration camps, were the "labour houses" (*Arbeitshäuser*) or hostels for the boarding of those who, in exchange for welfare benefit, were obliged to do compulsory labour. It is here that we must look for the origins of the Nazi concentration camp system.

On the basis of the 1924 law which introduced social security for the poor, measures were also brought in to introduce forced labour. Now, when Hitler instituted his first measures of forced labour to reduce unemployment, he did it in terms of the law that had set up forced labour. The law of June 1933 (*Gesetz zur Verminderung von Arbeitslosigkeit*, the "Law for the Reduction of Unemployment"), one of the most important framing laws of Nazi labour policy, was framed explicitly in terms of the 1924 law on compulsory labour. This kind of labour is defined as a relationship does not give rise to a wage; it is part of a welfare service, and thus exists outside the framework of civil law governing labour relations; since the worker had no right to a wage, the services in kind which he received, in other words board and lodging, were conceived as a welfare provision, which came within the framework of administrative law. This was the nature of the juridical instruments by which the Hitler government brought about a reduction of unemployment over the next two years.

The Nazi regime boasted of having absorbed, in the space of two years, something like eight million of the unemployed. However, we should not forget that about 70% of the jobs created by the Nazi regime's employment policies were part of the big programme of infrastructural public works (such as the *Autobahn* motorways). The workforce employed on these projects was defined within the juridical framework of compulsory labour (*Pflichtarbeit*). This was one reason for the growing discontent which spread among these workers, and which, in 1935-36, gave rise to what some have called a "cycle of strikes". The police authorities and the party organs registered 260 stoppages of work, most of which took place on motorway building sites or on building sites of other public works projects. The shortage of evidence as to which figures might have played a role as agitators, initiators and organisers of these stoppages suggests that the great majority of the workers who were active in these protests had already endured experiences, however brief, of imprisonment and internment in the camps.

All the above, plus the fact that the great majority of workers were given jobs which were more or less forced labour, lend little credibility to the notion that the Nazi regime was an advanced example of Keynesianism in action. It would be more precise to say that the Nazi regime combined a number of formulae which we could call Keynesian (the financing of public works to create jobs) with welfare type mechanisms inherited from the Weimar Republic, in addition to another absolutely integral factor – a system of coercion and repression within which the concentration camp functioned as a key component of labour policy. In short, the spending of public moneys to reduce unemployment could exist only within a labour policy environment in which not only were market variables suspended, and in which enormous areas of labour were regarded as falling outside of the rules of the civil code and were left in large part to the discretionality of the executive powers – in other words, labour that had become militarised. Thus the prevalent attitude of Nazism in relation to the working class was one that led not to its advancement and/or emancipation (as Zitelmann claims), but to its militarisation.

13. The years of creeping civil war

I would like to touch on a problem which has been raised several times by historians. The question has been asked as to why the German working class did not rise up in violent demonstrations (barricades, general strikes, occupations of factories and railway stations etc) against Hitler in 1933. Why did it not put up a credible resistance in the preceding years? These questions come from a repertoire of false problems and mystifications which a certain brand of historian has concocted in order to deny the truth of the matter – in other words that a section of the German proletariat, particularly in the big urban and industrial centres, organised in part by the Communist Party, but also developing autonomous forms of self-defence, tried by every means possible to counter the Nazis in the final years of the Weimar Republic, the time when Hitler's action squads and the trade-union initiatives of Nazi factory cells were becoming increasingly active and aggressive, and were conquering territory piece by piece.

In an attempt to "defend" the German working class from the ignominious accusation of not having put up a resistance, some historians maintain that the proletariat who might have put up a local resistance to the Nazis were living a life so dire (given that they were almost entirely long-term unemployed) that, even though there was a subjective willingness to put up a fight, the hold of such a fight could at best have been brief and ephemeral.

There may be a lot of truth in this interpretation (as we have seen above, with the operations of the social security system), but it still avoids the concrete question of how precisely they might have organised physical confrontation in the cities, in a situation in which (albeit characterised by strong elements of social destructure produced by the crisis) proponents of political violence had to come to terms with a state structure that was very well equipped with the means necessary for the restoration of law and order.

The problem is thus far more complex, because it has to do with research methodologies of a phenomenon that is entirely specific: namely so-called "political violence". Historians generally treat this problem almost exclusively from the viewpoint of ministries of the interior and police headquarters, not least because they rely almost exclusively on police records to study it. In fact the reality is rather more complex. It would be better to approach it from the subjective point of view of people who, in that period, were making the decision as to whether or not to fight the Nazi gangs in open confrontation.

At this point I propose taking a small step backwards, to take a look at some of the basic historical conditions which created the situation in which the physical confrontations between proletarian and communist militants and Nazi activists developed.

As we know, the Weimar Republic was governed in the period from the Great Inflation (1924) to the beginning of the Great Depression (1929) by centre-Left coalitions, in which the Social Democrats had a considerable presence, whereas in the years of the final crisis (1930-33) it was governed by centre-Right coalitions. In this later phase, Parliament was completely bypassed, since government was based on presidential and government decrees which tended to sidestep the formal mechanisms of parliamentary democracy.

The Weimar Republic was a strange state system: more than half of its territory actually

consisted of the Region of Prussia, within which – in the framework of the federalist constitution – there was a government which did not reflect the same relations of power as did the national parliament.

Prussia was in fact governed by a majority of Social Democrats, who shared power with other parties but who in reality maintained control of both public administration and government. Berlin was part of Prussia, which meant that in the capital there was an overlap between the national government and the regional government, a system which finally went into crisis in 1931-32.

Now, Prussia was governed not so much by the Social Democratic party as such, as by some of its more prestigious exponents. They had considerable power, and they were located on the extreme Right of the party. The key man in Prussia, for many years prime minister of the Prussian government, was Otto Braun, a man of open and declared authoritarian tendencies, who saw the role of social democracy as being in maintaining law and order, in the untouchability of the state bureaucracy, and in a corporative partnership between trade unions and big capital. In the words of Theodor Eschenburg, the author of a fine book on the problem of "ungovernability" in the Weimar Republic, he was in favour of a "recallable dictatorship". Otto Braun's principal collaborator was for many years Albert Grzesinski, who was Minister of the Interior in Prussia, and from 1930 was also head of police in Berlin.

We should not forget that during this period the Social Democrats had considerable powers in the area of law and order, because in 1928 one of their number, Carl Severing, was appointed Minister of the Interior of the Reich. The SPD took advantage of this to institute an extremely efficient reorganisation of the police, with the principal aim of setting up a special corps to prevent Bolshevik disturbances and uprisings. Unfortunately they were not equally efficient and motivated in preventing and repressing Nazi gangsterism. The situation inevitably aggravated the historic fracture between Social Democrats and Communists that had already existed since the murders of Rosa Luxemburg and Karl Liebknecht – a fracture which experienced a particularly acute moment – a point of "no return" – in the events of Mayday 1929.

As you may know, in the Weimar Republic, Mayday was not a holiday. It was Hitler who declared Mayday a national Labour Day, in 1933. Thus the celebration of Mayday became a question of high moral value, and at the same time a problem of public order. On the one hand were the Communists, social revolutionaries and anarchists, who wanted to turn it into a day of struggle – an open, public proletarian festival, a challenge to capital and to the existing order. On the other stood the Social Democrats, wavering between a concern for legality and at the same time a need to make their role and presence felt on such a significant day.

Mayday 1929 in Berlin fell in an atmosphere that was particularly tense, due partly to the onset of economic crisis and partly to the onset of a crisis of the political system.

The police chief in Berlin, a Social Democrat by name of Zörgiebel, had already banned all public demonstrations in Berlin in December 1928. In March 1929 he extended the ban to the whole of Prussia, and then renewed the ban specifically for Mayday 1929, asking the trade unions to abstain from public demonstrations and to organise only indoor meetings. The Communists, however, decided to challenge the ban and to demonstrate in the streets. The Social Democratic trade unions and the SPD organised their Mayday events in

theatres, association offices etc. The Communist slogan was: "We do not accept the ban. We shall demonstrate in the streets, and if the police try to attack we shall call a general strike for the next day." And so it was to be.

The police, as has been shown from research in police archives, mounted a deliberate attack, organised by special anti-subversion units. There were violent clashes, which spread to include workers who were coming out of the indoor meetings of the Social Democratic trade unions. The Communist Party called a general strike for the following day, but despite pressure from many militants did not distribute weapons; nevertheless, in the quarters of Neukölln and Wedding the barricades went up and the police had to lay siege to the areas for three days before they were able to restore order.

The final balance was extremely heavy: thirty people dead, all of them demonstrators; 200 wounded; 1,200 people arrested, of whom 44 were kept in custody by the police. The Prussian Minister of the Interior seized this opportunity to ban the mass organisations of the Communist Party.

These events brought about an unhealable fracture between Communist militants, and the Social Democratic party and its organisations. Oral history research has shown that in the memory of proletarian militants (not only communists) this was a turning point, a "point of no return" in their remembrance of their total alienation from anything to do with the SPD. Whereas the killings of Rosa Luxemburg and Karl Liebknecht might possibly have been attributed to the Freikorps and not purely to Noske's policies, the blame for the repression of Mayday 1929 in Berlin lay squarely at the door of Social Democratic ministers and functionaries. This trauma split the working class down the middle, right on the eve of the final clash with the Nazi militias.

We should bear in mind that the big growth of National Socialism took place first in the South, i.e. in Bavaria, before then working its way up through the agricultural territory of Central-Eastern Germany, spreading north eastwards into the old textile areas of Thuringia and Saxony on the one hand, while in the North-west it moved into the Catholic zones of Baden, Rhineland and Westfalia. The drive northwards seemed to follow a pincer movement targeting the red metropolises in the ports of the North, and especially in Berlin, which was a major working-class stronghold.

At that time Berlin was a city with a powerful proletariat in industry (electrical engineering) and in the tertiary sector (transport and distribution), and this proletariat controlled entire local areas. When we speak of working-class quarters such as Neukölln and Treptow, just to give an idea of the size of them, we are talking of a population of 400,000 inhabitants. The battle for control of Berlin and its region was to last for three years, throughout all the upheavals of the Great Depression.

The Nazis entrusted this task to able and freethinking individuals who represented the "far Left" of the party, people whose radical style of agitation tended to pull the carpet from under the feet not only of the Social Democratic trade unions, but also of the Communists. They pursued a "workerist" and trade-union propaganda, under the aegis of the "National Socialist factory cells" (NSBO), and they combined this with a systematic activity of terrorism via the use of militias and goon squads.

The central figure of the Nazi Party in the battle for Berlin was, however, Josef Goebbels, the great specialist in the media and mass communications. Of the two radical leaders,

Otto and Gregor Strasser, the first left the party in 1930, and the second was marginalised in the party shortly prior to Hitler's nomination as Chancellor.

14. Street fighters and "wilde Cliquen": Who did the fighting in the streets of Berlin?

Throughout the period of the Weimar Republic, the terrain of politics was not confined to the dialectic between parties; it was, above all, direct, extra-parliamentary action, which often involved daily street and community confrontations pitting proletarians and militants to the left of the SPD, against police, militia and irregular military forces of the Right, who were increasingly joined by the massive and threatening presence of the National Socialist gangs.

My intention is to look at this aspect of political struggle in a very specific time and place. The period is the last three years of the Weimar Republic, and the place is Berlin. These were the years of big electoral successes for both the Communists and the National Socialists. They were the years of the Great Depression, and for Hitler the conquest of Berlin represented something of a crucial battle. We have to answer the question as to whether the German proletariat did or did not put up resistance to the advancing forces of Nazism. From a reconstruction of the events of those three years in Berlin our reply is that there most certainly was resistance. It was also an armed resistance. The proletariat defended inch by inch the territory and the communities which, over decades of struggle, had become its strongholds. For details of this resistance I refer to research by an English historian, Eve Rosenhaft, published by Cambridge University Press in 1983, under the title *Beating the Fascists? The German Communists and Political Violence 1929-1933*. This is a detailed reconstruction of the military clashes between Communists and Nazis in Berlin.

What was the developmental process of this physical confrontation, between the working-class milieu which at that time controlled entire quarters of the city and the activists of the National Socialist party? And what were the problems of tactics and technique – more political than military – in this street-by-street struggle?

The paramilitary structure of the Communist Party was very strong, not least because, with its street politics, it was attracting the young unemployed, and the party was articulated in a number of organisations. The largest of these was the *Kampfbund gegen den Faschismus*, which at the end of 1931 reached a figure of 100,000 members, and which had more than 7,000 militants in Berlin alone.

This is a very large membership for a political organisation which was dedicated essentially to militant action. Thus we have a highly complex and capillary structure of self defence promoted by the Communist Party, which extended beyond the communities which it controlled. This organisation and the specifically "military" slant of Communist political action acquired increasingly greater weight as the aggressive initiatives of the National Socialist gangs developed.

This mechanism inevitably created contradictions, and brought about a crisis within the party's organisation in Berlin. I mention this problem of contradictions within the Communist Party now, because it is important that we bear in mind the enormous difficulties which a struggle at the level of physical and military confrontation posed for the German proletariat of that period.

The first big difficulty was the material conditions of life and living-standards of the vast majority of those who were the direct protagonists of the struggle. The Communist grass roots consisted essentially of unemployed people, or of workers working in small factories in those parts of the tertiary sector characterised by intermittent, precarious work. At the end of 1929, the party claimed 135,160 members, of whom 50% were working in factories; two years later, at the end of 1931, it had 381,000 members, of whom only 17% worked in factories. The district of Berlin-Brandenburg had about 30,000 members at the end of 1930, of whom 51% were unemployed, but at the district's organising conference in September 1931, 88 out of 96 delegates were unemployed.

These unemployed belonged to the stratum of those who fell into the third level of the welfare system, the municipal social security system. They were the most open to blackmail, they were the most monitored, and often in order to escape state control they chose not to take up social security benefits. They were young and very young, often coming from broken families; they had never worked and had no prospects of finding work; they entered and left the party and its organisations extremely easily.

People say that in some respects they were very similar to those of their peers who were joining the ranks of the National Socialist organisations. In fact, while it is true that the activists in both parties were characterised by being extremely young, nevertheless the parties' respective successes in recruiting took place in quite different contexts. We have the electoral researches of Falter and of various American historians to show that the Nazi vote was relatively low in the areas of high unemployment, and decidedly high in zones of low unemployment, whereas the Communist vote was markedly stronger in areas of high unemployment. However, while some generational and social characteristics of Communist and Nazi activists may have been similar, the conditions in which they lived and operated as militants involved in direct confrontation clashes were radically different: the finances available to Hitler's party enabled it to finance gangs, and to give them a minimal structure as an army of mercenaries; the Communist militants, however, were entirely voluntary, and could only draw on material assistance if they fell foul of the law (the *Rote Hilfe* or Red Aid was a powerful and well organised structure, although in the final years of Weimar it too was enmeshed in the travails of internal party crisis). The fact is that conditions for proletarian militants involved in the daily confrontations with the Nazis were extremely difficult, but despite this they fought with exceptional determination and self-sacrifice.

However the crisis which exploded within the party in May 1932 had a devastating effect on this militant structure. This involved the marginalisation of Hans Neumann, who, together with two other leaders, Thälmann and Remmele, ran the party; also the removal of Albert Kuntz, the party's organising officer in Berlin, and two leaders of the Communist youth organisation, Alfred Hiller and Kurt Müller. This internal crisis was the outcome of a clash within the party which had become more acute since the electoral victory of 1930, and which was based on the relationship between individual violence and mass action. The fact that the party's electoral successes had given greater weight to the parliamentary fraction made it more difficult to strike a balance between legal and semi-legal forms of politics.

This was the period during which, under pressure from the Comintern, the KPD was initiating a change of tactics. This involved condemning individual actions and trying to create a unity of rank and file action with militants and sympathisers of the SPD, and

even trying to draw in some of the working-class base of the National Socialists. However the struggle was not extinguished; in fact the active militant defence of the "red areas" from Nazi incursions became a daily part of proletarian life, because many young proletarians – having left the Communist organisation after their leaders were removed and put in a minority, and after the tactic of the united front and mass action had gained the upper hand – had continued to maintain the self defence structures, and to be involved in struggle.

In the proletarian quarters of Berlin, right from the time of the Wilhelmian Reich, there had been a long tradition of profound hostility to the police. During the Weimar Republic, in some of the poorer quarters, the inhabitants preferred to organise vigilante squads against criminality rather than asking the police to intervene. Every time the police stepped in to arrest a person in these communities, they had to reckon on a possible negative reaction by the local population.

The Communists – Walter Ulbricht played a central role in the organisation of their militant party structures in Berlin – in turn set up vigilante squads in the communities, and groups which defended particular groups of citizens, such as the anti-eviction groups (*Mieterschutz*). Finally, we should not forget that a large proportion of the young proletarians who chose to oppose physically the incursion of National Socialism belonged to no political organisation, or belonged only in a marginal sense, without any sense of party discipline.

Detlev Peukert has done research on the youth gangs of Berlin (the so-called *wilde Cliquen*) at that time. These were not gangs in the traditional criminal sense of the term. Out of 600 youth gangs present in Berlin in 1930, only 10% had a relationship with organised crime, whereas around 70% were represented by the so-called "wandering bands" (*Wandercliquen*) which moved as groups, moving between the city and the hinterland, wearing white and green berets. One of their favourite pastimes was to embark on confrontations with the *Hitlerjugend*. In 1931 there were estimated to be 14,000 members of youth gangs, 50% of whom were considered apolitical, and only 15% defined as sympathising with the radical Left. I like to recall these circumstances, not least because one of the sponsors of our conference has been the Concetta Social Centre. It is worth remembering that among those who physically resisted the Hitlerite youth in that period, an important role was played by self-organised groupings of the young metropolitan proletariat, which had no connection with the various Communist organisations, but had more libertarian inclinations. Their attitudes were the attitudes characteristic of a youth culture founded on control of territory and on a strong group identity, in a period in which (these figures are from 1933, when Hitler came to power) 63% of young males below the age of 25 in Berlin were unemployed. Their behaviours are not comparable with those of the youth gangs of today in Los Angeles, or in South American cities, whether in the level of reciprocal violence, or in the level of arms used, or in general as regards the practice of violence.

Eve Rosenhaft has tried to quantify by job-categories those who were fighting the Nazis in the streets (she calls them "the streetfighters"). On the basis of the figures gathered by the police, and those which came out in the course of trials, 43% were transport sector workers, 25% engineering workers, 8.7% building workers, 7% carpentry and furniture workers, 6.4% food workers, 2% printers and binders, 1.7% workers in the clothing sector, and 3% unspecified.

In short, workers of the transport sector, involving port workers, sailors and railway workers, were a large percentage of those organising the resistance against Nazism and undertaking actions not only of propaganda, but also of sabotage.

15. Exemplary actions and mass struggle in the campaign for the control of taverns ("*Kneipen-Kampagne*")

What was the tactic used by the Nazi party to penetrate the proletarian quarters? One of the most significant moments of the "Battle for Berlin" was the so-called campaign for the control of the *Kneipen*, in other words the city's streetcorner pubs. Berlin's working-class quarters were inhabited principally by unemployed families (in some areas the level of unemployment was running at 75%). These unemployed had nowhere to go during the day, and they tended to gather in the taverns. The *Kneipen* have always had an important role in the history of the proletariat, as focal points for proletarian socialisation, and sometimes they had also functioned as meeting points and points of political exchange, a crossroad of circuits of information, places where actions and initiatives were organised. Unfortunately the taverns in the working-class areas in this period had a clientele that consumed little and was sometimes unable to pay even for what little it consumed. Landlords risked bankruptcy, and sometimes found themselves having to sell out to others who perhaps did not share their political sympathies, or who had not lived the same moments of struggle as some of their customers.

The Nazis adopted a tactic of persuading pub owners that if they were to come over to their side, they could count on a secure income. In many instances this tactic was successful, and the tavern in question would turn from a meeting-place of Communist sympathisers to a meeting place for National Socialist activists.

After a while, this systematic penetration by the Nazi gangs began to become worryingly widespread, and proletarian hostelrys were beginning to operate as launchpads for terroristic activities carried out by Nazi mercenaries. The Communist Party therefore decided to initiate a campaign to regain control of some of these places. This was the so-called *Kneipe-kampagne*. The party embarked on a programme of systematic attacks on taverns that were now frequented by Nazis. The party's new line recommended that armed activity should always be undertaken within a framework of mass struggle, in order to avoid the risk of practising pure counter-terrorism. However, as we shall see from Eve Rosenhaft's reconstruction, the practice of mass struggle had been made extremely difficult by the material conditions in which the proletariat of that time found itself.

The incident in question was particularly notorious. The SA had succeeded in buying out a tavern owner in one of the streets of Neukölln, a stronghold of the Left.

"The house at 35 Richardstrasse was in many ways a model of society in Neukölln. It was one of the largest tenements in the area; built in 1905, with six courts, it contained 144 apartments. Four fifths of these were typical workers' quarters with kitchen, one living-room and shared toilet. They housed around five hundred people. These included about a dozen shopkeepers and master craftsmen, nine clerks, salesmen and domestics, two artists, twenty-one pensioners, and some ninety skilled and unskilled workers representing the major Berlin trades. Among the leaders of the tenants' movement against the SA were a printer, a pipefitter, a tailor, a metalworker, two construction workers, two unskilled labourers and a disabled veteran. The tavern on the ground floor front of the building had been bought in

October 1929 by Heinrich Böwe, a contractor who had made a disastrous investment in his home town of Magdeburg and had decided to set up in business with the remains of his savings. It had been a centre for the activities first of a religious youth group and then, after the War, of clubs with left-wing political affiliations, and this continued after Böwe took over. As the Depression deepened, more and more of Böwe's guests were unable to find work; they continued to spend their days and evenings in the tavern, but the meagre allowance they received from the employment office and the welfare bureau did not permit them to go on eating, drinking and spending as they had in the past. When the SA offered to guarantee a minimum turnover of a barrel of beer a day if Böwe would put his premises at their disposal, the innkeeper saw the offer as the nearest way to avoid financial ruin. He consulted the local police commander, who assured him that there would be no serious danger involved, and accepted the SA's proposition. The clubs which had previously patronised the tavern promptly withdrew their custom, 'although Böwe would have been happy to keep some of them, especially the ones who used the bowling alleys'. Shortly thereafter, Böwe himself joined the NSDAP, 'for business reasons'. On 26 August, *Sturm 21* of the Neukölln moved into Richardstrasse 35, and Böwe's expectations were fulfilled, with upwards of a hundred people gathering regularly in the assembly room at the back and some thirty hungry SA men appearing for lunch every day.

The establishment of *Sturm 21* in the Richardstrasse was thus very much like other SA takeovers of taverns during these months; like them, it reflected the growth of the Berlin SA, a development in which self-confidence ran before and fuelled a numerical expansion. The Nazis were outsiders only in the sense that they declared themselves to be so; the SA had a long history in Neukölln. An NSDAP cell had been operating there as early as 1926; and the leader of *Sturm 21*, a twenty-five-year-old salesman born and raised in Neukölln, had belonged to the party since its founding. By mid-1931 Neukölln had three SA *Stürme* and, according to the Communists' own intelligence, the NSDAP had 1,300 members and nine tavern-headquarters in the district at the end of August. Communists and SA-men had been getting to know each other for several years. On the Communists' side the SA was being identified and treated as a physical threat as early as October 1929, when the first SA group there already claimed seventy members; the SA leader dated the intensification of hostilities between the two groups from an incident during the election campaign of 1930. In 1931, the developing relationship between the two parties had already produced one change of allegiance, from SA to Kampfbund. In the course of the prosecutions following the attack on Böwe's tavern, a leading Communist activist joined the SA.

That the SA was familiar in Neukölln did not, however, mean that it was welcome in the Richardstrasse. As *Sturm 21* moved in, public attention was being focussed on the crimes of the Berlin SA by reports of the murder trial of members of *Sturm 33*, the notorious Charlottenburg squad. Given the character and history of the house, and the political sensitivity which had been growing in Neukölln with the National Socialist presence, tension was bound to arise between the tenants of the building and Böwe's new guests. Very soon after *Sturm 21* took up residence, there were reports that the SA-men were urinating in hallways, waving their pistols at children playing in the courtyard, and threatening to shoot into people's windows.

On 28 August the KPD functionary to whose cell Richardstrasse 35 belonged organised a tenants' meeting at which Communist speakers urged the calling of a rent strike. The proposal was adopted, and a few days later *Die Rote Fahne* reported success all along the line: three hundred extra copies of the paper had been sold,

Social Democrats were showing interest, the house-defence squad already had sixty members, and the tenants had formed an action committee. The rent strike was set to begin on 1 September if the SA was not turned out. Goebbels, it was reported, had given orders that Richardstrasse 35 was not to be abandoned under any circumstances. In fact, the rent strike failed to materialise. In the weeks that followed, tensions increased as both the Communist and the National Socialist press focussed on the conflict. On 3 September *Der Angriff*, the National Socialist paper, claimed: 'In any case, things have gone so far that an SA-man doesn't dare venture into the Richardstrasse alone.' The Berlin central office of the KPD received reports from Neukölln that girls were no longer safe on the streets at night. Groups appeared in the courtyard behind Böwe's tavern chanting 'Schlagt die Faschisten' and 'Keep up the rent strike'. The windows of the assembly-room overlooking the court were smashed, and by the middle of October a special police patrol had been assigned to prevent people from gathering in front of the house. A group of KPD officers who visited the Richardstrasse one evening found the street completely deserted - an unusual scene in a working-class neighbourhood and a clearer sign than any amount of rowdiness that something was wrong.

In the meantime, the rent strike had started again. On 29 September, the tenants met and resolved to begin the strike on 1 October. This time, the effort was better prepared and publicised. *Vorwärts* reported sympathetically, remarking that *Reichsbanner* men as well as Communists had already been attacked. Posters were printed announcing the strike, and mimeographed newsletters were issued. These explained that that strike had been postponed in the first place because the manager of the building had yielded to pressure and promised to evict the SA. The manager later denied that he had made any such promise; in any case, the SA stayed. Nor, the tenants claimed, had the police been of any assistance; according to the resolution of the tenants' meeting, police officers had been heard to declare that the house should be 'smoked out', since half the tenants were criminals anyway. All that was left for the beleaguered tenants was self-help; tenants who continued to pay their rent would be regarded as strikebreakers and allies of the troublemakers. A notary was named to whom rent payments could be made for the duration of the strike.

In spite of the weeks of acrimony that lay behind it and the material and technical support which it received from the KPD in its execution, the October rent strike failed. It was impossible to mobilise a power which did not exist, and the tenants proved to be practically without power against their landlord. The threat of eviction, which the building manager raised at the first sign of action by the tenants, was a powerful deterrent in itself. What finally broke the back of the strike, however, was the fact that those tenants who were on welfare were not in a position to withhold their rent; the welfare bureau paid the rent directly to the manager. After two weeks of the strike, the manager claimed that eighty per cent of the rents had been paid, and a proposal was made formally to call off the action. The united response of Braunschweig's workers to the violence of the SA on 18 October inspired a burst of optimism strong enough to make the Communists reconsider. But the tenants' meeting at which those events were to be discussed, on 21 October, was the last that was heard of the strike. On the eighteenth, Böwe died of the wounds that he had received in the attack on his tavern; the tenants' meeting was broken up by the police and the thirty participants arrested."

Thus far Eve Rosenhaft's reconstruction. The attack on Böwe's tavern was carried out on 15 October by about 30 demonstrators. They fired a number of shots at the premises,

wounding customers and fatally wounding the owner.

As we can see, the attempt to unify mass action and armed action failed, not least because the rent strike was rendered impossible by one of those lethal mechanisms of control characteristic of the municipal social security system described above. The majority of the tenants were on municipal social security; in this case the social security office anticipated payment of all or part of the rent, and transferred the amount directly into the landlord's account; even if they had wanted to, the tenants could not have gone on rent strike. The reprisal action was not difficult to organise and carry out, but the fact that it was not welded to mass action gave complete victory to the Nazis, because from that moment on they encountered no further resistance in that housing block, and for the group of tenants who had been most active in the attempted rent strike there opened a period of fear of being suspected or incriminated of complicity in the killing of the landlord.

Of course this is only one episode, but it is illustrative of the kind of conditions in which German proletarians found themselves having to fight when they attempted to oppose the advance of the Nazis: repression by the Social Democratic police, the hunger and poverty caused by unemployment, the controlling mechanisms of the social security system, the contradictions and uncertainties of Communist Party policy, the lamentable shortage of equipment in the face of an adversary that was better equipped, better paid and better trained – all these elements illustrate even more the heroism and selflessness of those German proletarians who attempted to defend the territory of the "red areas" from the Nazi invaders.

The general conclusion that can be drawn from these fragments of history is that it is not true that the German proletariat surrendered without a fight. The truth of the matter is that its capacities for resistance had been worn down during the terrible years of the Depression, when the Weimar Republic was governed with semi-dictatorial methods by those who opened the way for Hitler to come to power; the energies of those people who tried to resist him were stretched to the limits. The years which preceded Hitler's seizure of power were years of creeping civil war. In the conditions in which the opponents of Nazism were obliged to conduct their resistance, it is hard to imagine how they could have done more or better. Therefore the judgement of historians who say that the German working class and proletariat submitted to Hitler without resistance is both unfair and incorrect, a travesty of reality, a view reflecting only the tendentiousness and ignorance of those who express it.

Within this recognition of the moral and political strength of the resistance struggle of the German proletariat against Nazi terrorism, we should also remember that the Communist Party was the organisation which most determinedly and radically conducted the struggle against the advance of National Socialism, using all means possible, including the illegal. It would be reasonable to ask to what extent the culture and preparation of the party's so-called military cadres (party members who had been on courses in the Soviet Union training them for civil war, armed clandestinity and insurrection) was suitable for the political-military situation in which they found themselves, which was defined by illegal behaviours of the proletariat, and forms of control of metropolitan territory. This was not a pre-insurrectional conflict, or a battle for seizure of power, nor was it a campaign by a Red Army.

An extremely important part must have been played by spontaneous forms of struggle and informal resistance, by non-party circuits of information, and by forms of youth aggregation – in short by that heritage of autonomy and antagonistic cultures which had been sedimented in the proletarian metropolis without its exponents needing to go through

party training schools. In addition, we should remember that alongside the widespread culture of the Communist organisations there was a vast area influenced by social-revolutionary and anarcho-libertarian cultures. A sizeable section of the politicised proletariat was to be found in the anarcho-syndicalist *Freie Arbeiter Union* organisation, which at one point had 400,000 members, initially involving building workers and textile workers, and then spreading to involve engineering workers in small and medium factories and miners; this was a purely proletarian organisation, with no intellectuals or cadres coming from the petty and middle bourgeoisies.

Compared with this overall section of the movement, which represented the active, daily, street by street resistance to Nazism, the actions and policies of the Social Democratic organisations were more inclined to demonstrating and less inclined to fighting. It is true that hundreds of individual cadres of the Social Democratic trade union and party were drawn by class solidarity to participate in various ways in actively resisting the invading Nazi squads. But our judgement on the behaviour of the Social Democratic party's leadership and apparatus (up until late 1932 they still consider that the prime danger for the so-called Weimar democracy was Bolshevism) has to be one of condemnation and contempt for their profound anti proletarian sectarianism, their frightening political shortsightedness, and their deep cowardice in the face of Nazism.

As for the actions of the Communist Party, I think one should say that, despite some wavering and many mistakes, the Communist Party fought determinedly to prevent the advance of National Socialism. However, in history books you too often find the thesis that the Nazis and Communists went side by side to fight against the institutions of Weimar, and you frequently find reference to the two episodes in which they found themselves in a united front against the Socialist Party: the public transport strike in Berlin in Autumn 1932, and the referendum against the Prussian government under Otto Braun; you almost never hear of the physical clashes which took place between proletarians organised by the KPD and the Nazi gangs.

At this point I would also point to the central role played in Berlin during those years by Josef Goebbels' great adversary Walter Ulbricht. This is not meant to indicate approval for the role that Ulbricht went on to have subsequently as the head of the SED and the prime minister of East Germany. In fact it appears that once he reached power Ulbricht preferred to forget his heroic Weimarian exploits, because recalling the true events of that period might have jeopardised his relations with the Social Democrats and contradicted the legalitarian and gentlemanly image that post-war Communism was seeking to acquire.

16. From the capitulation of the trade unions to the first industrial policy measures of Hitler's government

On 30 January 1933, Hitler became Chancellor. On 21 March, Nazi squads attacked various trade-union offices, in particular those of the ADGB trade union federation, which had reached a membership total of 8 million in 1921, but had then fallen to 4.5 million by the end of 1932 (in itself no mean figure). On that same day, 21 March 1933, Leipart, president of the ADGB, wrote to Hitler that "the trade unions are not intending to act directly on the terrain which pertains to state policy. Their task is rather to direct the just demands of workers in relation to the government's measures of social and economic policy." A few days later, Leipart again wrote to Hitler to inform him of the trade unions' complete dissociation from the Social Democratic party, and offering the government the collaboration of the trade unions.

Meanwhile the Christian trade unions had declared themselves apolitical, and the trade union organisations of white collar workers (which were headed by the Christian trade union, and another of the centre Right) announced their submission to the regime.

A few days later Hitler declared Mayday a national holiday, and the leadership of the ex-Socialist ADGB union federation invited its members to join the labour day celebrations. This was the signal for a complete capitulation. On 2 May, in an action that was coordinated throughout Germany, commandos of the SS and the SA occupied trade-union offices throughout the country, as well as the head offices of the "Bank of Workers, White Collar Workers and Functionaries" in Berlin, its branches throughout the Reich, and all offices of the trade-union press, without encountering any resistance. Leipart himself was arrested, along with all the leaders of the various individual trade unions, the directors of the workers' bank, all union officers above a certain level, and the editors of the trade-union press. Throughout the country, the actions of the Nazi commandos were carried through in a peaceful and disciplined fashion, almost as if there had been a tacit agreement between the aggressors and their victims. Incidents were few and far between. This was how the organisation which expressed the longest-standing tradition of the German working class capitulated shamefully to the violence of the dictatorship.

All this happened exactly sixty years ago. The intention of today's meeting has been to recall some of the factors which made possible the victory of National Socialism and the defeat of the German working class and its organisations. Before I end, I would like to outline some of the circumstances which enabled the Nazi regime to consolidate its power, to soak up unemployment, and, in the final instance, to create a system for the disciplining and integration/consensus of the workforce.

There have been many research studies of the labour policies of the first three years of the Nazi regime prior to the launch of the "Four Year Plan". Researchers have looked not only at the transformations of industrial labour, but also at the living conditions of the working class, at working-class attitudes and behaviours, at the National Socialist trade-union organisation, the *Deutsche Arbeitsfront* (DAF), at the structures of the factory trustees, at contractual proceedings, etc. In short, today we have large amounts of information to put alongside the material gathered by Tim Mason for the subsequent period (1937-39), and this material tends to confirm his basic theses.

For the notes that follow, I shall use four basic sources: the work done by our Foundation on the DAF's Institute for Labour Science, and in particular a long essay on the social policies of the Nazi regime by Karl Heinz Roth, which will be published in 1994; Rüdiger Hachtmann's book *Industriearbeit im Dritten Reich* (1989) ("Industrial Labour in the Third Reich", subtitled "Research on labour conditions and wages in Germany from 1933 to 1945"); Matthias Frese's book, *Betriebspolitik im Dritten Reich* (1989), ("Company Policy in the Third Reich", subtitled "German Labour Front, employers and State bureaucracy in German industry, 1933-39"); and the book by Günther Morsch, *Arbeit und Brot* (1993) ("Work and Bread", subtitled "Studies on the condition, mood, attitudes and behaviours of German workers, 1933-37").

I shall add figures taken from research on individual industries (for example, our Foundation's *Daimler-BenzBuch*) and individual regions (for example, *Bremen im Dritten Reich* ("Bremen in the Third Reich") by Inge Marssolek and René Ott).

If we want to understand the policies of the Hitler regime in relation to the working class, it is not enough to consider only the problem of unemployment and the policies pursued to absorb it. We also have to examine the measures taken against the employed working class. These measures manifested themselves not so much as employment policies, but rather as industrial policy initiatives, and thus were introduced with a close collaboration between the political state apparatus and big capital. This would be a suitable point at which to open discussion of the class transformations on which we have thus far only touched. What we have here is a terrain of technological innovation and of major modifications in the organisation of labour (in particular of its skill structure). It is a terrain of restructuring with characteristics very different from those of the period 1924-28 (the phase of so-called "rationalisation" and the drastic job-cuts following the introduction of labour-saving machinery, reorganisation of the labour process etc).

The figures that follow give a sense of the effects of the first big phase of restructuring, and give an idea of the class composition scenario at the moment when Hitler took power.

From 1925 to 1929, increases in productivity in industry as a whole reached a figure of 25%; the figure was 30% in capital goods sectors. In 1925, factory workers represented 46% of the workforce, while in 1933 they were 46.3%. There was no big change in the balance between the various occupational strata: public functionaries and military personnel still stood at 17%, while figures for the self-employed had risen by about half a percent and in 1933 stood at 16.4% of the workforce. In the overall period 1925-33, one of the more striking phenomena was the expulsion of women from the productive process (a 12% drop).

In 1933, 25% of industrial workers were concentrated in the engineering and electrical engineering sectors. The food processing sector had 15%, textiles 13.1%, the building industry 12.5%, clothing 9.7%, wood 6.5%, minerals, 5.4%, brickworks 4.5%, chemicals 3.1%, press and publishing 2.3%, paper 2.1% and water, gas and electricity services 1.9%. In fact the importance of the engineering and electrical engineering sector within the workforce as a whole was much greater than appears from these figures, because in 1933 the sector had a potential workforce of 3,068,500 people, of whom only 1,862,600 were in employment – in other words the sector had 1,194,100 people unemployed); if we use this technique of adding both employed and unemployed within a sector, we find the building industry in second place, with an active population of 2,002,800, of whom only 1,105,600 were in employment.

These figures, albeit rough, show that the central nucleus of the German factory working class at the moment that Hitler took power was concentrated in the engineering and electrical engineering sectors. Therefore, if the Nazi state wanted to pursue policies aimed at moulding the working class to its ends it was going to have to intervene with industrial policy measures in the engineering and electrical engineering sector. The working class of the building industry, as we know, has very different characteristics to the factory working class. The textile and clothing sectors, for their part, were characterised by a majority presence of women in the workforce: 56.4% in textiles in 1933, and 68.2% in clothing.

Roughly speaking the geographic distribution of the factory system in Germany was as follows: the textile and clothing industry had a large concentration in Saxony and neighbouring regions, with a level of women's employment higher than the national average, touching on 70%. The coastal region embracing the big ports of the North (Hamburg, Bremen and Kiel), and the areas of Berlin, Lower Saxony, Central and

Southern Germany, had the big car factories, and the factories for shipbuilding, machinery, electrical plant, light and heavy engineering. Heavy industry, coalmining and steel industry were concentrated in the Ruhr and the big industrial basin of Westfalia and the Rhineland.

Broadly speaking these were the three blocs of the factory working class which Hitler was going to have to integrate into his totalitarian state. These were also the most refractory sections of the factory working class, the part with the longest Socialist and Communist traditions, and with the strongest trade-union background.

If we examine the industrial policy initiatives of the period, and the course of restructuration and major technological innovation, certain things become apparent.

The industrial territories characterised by a large number of women workers (which in the employers' eyes presented a less urgent and serious problem of discipline) were left largely on the margins of the processes of innovation and restructuring. The textile and clothing industries were left in a limbo of stagnation, which saw neither major traumas nor major transformations. The most significant interventions were in the engineering sector, and thus in the construction of means of transport and machinery.

Why did women seem to represent the more docile component of the working class? Already during the Weimar Republic, women workers were discriminated against and kept in a position of subordination. Their wages were 30-40% lower than those of men for similar jobs, and in the auto industry their piecework earnings were less than half those of the men. A large part of the female working population had been excluded from the system of compulsory insurance. The decrees of the final Weimar governments introduced new regulations aimed at excluding certain strata of the population from social state benefits, and these had hit women particularly hard, especially young single women. During the Great Depression women's social condition worsened still further, because a public opinion campaign was launched against married women who worked; they were accused of taking work away from men, and of enjoying a double wage, their own and that of their husbands. When it came to layoffs, women were often the ones who suffered first.

Now, this is not the point to enter on a specific discussion of National Socialist state policy regarding women, although this topic has, in the past 20 years, seen some of the very best historiographical research on the Nazi period. Suffice to say that in its employment policies the Hitlerite state did not promote women's work – or rather it promoted the image of the housewife dedicated entirely to her husband and to reproduction. This does not mean that, in situations where women's employment was high, women were replaced by men; while in general the Hitlerian woman is seen as a breeder of pure-race exemplars, women's employment in industrial labour did not fall much in the years which preceded the Second World War (in percentage terms it went from 29.3% of industrial employment in 1933 to 25.2% in 1938).

However, in absolute terms the number of women employed in industry rose from 1,205,000 in 1933 to 1,549,000 in 1936. And in a number of decisive sectors such as engineering (but not auto) and electrical engineering, women's employment rose; it went, respectively, from 40.1% in 1933 to 41.6% in 1938, and from 37% in 1933 to 38.8% in 1938.

In the textile districts of Saxony, where 70% of the workforce was female, throughout the period preceding the War there were substantial layoffs and many sackings, because the

textile industry was short of raw material as a result of the Nazi policy of autarchy. Thus textile wages, including those of the most skilled male workers, were five times lower than those of skilled workers in the auto industry. This meant that the textile districts of Saxony, Thuringia and the Rhineland were regions of great poverty during the whole period prior to World War II, and workers were encouraged to transfer to other industrial regions, where from 1936-36 onwards, key sectors of industry were experiencing shortages of skilled labour.

The regime was able to exploit these sectoral and regional imbalances to ensure the discipline of the working class.

What was happening in the highly industrialised areas was radically different from the situation in the textile districts, and was characterised by expanding sectors and technological innovation. However, before going on to cite examples from the auto and aeronautical industries, I want to look at an important fact of Germany's class composition at the moment when Hitler came to power, to which I referred earlier. Namely the dramatic fragmentation of the working class, a fragmentation which had grown throughout the Weimar period. In fact in 1925, 30.4% of workers were employed in establishments with fewer than 200 employees, and 22.7% in establishments with a maximum of 3 employees. This too is an important fact for understanding why, once Hitler reached power, he encountered no great difficulties in disciplining and integrating the working class. As I said above, unfortunately historians have not analysed the characteristics of the micro-firms of that period; thus we do not know the nature of the technical and economic relations that existed between this enormous territory of the micro-firm (totalling about 96.3% of all firms) and the big companies. For example, was it a relationship more or less analogous to what we have today in the so-called "network company"? This lack of analysis makes it hard to understand the relations that would have existed between workers employed in micro-firms and workers employed in big companies of that period.

However, the industrial policies of the Nazi regime tended to favour a powerful drive towards concentration; the individual activities of self-employed workers and artisans were discouraged by means of specific decrees; employment in large factories was encouraged, and here – as we shall see shortly in the statistics on working hours exploitation was more intense and discipline better guaranteed. The extension of weekly working hours was one of the more striking phenomena of Nazi industrial policy.

If we leave aside the textile districts, where the stagnation produced by the policy of autarchy had led to working weeks of between 14 and 36 hours, in the rest of industry and in particular in the key sectors, from 1934-35 onwards, there was a tendency to extend working hours well beyond the 8-hour day. There was a crisis in the labour market due to the fact that in the latter years of Weimar apprenticeships and professional training had fallen into decline, and this meant that workers in the more specialised jobs were working an average of 12-16 hour a day.

A decree of 26 July 1934 authorised working hours in the building industry and the service sector to be extended to 60 hours per week. This law opened the way for a general increase in working hours throughout industry, in some cases provoking excesses against which even the Nazi authorities themselves had to intervene. Inspections carried out in engineering factories in 1935-36 discovered that it was not unusual for workers to be working between 80 and 110 hours, in other words doing between 30 and 40 hours

overtime per week.

This increase in working hours was combined with an extension of forms of payment geared to output – wage forms which permitted, among other things, considerable differentiations of treatment within various categories of workers. The regime's labour policies, if we leave aside for the moment occupational measures, were such as to encourage the employers and management in industry to practise an intensive exploitation of the workforce of a kind that had perhaps never previously been seen in the history of the German working class.

If the workers initially submitted themselves to these conditions, this was for two main reasons: most workers had come from a recent bad experience of unemployment, and since wage levels were very low the only way to ensure an income and a decent standard of living was to do a lot of overtime and accept the rigours of piecework. But these are also the premises for an attitude of greater resistance, of rejection of exploitation, and even of sabotage, as Tim Mason has documented – behaviours which began to be seen in the later period, when the war economy began to get into its stride.

In his research on the Italians who went to work in German factories post-1938, Cesare Bernani has collected personal accounts which suggest that German workers proposed to Italians that they work more slowly. We should perhaps remember that, while during the Nazi period Taylorisation was massively introduced into the majority of German factories, the work was not so much organised on assembly lines with automatic conveyors, but, as Hachtmann observes, was more based on "islands" of production, with individual and small-team piecework.

There were visible symptoms of a greater autonomy of the working class (or at least of some groups) at the moment when, once full employment had been established, and with the beginning of a boom based on massive state orders in the field of war production, the working class realised that it had a certain power. This power derived particularly from the fact that companies were complaining about shortages of skilled workers, and were thus disposed to improve terms and conditions of employment in order to attract labour.

Thus this period saw an increase in mobility of labour from factory to factory, sector to sector and region to region. Mobility figures for the motor industry fluctuate between 17% and 20%, and are indicative of the scale of the problem. Since many workers with Social Democratic or Communist sympathies in the Weimar Republic had been skilled or qualified workers, companies were rather inclined to turn a blind eye to their political pasts, for the sake of attracting skilled labour. There are documents of the DAF and the Gestapo indicating a note of alarm at this attitude of the employers.

However, in the course of 1936-37 we find an identifiable cycle of strikes, a kind of "moment of insubordination", which was precisely recorded in a document of the DAF (published in its entirety in No. 4/1991 of our journal 1999) which reported more than 200 work stoppages in the period from January 1936 to July 1937. Very few of these actions took place in large factories (exceptions were at Opel in Rüsselsheim, where on 25 June 1936 236 workers in the Body Plant went on strike; Auto Union in Berlin, where 600 trim workers went on strike; and in the shipyards at Bremen, where a Communist organiser, Ernst Novak, was arrested and tortured to death).

The other labour agitations took place mostly in motorway building sites, in small and

medium-size factories, and in the textile districts where hunger ruled. The regime's repressive apparatus went into action. 11,687 people were arrested. There were 609 trials, 3,238 sentences comprising a total of 8,294 years in prison; 898 of those sentenced were reportedly members of the Communist Party, 730 members of the ADGB, and 473 of the SPD.

With bureaucratic precision, the DAF subdivided these labour disputes according to their causes: 21% were attributed to "Marxist agitation", 14% to "general instigation", 15% to "social unrest", 25% to "wage questions", and 22% to "other reasons". The most thorough going research on this "cycle of struggles" has been that of Morsch, who gives it a hundred pages in his book *Arbeit und Brot*.

Within the Nazi trade unions there was a phenomenon of infiltration by Communist agitators (the KPD had shortly before proposed entrism into the National Socialist organisations). Thus between 1936 and mid-1937 there was a huge purge operation, which affected upwards of 2,700 DAF cadres, who were accused of high treason. In fact, as research by both Mason and Morsch shows, the Communist Party actually had little to do with these labour disputes. They tended to be spontaneous incidents, often supported even by members of the Nazi trade unions, when conditions of work in factories and work yards became intolerable. (There was a similar phenomenon in Italy in 1929-31, when the regime was obliged to take a hard line against many Fascist trade unionists.)

Another crucial factor in the transformation of class composition was the state support given to the technologically advanced and innovative sectors, for example aeronautics. To give a few brief figures for the development of the aero industry in Bremen (taken from an essay by Dieter Pfliegensdörfer published 1988 in the first issue of our journal 1999), the Focke-Wolf company went from 300 employees in 1933 to 32,500 in 1944; and Weser Flugzeug Bau went from 410 employees in 1934 to 28,000 by 1944. The other nerve points of the German aero industry were at Rostock (Heinkel), Dessau (Junkers), and Bodensee in Bavaria (Dornier).

In Bremen there was a very particular problem of local political class composition that needed to be addressed. The central core of the working class consisted of highly politicised shipyard workers, among whom Communists and Social Democrats had maintained a solid base during the period of the Weimar Republic. The shipyards had been hit badly by crisis during the Weimar years, and a lot of local capital, in conjunction with capital coming from the maritime-commercial sector, had been looking for new investment opportunities in the aeronautical industry. Thus it was the shipyard employers themselves who were to create the new industry, with the result also of creating a new type of working class. As it turned out, recruitment into the industry did not draw so much on the freely available ex-shipyard workers, but more on skilled workers from the small engineering industries.

The projects of large-scale aircraft production and the constitution of a new working-class elite met with enthusiastic approval from the Nazi regime, which saw this as the realisation of one of its principal objectives. Driven by generous state orders, the Bremen aero industry underwent considerable expansion. Weser Flugzeug Bau was building under licence, whereas Focke-Wolf created its own models. The Focke-Wolf factory had a workforce which was very highly skilled, and which manifested *esprit de corps* and pride in the factory. It had a legendary managing director, an engineer by name of Tank, who himself did the test flights for the new models, much to the approval of his staff. Focke-

Wolf invested a lot in research and experimentation in helicopter technology; its aircraft won competitions all round the world.

Its personnel policies had two faces: on the one hand, a generous social policy (the building of homes for employees, intensive touristic and cultural activities, a very pleasant working environment, a spacious 1,000-seat canteen which could also be used for social events and political indoctrination, and free access to the Roselius library, with its 11,000 volumes; on the other hand, a system ruthless militarisation (identity cards, strict surveillance, the presence of the Gestapo in the workplace in addition to the normal factory police, with the pretext of protecting industrial-military secrecy).

In 1937, to accentuate the elite character of the factory, but also its military vocation, a school was opened for aeronautical-mechanical pupils, which was accessible only to those who belonged to a special section of the Hitler Youth. Shortly afterwards, the *Fliegertechnische Vorschule* was created, where the future technicians of the Luftwaffe's ground staff received training in advanced mechanics; these pupils lived in barracks close to the factory, and were under military discipline.

The accounts collected by contemporary historians among workers who had lived the Nazi period agree in stressing the excellent atmosphere in the factory, and the extent of collaboration with fellow workers; however, it took only a minor infraction, a lateness, an unjustified absence or an angry word for a worker to end up in a concentration camp; thus it sometimes happened that one's workmates would disappear for months at a time, with no explanation offered, and when they returned they were obliged to maintain silence as to where they had been.

This systematic operation of integration and militarisation did not, however, prevent pacifist leaflets appearing in the factory when war broke out, as well as refusals of overtime, and absenteeism reaching a level of 10%.

Another important aspect of the policies tending towards the integration of the working class (which has been analysed in particular by the literature on women) is that regarding the integrative social provisions provided by individual companies. These were so extensive as to constitute a parallel system to the state system. This integrative "welfare" system was particularly attentive to the problems of women workers with children; company policy with regard to women in the factory was expected to make provision for their role as mothers of the Aryan race.

Thus the overall social and industrial policies pursued by the Nazi regime can be seen as highly complex, inasmuch as they intervened selectively and in a differentiated manner on various individual components of the workforce. The result was the phenomenon that historians of the working class under Nazism have consistently highlighted: adaptation and submission, participation and alienation, atomisation and an enforced withdrawal into private space, at the same time as public space is invaded and pervaded by the mass apparatus of the regime, an apparatus which was not merely propagandistic, but which actually did offer an alternative society. So we can say that the integration was not a general integration, but an integration aimed at particular new sectors.

Horkheimer, the former director of the *Institut für Sozialforschung* in Frankfurt, used to say: "If you don't want to talk about capitalism, then don't talk about Nazism." However, in recent times the relationship between Nazism and capitalism has become increasingly

the subject of a debate which, in some respects, is full of mis-understandings and is of no particular use: the debate on the so-called "modernisation" to which I referred earlier.

Unfortunately to enter into this debate would take us beyond the terms that we have set ourselves with this initiative. Our principal aim has been to commemorate the sixtieth anniversary of Hitler's rise to power, to reconstruct the basic stages of his advance to power, and to examine his policies as they affected the working class. We have examined the nature of that social territory which we call the "working class" during the period of the Great Depression, and we have recalled how a section of the German proletariat reacted to, and fought determinedly against, the rise of National Socialism.

We have had to leave out of account certain important aspects of the period, as for example the activities of the National Socialist factory cells. These played a decisive role, particularly in the years of the "Battle for Berlin", where they had important successes in the workplaces; the Nazis' factory cell organisation, the NSBO, reinforced the "extremist" and social-revolutionary wing of the Hitlerian movement, headed by the Strasser brothers; after the Nazis' taking of power, it was progressively marginalised, in part integrated into the DAF trade union apparatus, and in part brutally liquidated in the course of the various purges which took place from 1934 onwards.

However, if we organise any similar events in the future, we would expect to return to these developments. We would be interested to analyse the Nazi regime's industrial and social policies with more precision, in its three major phases: the phase of reduction of unemployment (1933-36), that of the Four Year Plan (from 1937 onwards) and that of the massive importation of foreign labour-power, to which the Nazis added the ever-growing army of prisoners of war and deportees, with a view to constructing a kind of forced labour apparatus never before seen in modern industrial society.

When we approach the question of relations between National Socialism and capital, or more particularly between the Nazi state and big capital, we should not overlook the contribution made by the historiography of the ex-German Democratic Republic, both as regards the theoretical definition of these relations (characterised by schemas that are typical of the culture of Socialist countries), and as regards the empirical research, which is extremely rich, and which has produced results of considerable value (for example Dietrich Eicholz's research on the war economy).

After the fall of the Berlin Wall, the entire scientific and apparatus of the ex-GDR was hit by a wave of purges and sackings, in the course of which the academic community of West Germany unfortunately demonstrated a cowardliness and spirit of revenge unworthy of a civilised country. Some historical research institutes that had won a worldwide respect, such as the *Institut für Wirtschaftsgeschichte* of the ex-Academy of Sciences of East Berlin, founded by Jürgen Kuczynski – the great historian of working-class conditions – and the "Institute for the History of the Labour Movement" were abolished; others, such as the Institute of History at the Humboldt University in Berlin, underwent major staff changes.

The journal of our Foundation has been the only journalistic publication to document precisely and in detail this operation of purging and dismantling of the history departments of the ex-German Republic. The historians and researchers of the ex-GDR have reacted to this operation in several ways: some have given in, but others, such as Manfred Kossok, ex-Vice-rector of the University of Leipzig and director of the *Institut für Universal- und*

Kulturgeschichte (formerly under the directorship of Markow) stood up against the offensive. (Kossok, whom I had the pleasure of meeting last summer in Leipzig, died in February of this year.) Others launched a process of critical rethinking of the experience of the ex-GDR's historiography of Fascism (on this, see the interesting volume of essays entitled *Faschismus und Rassismus*, edited by Werner Röhr, published by Akademie Verlag, Berlin 1992).

This group of historians, which includes Dietrich Eicholz, set up in Berlin the *Berliner Gesellschaft für Faschismus- und Weltkriegsvorschung*, to continue both the research work and the advancement of theoretical methodological thinking on the Nazi phenomenon. This initiative has gone hand in hand with initiatives in West Berlin, such as the *Berliner Forum für Geschichte und Gegenwart*, an organisation which intends to coordinate initiatives with the *Geschichtswerkstätten*.

These few indications should suffice to show that there exists a broad array of people who are not inclined to surrender to the ruling mood of revisionism in Germany.

Incidentally, we should not forget the journal of our own Foundation, 1999. *Zeitschrift für Sozialgeschichte des 20. und 21. Jahrhunderts*, which has a readership of 3,000 and more than a thousand subscribers - way ahead of any other similar journal. Thus there may be many shadows in German cultural life, many opportunistic and academic capitulations among historians, a worrying growth of the neo-Nazi phenomenon, and an attempt to cancel out the memory of the GDR, but at the same time there are many militant democratic forces at work.

However, it should be said that even the most committed historiography has for many years been unable to create new, richer, more complex and articulated interpretative schemas than those which were laid down in the 1960s and 1970s. The problematics seem substantially to have remained the same, and the research work has gone forward on a kind of plateau. What we lack is the creation of new historical paradigms and new interpretative perspectives, and this has sometimes been a source of weakness in otherwise impressive and accurate research projects. It has left us disadvantaged in the face of the superficial pamphleteering of revisionist historiography, which may lack in documentational evidence, but which has a devastating subversive energy, and is capable of proposing new syntheses and new "myths". This subversive energy is given plausibility by the media, who treat the revisionist theses as "scoops", and it is not neutralised by "serious" research, because it has a different form from that of traditional "historical discourse".

This revisionism is not dangerous so much for the things that it says, as for the ways in which it says them; it has created a different kind of historical discourse, dislocating completely the terrain of cultural comparison, and bypassing research on documents and sources.

In order to confront this revisionism, it is crucial that we take account of this change in the status of historical discourse.

At this point it would be worth asking how Italian historiography, particularly that of the self-styled "Left", compares to the more impressive German and Anglo Saxon research on the Nazi period.

In the preparations for this conference, Pier Paolo Poggio examined the principal history

journals being published in Italy today (including *Rivista di storia contemporanea*, *Passato e presente*, *Studi storici*, etc). Going back over the past 15 years, he found only one article dealing with the relationship between Nazism and the working class in the 1930s. Needless to say, it was an article by Tim Mason, published posthumously by Gustavo Corni in a Trento journal. For the rest, the only indication in an Italian research context of the progress made in this field by German historiography has been the occasional comment from Enzo Collotti. Nor does the issue seem to have sparked much interest on the cultural pages of *L'Unità* or *Il Manifesto*. Since there is no doubt that there are specialists who know this literature well, one can only presume that they have not thought it worthwhile publicising its results. Thus, what the public knows about the history of Nazism is what it is handed from the colour supplements, where vulgar journalism pours forth rivers of banalities and commonplaces on the occasion of historical anniversaries, or from the works of revisionist historians, eagerly translated by our publishing houses and then popularised on TV chatshows.

Our meeting today has been an attempt to resist this trend, since we believe that this dramatic page of history should not be reserved for specialists. It is so full of meaning and warnings that it should be a basic axis of the political-historical culture of each and every one of us. In the absence of this, it is hard to see how one can have a sure sense of democracy. It is, thus, a story which has to be told in a language which is clear, simple and accessible – told with all the passions of great civil and political struggles.

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Mistaking Rights and Normativity

Manolis Angelidis

During the last decades there was a revival of interest in theories of 'rights'. The ensuing debate focused on the question of the framework of rights. Politically the debate aimed at relieving society from its endemic crisis. At the theoretical level most of the major arguments in this debate may be traced back to the early bourgeois natural law discourse, flirting at the same time with the idea of a new 'social contract'. At the socio-political level, however, this debate articulated the tensions inherent in the crisis of welfare policies since the 1970s.

This paper assesses those arguments within this debate which attempted to undermine the public character of Welfare (social) Rights and which sought to reduce these to an optional and privately oriented 'benevolence'. A provisional attempt is made to understand rights on the basis of a critically oriented historico-theoretical reflection. The aim is to show the link between the concept of rights and the derivation of the political in modern society.

The understanding of this link requires the specification of the following major points:

Firstly, within the historical horizon of bourgeois society, state formation is linked with the form of an abstract and general regulation of human action. In the theoretical context of early and classical liberalism this relation is considered as indispensable for the development of human action in a framework of liberty and equality, i.e. within a framework wherein human action is not hindered by the arbitrariness of prerogation. The creation of human rights as private property rights is conceived within the framework of liberty and equality. Liberty and equality are considered as an indispensable condition for the reproduction of society, sustaining the enforcement of the separation of 'possession' from traditional legal-political rights (privilege) as well as transforming forced labour into free labour power through the violent process of primitive accumulation. This means that the problem of Civil Society (constitution) is identical with (and absorbs) the problem of social reproduction as a separate field of theorising. Within the constitutive framework of Civil Society, the institution of private property corresponds to the delimitation of civil rights on the basis of private property/taxation/representation and access to and equality before the law.

Secondly, the development of bourgeois society during the nineteenth century and the emergence of the well-known 'social question' seriously challenged the general framework of the formation of rights concerning the problem of social reproduction. This was because of the historical process which led to the separation of labour power from the means of its reproduction, i.e. a process 'which divorces the worker from the ownership of the

conditions of his own labour' (Marx, 1976, p. 874). As a result social labour power was conceived as insecure in its very existence. This led to a critical reconstruction of the constitutive principles of society, 'freedom' and 'equality', in terms of equal and free exchanges of 'equivalent quantities' of labour. Marx considered 'freedom' and 'equality' as mediating the exploitation of labour power on the 'surface' of bourgeois society (Marx, 1976, p. 280). Two major approaches developed in this context and although their respective starting-points are different they, nevertheless, appear to converge towards the same end.

First, there is late utilitarianism: This approach saw an extensive reform of civil constitution as indispensable, involving the 'extension of the suffrage' as the key to a wider social reformation. Part and parcel of extensive reform was the enlightenment of the working class through education as well as the redefinition of welfare policies (charity) (J.S. Mill, 1987. Bk. II, Ch. XI, XII and Bk. IV, Ch. VII).

Second, there is Marxian theory: This approach thematises the protection of social rights of labour and discusses the whole problem in the context of 'the limits of the working day'. According to this approach the factory legislation of last century was a social reaction to the unregulated organisation of production based on the exploitation of labour. As Marx put it, the factory legislation was the 'first conscious and methodical reaction of society against the spontaneously developed form of its production process' (Marx, 1976 p. 610). Against this background Marx's labour theory of value is based on the antithesis between the collective character of social production and the individual character of the appropriation of social product (ibid., pp. 729-30).

The question of the formation of rights and the reconditioning of their socio-political frameworks needs to be seen against the above historico-theoretical reflection. This understanding reflects upon the core problem of capitalist society, namely the relation between private property and social labour, a relation which exists within the broader context of the social division of labour in modern societies. The relation between private property and social labour is essential. It allows not only an understanding of the historical formation of rights but, also, of the generation of theoretical criteria conducive to the evaluation and critique of policies on the one hand and the evaluation and critique of politico-theoretical arguments, on the other. The above suggests a type of socio-theoretical approach which takes into account the internal relationship between 'values' and 'facts'. In other words, it poses the problem of the unity between the subject of social theory and the practical terms under which this subject is constituted (Psychopedis, 1992). Within the context of a theory of the formation of rights, the issue of 'unity' concerns the formation of valid criteria as to the type of regulation which maintains social labour according to social principle.

The 'minimal state' argument

The central feature of minimalist approaches is the overall reconditioning of major state functions. This is presented as a reorganisation of the public sector. This has been defined within the minimalist theoretical tradition as 'a circumscribed amount of material means placed at the disposal of government for the rendering of services it has been asked to perform' (Hayek, 1982, p. 47). The aim is to construct a new concept of the 'state', i.e. a state without redistributive functions associated with the era of welfare policies. Although this aim presupposes, at the theoretical level, the adoption of the fundamental premises of early and classical liberalism, it breaks the inherent cohesion of these premises. In early and classical liberalism, 'rights' were conceived on the basis of a binding relationship

between the natural law norms and the description of the deliberative action of men in the 'state of nature' context. The minimalist argument aims not only at the abolition of the redistributive dimension of the modern state. It also has as a target the total reconditioning of its distributive function. In early liberal theory the unity between norms and deliberation has major consequences for the institution of Civil Society as the proper subject of political theory. One consequence of this unity is that political theory not only describes the deliberative and purposive action of individual agents but also makes an appeal to the same agents to implement, in practice, the natural law norms. This appeal to agents, which is masked under the rubric of an 'Appeal to Heaven' as the last instance argument (Locke, 1980, p. 397), is supported theoretically by a reflection on the relation between morality and action - see, for example, the Lockean theory of knowledge which addresses the problem of the derivation of normative criteria) (Locke, 1985, Bk. IV).

In another context, the 'minimal state' argument construes classical political theory as a 'coercive philosophy', i.e. as a philosophy which contains 'arguments', which are 'powerful' and 'force' us 'to a conclusion' since 'a philosophical argument is an attempt to get someone to believe something, whether he wants to believe it or not. A successful philosophical argument, a strong argument, forces someone to a belief' (Nozick, 1984, p. 4). Indeed, a major feature of classical political theory is the unity between 'norms' and 'deliberation', positing the binding character of social theory. The issue is that of a conception of rational purposive action which stands in a close relation to the objective rational norms of an a priori critical natural law framework.

In contrast to classical liberalism, the minimalist approach considers as appropriate and desirable a type of theorising which is 'not directed to arguments and proofs' but simply 'seeks explanation' (Nozick, 1984, p. 8). According to this 'explanatory' orientation, the Lockean state of nature is restructured as 'a fundamental potential explanation of the [political] realm' (Nozick, 1980, p. 8). As a result the Lockean state of nature is reconstructed not as an interpretative framework for the elaboration of binding norms but as a type of 'invisible-hand explanation' (Nozick, 1980, pp. 18-22). This reconstruction follows the same path as the reduction of the Lockean state of nature to a general idea of quasi causal relations among individual actors. These relations have been abstracted more or less violently from the binding framework of natural law norms since it is argued that Locke 'does not provide anything remotely resembling a satisfactory explanation of the status and basis of the law of nature in his *Second Treatise*' (Nozick, 1980, p. 9). As a consequence political theory is regarded as legitimate only insofar as it deals with the potential outcomes of human action within a framework of quasi causality. Implicit within this 'non-coercive' and 'explanatory' theorising is the notion of a new theoretical starting-point for the perception of central socio-political issues, a starting-point which corresponds to the irrational perception of reality as an infinite variety of data which cannot be conceived in its totality by the human mind.¹

According to Nozick's notion of the potential outcomes of human action, it is important for individuals to avoid the possible negative consequences of their action. In order to do so it is supposed to create 'protective associations' modelled on the basis of insurance companies. These associations are charged with providing individuals with the necessary protection against other individuals which may violate their rights. It is assumed that the

¹ This starting point may be traced back to the Weberian epistemology and, earlier, to Humean theory. (See D. Hume, 1989, p. 466). According to Hume 'all beings in the universe, considered in themselves, appear entirely loose and independent of each other. 'Tis only by experience we learn their influence and connexion; and this influence we ought never to extend beyond experience'. (See also M. Weber, 1949).

development of human action within a state of nature, i.e. a state lacking the general norms of human action, and as a result of the 'inconveniences' between separate 'protective associations', will - to a certain degree - give rise to a 'dominant protective association' of a sort (Nozick, 1980, pp. 10-25). The possibility that a certain number of individuals will not participate in this association is recognised and they are called the 'independents'. The invention of the 'independents', an idea which may be traced back to the Lockean 'Beginning of Political Societies' (Locke, 1980, II Ch. VIII), opens an argument about the criteria of 'how a dominant protective agency may act towards independents' (Nozick, 1980, p. 56). The formation of these criteria presupposes an investigation into 'the moral status within a state of nature of procedural rights and of prohibitions upon risky activities, and also what knowledge is presumed by principles about the exercise of rights, including especially rights to enforce other rights' (Nozick, 1980, p. 56). The discussion about the 'procedural rights' introduces the concept of 'compensation'. It is supposed that the 'independents' may be compensated because they are prohibited from exercising a right of their own if this exercise is 'risky' (Nozick, 1980, p. 88).

The 'minimal state' argument, introducing the principle of compensation, deconstructs the binding premises which are indispensable for the derivation of the general form of regulation embodied in Civil Society. This deconstruction is linked implicitly with an argument in favour of the rupture of the framework wherein social rights are constituted. That is, the argument calls for the reconditioning of the relation between individual/private property and social rights in modern societies. More specifically, what this deconstruction implies is the impossibility of creating frameworks of social rights regarding a conception of 'good' since their status would be 'derivative', i.e. dependent on the pursued goal, and not 'primary' (Nozick, 1980, p. 28). The construction of rights as primary is the foundation of the person's inviolability principle; furthermore, it does not support at all any argument which is for the violation of 'persons for the greater social good' (Nozick, 1980 p. 32). The reason for not providing this support is that 'there is no social entity with a good that undergoes some sacrifice for its own good. There are only individual people, different individual people, with their own individual lives. Using one of these people for the benefit of others, uses him and benefits the others. Nothing more' (Nozick, 1980, pp. 32-33).² In this sense, rights cannot be incorporated 'into the end state to be achieved'; on the contrary, they have to be constructed as 'side-constraints upon the actions to be done' (Nozick, 1980, p. 29).

Thus, the conception of the 'minimal state' is constructed in relation to the social indeterminacy of individual action: the redistributive dimension of the state has been removed and its distributive dimension has been redefined. This removal is justified by the argument that 'there is no central distribution, no person or group entitled to control all the resources, jointly deciding how they are to be doled out. What each person gets, he gets from others who give to him in exchange for something, or as a gift' (Nozick, 1980, p. 149). What now remains as a central state function is only the dimension of enforcement which corresponds to a type of society conceived as a sum of individuals acting as exchanging subjects. The enforcement function of the state as a 'minimal state' is the minimal type of regulation which properly is imposed on bartering individuals.

Since individual action cannot be determined socially the problem arises as to the terms under which 'holdings' may be defined. In other words, what is discussed in this context is the problem of distributive justice proper; it must be emphasised that the whole discussion

² Compare also with F.A.Hayek (1985, p.18), where the notion of 'social justice' is defined.

is directed towards the reformulation of the Lockean entitlement theory. As a basis for the definition of distributive justice a new entitlement theory is proposed since 'the general outlines of entitlement theory illuminate the nature and defects of other conceptions of distributive justice' (Nozick, 1980, p. 153).³ This new entitlement theory is considered to be 'historical' and 'non-patterned'; historical in the sense that the just character of distribution 'depends upon how it came about' (Nozick, 1980, p. 153 ff.), i.e. circumstantially and not historically in the strict sense of the historical (circumstantially in the sense that the historical is constructed as a set of data and cannot be conceived in its relational nature as rational); and 'not-patterned' in the sense that the theory of social justice cannot be constructed on the basis of normative criteria according to which the holdings have to be distributed in a society. This 'historical'/circumstantial character of the new entitlement theory postulates the concept of distribution as *contingent*. This contingency is transmitted back to the level where the reconstruction of the Lockean theory of property is attempted. The attempted reconstruction goes forward on the basis of what Barry characterised as 'some amusing examples' (N. Barry, 1986, p. 151). The aim is the dismantling of the Lockean labour theory of property. This theory is implicitly considered by the 'minimal state' argument as a type of 'patterned' theory since the derivation of property rights within its context presupposes the conception of society as an overall labour process; in this connection, property is conceived as a separation within society which has been instituted as Civil on the basis of the normative principles (political values) of 'liberty' and 'equality'. This is exactly the kind of theoretical argument the 'minimal state' version tries to undermine. It attempts to do so with the help of the analytical device of the impossibility of mixing one's own activity with an object, in the case of Lockean theory of property the mixing of one's own labour with natural objects (Nozick, 1980, pp. 174-178).

To conclude, the importance of 'rights' in the 'minimal state' context, and here specifically in relation to the reformulation of Locke's entitlement theory, is the reconditioning of the relation between private property and social rights. At the forefront of current debates on the future of political rights is the redefinition of distributive justice as a basis for a new Constitution of Civil Society.

Against the background of the above analysis, the issue of the formation of rights can be theorised according to two approaches.

According to the first approach, the formation of rights is conceived of in its relational nature: the idea of rights is referred to a process of social reproduction and society reproduces itself on the basis of its essential 'separations'. Within this theoretical context, the conflict between rights and the way in which this conflict is resolved (regulation) presupposes a binding framework of norms which constitutes itself as an integral part of this process of social reproduction. At the epistemological level, this approach is associated with the idea of a unity between description and evaluation (facts and values) as an essential property of social theory.

According to the second approach, rights are understood in relation to individual action. This approach can be differentiated into two main currents:

1. In early and classical liberal theory (Locke, Rousseau, Kant) this conception of rights is supported by a normative framework which constitutes the very conditions for the activation of these rights. This framework hinders, in its essence, the transformation of

³ See also J. Waldron (1990, p.138) where it is suggested that the 'contingent' character of ownership rights is implicit in the 'historical entitlement' theory.

right into might. In other words every right activation has to be legitimised with reference to this constitutive framework of liberty and equality. In this sense, the character of rights is definitely *public*.

2. In the 'minimal state' argument, rights are understood as 'side-constraints'. This conception of rights is supported by the principle of 'compensation' which, in contrast to the first current, seems to favour the most powerful part to impose its right upon the less powerful one who is compensated for its 'loss'. This conception results in the destruction of the rational idea - characteristic of the first current - of a general framework which contains and binds individual action. At the same time, it ascribes to the concept of right a *private* character. In this sense, the 'minimal state' argument is inconsistent with its claim to work within the framework set by Lockean theory.

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On the Scottish Origin of 'Civilization'

George C. Caffentzis

Editorial Note: An expanded and revised version of this essay will appear as a chapter in Silvia Federici (ed.), *Enduring Western Civilization* which will be published in 1995 by Greenwood Publishing Group (Westport, CT., USA).

*Sure Justice now is at an end
For how can pow'r go further
Since Englishmen are kept in Gaol
And Scotchmen bail'd for murder.*
-- Letter found on London Bridge, 1768

I have not consulted books; indeed I have not books to consult! But as well as my memory serves me, let us see, my lords, how the facts and the law stand . . . It appears most clearly to me that not only every man may legally interfere to suppress a riot, much more to prevent acts of felony, treason, and rebellion, in his private capacity, but he is bound to do it as an act of duty . . . What any single individual may lawfully do, so may any number assembled, for a lawful purpose; which the suppression of riots, tumults and insurrections certainly is . . . I am clearly of the opinion that no steps have been taken which were not strictly legal, as well as justifiable in point of policy.
-- Lord Mansfield, 1780

The term 'Civilization' is commonly used in English to describe a set of positive, even ideal, social and historical values. 'European Civilization', 'Western Civilization', 'Industrial Civilization': any use of the word and the reality connoted by it signifies to most a positive achievement, a self-evident bonus. Indeed, who would want to be labelled

'uncivilized'? And who would not want to be a member of a 'civilized' society ?

However, the ranks are widening of those who declare they "have for some time rejected the notion of civilization altogether," because of its discriminatory implications, as civilization is "by necessity defined by reference to the uncivilized" (1). Questions have also been raised concerning the ethical content of civilization, for it is apparent that the perpetration of horrid crimes is not sufficient to make an individual or a society uncivilized. If this were the case, never, after the witch-hunt, the slave trade, Auschwitz and Hiroshima, could we bring ourselves to speak of Western Civilization.

Many circumvent the problem by enclosing 'civilization' within protective quotation marks, highlighting the distance between the ideal and its historical realizations. But this use of the term heightens the value of civilization, as it suggests that none of the cultures, peoples and countries defined as civilized are genuine embodiments of this ideal state. *Indeed, that civilization is something to be aspired to is a 'truth' few ever question, even among those prone to discard the term because of its exclusive meaning.* This, I would argue, is because the genesis of the concept is generally ignored, civilization being viewed as a timeless ideal, rather than a specific historical process. If the history of the concept of 'civilization' were better known, we might be more cautious in granting this term our unquestioning seal of approval, even though we might still conclude that Europe, and generally 'the West', are indeed *civilized*.

To investigate the development of the term 'civilization' in the English vocabulary, that is, its trajectory from its origin to its final destination, as a term characterizing the highest form of social existence, is the purpose of this essay. As I will show, the development of 'civilization' is genetically intertwined with that of the British financial system, with the subjugation of Scotland to the British Crown, and the 18th century social struggles in and out of Scotland. Thus 'civilization' referred originally to three different but interconnected processes: the rationalization of intra-capitalist relations (civilization *qua* reason); the disenfranchisement of the English workers from their 'traditional' rights and liberties (civilization *qua* repression); and the destruction of communal relations in the Scottish Highlands, resulting in the integration of Scottish society into the orbit of Britain's imperial economy (civilization *qua* progress from barbarism). Fundamental to each of these processes was the assimilation of the English Common Law to the Scottish Civil Law, the first meaning in the English vocabulary of the term 'civilization'.

The Etymological Development of "Civilization"

The word 'civilization', with its roots in the Roman experience (from the Latin *civis*, citizen), is not to be found in Middle English. 'Civilization' entered the language in the early 18th century, as a technical legal term possessing both a specific and a general meaning. In its more limited sense it defined "A law, act of justice, or judgment, which renders a criminal process civil; which is performed by turning an information into an inquest, or the contrary" (O.E.D.). Generally, however, the word referred to the process of "assimilating common law to civil law" (Jowitt, 1959) (2). So it stood in 1755 when Samuel Johnson, the author of the most famous 18th century English dictionary, gave the term a specific legal definition. Up to this time 'civilization' was cognate with 'civilian', which meant a professor of Roman or Civil Law.

The term's definition changed in the last half of the 18th century. The 1828 edition of Noah Webster's *American Dictionary of the English Language* defined 'civilization' as

"The act of civilizing, or the state of being civilized, the state of being refined in manners, from the grossness of savage life, and improved in arts and learning." Webster made it clear that the legal definition was a secondary one, and he placed next to it a cautionary "not used." We catch sight of this semantic change in one of the entries of Boswell's *Life of Johnson*:

On Monday, March 23 [1772], I found [Johnson] busy, preparing a fourth edition of his folio Dictionary. Mr. Peyton, one of his original amanuenses, was writing for him. I put him in mind of a meaning of the word side, which he had omitted, viz. relationship, as father's side, mother's side. He inserted it. I asked him if humiliating was a good word. He said he had seen it frequently used, but he did not know it to be legitimate English. *He would not admit civilization, but only civility. With great deference to him, I thought civilization, from to civilize, better in the sense opposed to barbarity, than civility;* as it is better to have a distinct word for each sense, than one word with two senses, which civility is, in his way of using it. (Boswell, 1953: 466. Italics mine).

Why did 'civilization', which originated as a legal term, become a synonym of 'refinement' and 'improvement' and the antonym of 'barbarity' and 'savage life'? An answer to this question will take us to the Scottish 'low-lands' and that peculiar 18th century flourishing of bourgeois thought that goes by the name of Scottish Enlightenment (3).

Scottish law and the origin of civilization in Britain

The Scottish legal system has differed from that of England since the 16th century. Modern Scottish law came into existence with the introduction of the Calvinist *Institutes*, the pillar of the Presbyterian Kirk during Reformation. This law was patterned on Roman Civil Law and incorporated the legal wisdom of the most successful empire Europe has known until the modern period. It relied on 'principles', 'reason' and 'certainty', and thus stood in marked contrast to English Common Law, which was based on judicial precedent and was shaped by the indigenous struggles on the commons.

A sharp distinction between the Civil Law and the Common Law cannot be drawn on all grounds. For instance "Those who contrast the civil law and the common law traditions by a supposed non-use of judicial authority in the former and a finding doctrine of precedent in the latter exaggerate on both sides." (Merryman, 1969: 48) *But there was a significant difference in the way these two systems were viewed in the 18th century, North and South of the Scottish border. In England the Common Law was identified with the peculiarities of "English Liberty"; while in Scotland it was viewed primarily as an example of English insularity, and contrasted to the universalizing Roman ethos of which Civil Law seemed to be the carrier. There was also a methodological difference between the Scottish and the English legal traditions:*

(We have) a contrast between the two rival ways of constructing a legal system--the logical and deductive Scottish method formed upon Roman models, and the empirical and inductive English method built up by decided cases on native lines (Holdsworth, 1938 xi: 16).

The 1707 Act of Union fell short of unifying England and Scotland with respect to the law (4). Although Scotland at the time was underdeveloped economically and politically

in comparison to England, the Scottish bourgeoisie prided itself in its older, imperially-rooted legal institutions and strove to ensure their continuance. This was guaranteed by several provisions of the Union Treaty (Walker, 1976: 125). The most crucial among them was Art. XXII which differentiated betwixt the laws concerning public right policy and civil government and those which concern private right, that the laws which concern public right policy and civil government may be made the same throughout the whole United Kingdom; But that no alteration be made in laws which concern private right except for evident utility of the subjects within Scotland.

Allowing Scotland to retain its legal system was an important concession on the side of the English ruling class. It was an eloquent sign of its desire to win the support of the lowland Scottish bourgeoisie who, it was hoped, would help them break the might of the Scottish Highlanders, whose military prowess England had learned to fear. The military potential of the Highlanders was demonstrated by their invasions of England in 1715 and 1745, and their two aborted attempts of 1708 and 1719. The Scottish Highlanders posed for the British Empire, which by the first quarter of the 18th century controlled parts of the Americas, India and Africa, a unique threat. For they exposed its rear door to an uncolonized population who, in refusing English rule, refused integration in the expanding circuit of capitalist relations. The Act of Union showed that an alliance between the London rulers and the lowland bourgeoisie was profitable to both parties. Thus, for sake of the Treaty the English politicians bowed to the jewel of Scottish nationalist pride: the Civil Law tradition. In so doing, however, they themselves perceived in time the superior advantages of Scottish Civil Law as a principle of social organization. In view of the meaning the term was to acquire in this period, we could say that they themselves were 'civilized'.

Scottish Civil Law versus English Common Law

The chief alteration in the administration of justice during this period [are] the liberal spirit of our courts of law, in introducing the same principles of redress, as prevail in our courts of equity. (Blackstone, *Commentaries*, 1765-69 ; last paragraph of the book).

The Civil Law was highly valued by the 18th century Scottish ruling class, who believed it provided the basic foundations for social and political life. A legal career was a 'must' among the bourgeoisie and the landed gentry alike, for anyone intending to participate in economic and political activity; and it was a guarantee of prestige. When in the 1770s one of the first street directories was assembled in Edinburgh, the list of names placed the advocates first, then, in order, their clerks, the writers to the signant, their clerks, the nobility and gentry with town houses, and finally the remainder of the middle class, without much further distinction (Smout, 1972: 350). As late as the early 19th century, the dominant social and economic group in Edinburgh was the "jurisprudential aristocracy" (Campbell, 1878), whose ranks produced the main figures of the Scottish Enlightenment. Lords Kames and Monboddo were eminent judges, Millar and Smith were legal scholars, and David Hume's only institutional position in Scotland was that of librarian at the Edinburgh Advocates' Library.

In the 18th century the importance of mastering the Civil Law was so widely recognized among the upper class Scots, that every year many directed their steps to the law schools of the continent, most often to Holland. Boswell did his legal studies at Utrecht, and in the 17th and 18th centuries about 1,600 Scottish lawyers studied in Leyden alone. Among the Advocates' Library's 1,500 law books only about 100, in 1692, were not from continental presses (Holdworth, 1938 xi: 15).

From their sojourn in Holland the aspirants to practice in the Parliament House brought back with them not only the principles they imbibed from the masters of the Roman-Dutch law, but also the treatises with which the law schools of the Dutch Universities were so prolific. No Scot lawyer's library was complete in those days which did not contain the works of Grotius, Vinnius, the Voets, Heineccius and other learned civilians. (Walker, 1976: 134).

Such knowledge, Scottish law scholars believed, had much to contribute to the improvement of Britain's legal system, whose adherence to Common Law they viewed as perniciously flawed. English Common Law was too "peculiar," thus being unfit for the management of international economic relations, and too sensitive to pressure from popular struggles; in one word, it was too prone to "liberty." Why then, it was asked, had it prevailed in England over the rationally superior Civil Law? Two among the most eminent historians and legal philosophers of the Scottish Enlightenment, James Millar and David Hume, tackled this question.

In *An Historical View of the English Government*, Millar argued that since the late middle ages Roman Civil Law had been associated with the institutional conflict between "town and gown," that is between the universities and the court inns of Westminster (London), where (municipal) Common Law was taught. The tension between the nobility in Parliament and the clergy, who had run the universities, had reached a breaking point in the Reformation, when civil law had been improperly (in Millar's view) associated with Roman despotism, in both the ancient (imperial) and modern (catholic) sense of the word. The victory of the Reformation in England had sealed the fate of civil law (5) (Millar, 1803 ii: 316-340).

The 'unnecessary' association in the Middle Ages, between the Civil Law and the Catholic Church is also the focus of Hume's account of its marginalization in England. Hume deplored that the English laity, covetous of the Church's possessions, should have rejected, together with the Catholic clergy, the Civil Law as well, viewing it as the tool of this discredited class. The thriving of the Civil Law (*sans* Canon Law) in Reformed Scotland should have demonstrated, according to Hume, that no necessary bond existed between the Civil Law and the Catholic clergy; but such lesson had been impeded by the elevation of Anglicanism to a state religion, which consolidated the rejection of the Calvinist Institutes, the legal system developed by Calvin in Geneva and translated by the Protestant *kirk* into Scottish legal practice.

Hume's objective was to remind the English of the immense social benefits Civil Law provided. In this process he explicitly identified 'civilization' with the principles of Civil Law. He argued that it had been the discovery of Justinian's *Pandects* that had restored Europe, after a centuries-long interruption, to its progressive path to civilization (6). Civil Law had given "security to all other arts," ("...which by refining, and still more by bestowing solidity on judgment" provided with "a model to further improvements"); and acted as a "mild" but persistent historical force; for the judgments made on the basis of its "general and equitable maxims" had gradually improved not only the legal decisions, but the judges as well (Hume, 510). Hume concluded that the partial banishment of civil law from English social life had had far-reaching consequences not only for the English legal system, but for the English personality as well (Hume, 509-510).

Hume and Millar did not despair of the possibility of civilizing the English legal system.

Millar believed that it would soon be possible "for the enlightened judges of the present age to estimate the system of Roman jurisprudence, according to its intrinsic merits." (Millar, 1803ii: 338). Hume as well, despite his contempt for the English intellectuals and commoners, saw new possibilities in his age (Chisick, 1989). He admitted that notwithstanding the laity's "jealousy" against this cleric-bound law, "a great part of (civil law) was secretly transferred into the practice of the courts of justice," so that English law had been rescued from "its original state of rudeness and imperfection" (Hume, 509).

"Secret transmission" is a major theme in Hume's social theory. Like other intellectuals of the Scottish Enlightenment, he considered "secrecy," "invisibility," "mildness," "custom," "habit," "unintended consequences" as crucial tactics for social change, particularly when the interlocutors were the traditionalists in the English courts, who themselves were often besieged by the riotous English working classes. Scottish intellectuals could never forget, moreover, that though heirs to a highly developed, modernized, imperial legal system, they (unlike the English) did not have an empire.

The Scottish Enlightenment's "secret transmission" of civilization had three main objectives. The first was to turn English law into a more efficient vehicle for the management of exchange relations, through an injection of continental juridical wisdom. Scotland might be an underdeveloped country, but the best among its ruling class had been trained in the Netherlands, which at the time was *the* model of an advanced capitalist nation. It was in Amsterdam's banks and counting houses (as well as in Utrecht's law schools) that Scottish students learned how Civil Law was instrumental to the creation of a system of social exchange characterized by abstractness and regularity. Hume was confident that this knowledge would be valued by the English entrepreneurs (whether aristocrats or bourgeois), who frequently recognized their economic provincialism and turned to the Netherlands for inspiration.

The civilization of English law would also serve to thwart the English urban proletariat, who demanded a more egalitarian legal system, reflecting the "ancient rights of Englishmen"; that is a system ensuring more popular control over the courts (through the extension of the right to trial by jury), over Parliament (through a widening of the electorate), and over the military (through restrictions on press-ganging and the use of martial law). Such demands were a challenge to the 'thanatocratic' state England had become by the 18th century (7). But the 'civilization' of English law would void the legitimacy of any appeal to traditional rights, and to the judgment of sympathetic or pressurable jurymen. Under Civil Law judgments would be shaped by "general and equitable maxims."

Finally, the aim of Scottish civilization was directed North of Edinburgh and Glasgow, at the Scottish Highlanders, who still lived under the law of the Celtic clan and constituted a threat to the commerce and government of the Scottish lowlands and England. For the military audacity of the Rob Roys of the Highlands, as demonstrated in the invasions of 1715 and 1745, threatened the development of capitalism in Britain. They had to be militarily defeated, possibly with the aid of the English army; but, most important, they had to be civilized.

Civil law and the rationalization of English capitalism

Lawyers started long before economists the idea that money was a mere symbol, and that the value of the precious metals is purely imaginary. This they did in the sycophantic service of the crowned heads supporting the right of the latter to debase the coinage,

during the whole of the middle ages, by the traditions of the Roman Empire and the conceptions of money to be found in the Pandects. (Marx, 1936:103).

The 'civilization' of the English law was most urgently needed for the regulation of commercial international exchanges, where the application of Common Law proved disastrously inadequate. Based on precedents and drawn from the workings of a domestic economy, Common Law could not provide a legal framework for international trade, nor could it cope with the increasing sophistication and velocity of currency exchange. For example, the Common Law's preference for particularized contractual relations, i.e., its tendency to understand contracts as occurring between concrete persons, and not abstract entities like corporations and the state, thwarted the creation of credit-based bank-notes. In 18th century England the conflict between the Common Law and the development of finance and trade was visibly escalating. The 'financial revolution', launched after the 'Glorious Revolution' of 1689, had led to the expansion of "symbolic" or "imaginary" forms of money. But the invasion of the imaginary by the monetary sphere was not easily comprehended. As Feavearyear notes:

... in the first half of the 18th century the customers of the London banks made use to about an equal extent of the notes of those banks and of drafts upon cash accounts kept with them. Between these two documents at the outset there was really very little difference. The notes were generally for large, and often for broken, amounts, were frequently made out, not to 'bearer', but to 'order', and in the latter case passed current by endorsement like a cheque. It is not surprising, therefore, to find that the early writers upon paper currency drew no distinction between the various forms in which they found it. They grouped them all together as 'paper credit', and held that all of them drove out and took the place of metallic money. There was no important difference between the note signed by Francis Child, the banker, which said: 'I promise to pay to Mr. John Smith or order, on demand the sum of L186. 14s. 2d.', and the draft signed by John Smith and addressed to Francis Child which said: 'Pay to Robert Brown or order the sum of L186. 14s. 2d.'. No one regarded the former as in any way more entitled to be considered money than the latter. Davenant, Hume, and Sir James Steuart all spoke of notes, bills, drafts, bank credits, and even securities, as though they were a part of the circulating money of the country. (Feavearyear, 1963: 258-269).

In 1700, however, Chief Justice Sir John Holt declared that "promissory notes," were not negotiable. This meant that a John Smith would not be able to transfer his right to the payment of L186. 14s. 2d. to another person, and this in turn to another one. This measure opened a crisis in the commercial and banking practice of England. Holt defended his decision, arguing that a note could not be a bill of exchange because:

... the maintaining of these actions upon such notes were innovations upon rules of the common law; and that it amounted to the setting up of a new sort of specialty, unknown to the common law, and invented in Lombard Street, which attempted in these matters of bills of exchange to give laws to Westminster Hall. (Holdsworth, 1932 viii: 172).

In effect, Holt was claiming that the "promise" implied in a "promissory note" was legally valid only between identifiable individuals, and not between an individual and an

abstract, interchangeable, bearer of the note, as allowed by Civil Law (Rotman, 1987). "Lombard Street," however, did not appreciate Holt's defense of the Common Law's prejudice for nominalism, nor welcome his suspicion of continental innovations. Its spokesmen in Parliament overturned Holt's decision, and confirmed as negotiable all notes payable to A simply, to A or order, to A or bearer. This is how Holdsworth, the 20th century legal historian, sums up this conflict between the defenders of Common Law and the spokesmen for the City's trading and financial interests:

This episode taught the courts that they could not wholly ignore approved mercantile custom; they must adopt the rules to such customs; that in fact there were cases in which 'Lombard Street must be allowed to give laws to Westminster Hall.' And the eighteenth century was to show that the courts had learned the lesson. (Holdsworth, 1932, viii: 176).

In this context the changes introduced by Scottish jurists, who frequently worked their way into English courts, and others influenced by their legal theories, gradually undermined the authority of Common Law. Evidence of this development can be found in some technical, but significant, points of law, such as the 'doctrine of consideration', and that of 'quasi-contract'. Both areas show the mounting influence of capitalist relations on social life, and the growing dominance of abstract, general considerations in the regulation of social transactions.

The doctrine of "consideration" in Common Law served to distinguish two kinds of agreements: enforceable contracts and unenforceable "pacts." In the Common Law tradition, some definite "consideration" had to pass between two parties, in order for an enforceable contract to exist between them (an unenforceable pact would be my promising to give my car to x simply because I like x, and without any "consideration" on x's part).

This view was challenged in the course of the 18th century by a new doctrine, postulating that a "moral obligation," grounded on principles of equity, was a sufficient basis for the existence of a contract. Thus "consideration," i.e., the passing of values from one party to another, in the new Civil Law approach, became merely evidential, ceasing to be the *criterion* and becoming instead simply *one* kind of evidence for the existence of a contract. As Sir F. Pollock pointed out, if this view had been accepted, the whole modern development of English contract law would have been changed "and its principles might have been (with only minute theoretical differences) assimilated to those of the law of Scotland." (Holdsworth 1937, vii: 34). More than that, had this view been accepted, then the question of who would decide what was a moral obligation would have become vital, and the distinction between moral reason and legality would have been in danger of collapsing.

A similar situation developed in the area of "quasi-contracts," these being obligations *implied but not explicitly stipulated* by law. The change here would have affected that increasing (in the 18th century) gray area of contractual life, where one was under the obligation to pay, despite the lack of a contract (Harding, 1966: 285). Take the example of a merchant whose cargo was scattered in a storm, retrieved by another merchant's vessel, and returned to the first merchant. Was the first merchant obligated to pay the costs of retrieval? Not necessarily, since there was no explicit contract between the two merchants. But under the rubric of "quasi-contract," one could argue that the first merchant had an implied obligation to pay the second. As Lord Mansfield, the leading theorist of such an extension of the law, put it, depending upon the circumstances, "there are ties of natural justice and equity that compel one to pay or refund the money"

(Holdsworth, 1937, viii: 97).

As one can see from these encroachments on Common Law, the leading probe was the notion of "equity." "Equitable principles," "equitable maxims," abound in the writings of the Scottish Enlightenment. It was here that the Scottish "secret transmission" achieved its most 'civilizing' impact on the English legal tradition.

From the middle ages to the 18th century, England had two courts and two legal systems: the King's courts with their highly developed Common Law, and the courts of Chancery, whose code of equity was historically rooted in the Civil Law. In the 18th century the decision to go to the court of Chancery was based upon the possibility of having one's case judged outside the network of precedent. The courts of Chancery thrived in the marginal and undecidable aspects of the Common Law. But this practice generated a conflict between the two branches of the law, which Scottish jurists were quick to detect as the weak link in the English legal system. Thus Lord Kames, in his *Principles of Equity* (1760), calling for the end of this division, stressed the superiority of Scottish Law where principles of equity were fully integrated into the legal system. For "Equity, in the proper sense, comprehends every matter of law that by the common law is left without remedy." It is not insignificant that, as an example of the application of equitable principles, Kames mentions the suppression of workmen's combinations.

Civilization and the repression of popular justice

Hail noble Mansfield! chief among the just,
The bad man's terror, and the good man's trust.
-- Jeremy Bentham

For my part, my Passions are very warm for the
Memory of King Alfred, who hang'd 44 Judges in one
year, as Murthers of the Law.
--*North Briton Extraordinary*, no. 83

While the British ruling class hailed the rationalization of commercial relations fostered by the civilization of mercantile law, the civilization process was to find a formidable obstacle in the London 'lower sorts', for whom the defense of Common Law was of prime importance in the 18th century. Being based on the trial by jury system, Common Law was more responsive to popular pressure, as the jury was almost totally independent of the judge.

It was for this very reason that Scottish Jurists in England and their disciples laboured to abolish this system, that was still used both in civil and criminal cases (in Civil Law countries like Scotland, juries did not exist for civil actions). In promoting this change, the Scottish jurists took the opposite path from that pursued by lawyers and philosophers on the continent. Here the "Enlightenment" inspired a juridical reform that was to eliminate the more inquisitional aspects of Civil Law procedure; for example it led to the elimination of judicial torture, whose abolition was promoted by the Italian jurist Cesare Beccaria, and it introduced reforms modeled on the English Common Law (8). By contrast, the main effort of the Scottish jurists was to limit both the power of the jury, and the right of the 'populace' to interfere in matters concerning law and government.

What criteria inspired their work can be seen in a politically important libel case, *The*

Dean of St. Asaph's Case, which was tried in 1783. The judge, Lord Mansfield, ruled that the jury had no right to determine whether the offending publication was libelous or not. The jury only had the right to determine whether the accused wrote and published the document, and whether the document referred to the offended parties; beyond that, it was the judge's exclusive function to determine the libel. This refusal to grant the jury the right to make a "general verdict," well expresses the civilizing effort in England. 'Civilization' meant that the juries would not be "intrusted with a power of blending law and fact, and following the prejudices of their affections or passions." (Holdsworth, 1937 x: 679). None fought more strenuously against jury trial than the same Scots-born Lord Mansfield who, in response to an effort to introduce the system in Scotland, wrote:

The partial introduction of trials by jury seems to me big with infinite mischief and will produce much litigation ... It is curious that fraud, which is always a complicated proposition of law and fact, was held in England as one of the reasons for a court of equity, to control the inconveniences of a jury trying it ... A great deal of law and equity in England [was introduced] to regulate the course and obviate the inconveniences which attend this mode of trial. (Campbell, 1878 iii: 462)

Mansfield's words must be read in the context of the increasingly sharp confrontations between the state and the London proletariat which, year after year, led to a dramatic increase in the use of "summary proceedings" (i.e. trials without jury against offenders of Parliamentary statutes, especially in the areas of taxation and "public peace"). "Of late" -- Blackstone dryly noted in his *Commentaries* -- (this procedure) "has been so extended, as to threaten the disuse of trials by jury." (Blackstone 1892: 676).

Born in the Scottish lowlands in 1705, Lord Mansfield (originally William Murray) was the main agent of legal civilization in England. Mansfield had developed himself as a law scholar through a careful study of Roman history and law, which he conducted both in Scotland and Oxford. His experience as a law student is well summed in four letters, where he eagerly informed a budding 18th century lawyer that:

Although the civil law has long been rejected, both as a rule of government and of property, yet so much good sense, and such sound maxims of jurisprudence are conspicuous in the institutes of Justinian, and such a fund of science in the roman law, renders valuable the commentary of Vinnius; at the same time, we are instructed by history, that such were the rules by which all judicial contests respecting the roman world were adjudged, and they still are the principles by which the greatest part of Europe now actually regulate their legal decisions, that it would be the height of absurdity to suppose the education of an English barrister can be complete without some knowledge of the civil law. (Mansfield, 1797: 50).

For more than fifty years, from the late 1720s to the mid 1780s, Mansfield worked at the civilization of English Common Law, and nearly succeeded in 'civilizing' the principles of commercial and mercantile law.

Mansfield was able to do this great work more skillfully than it could have been done by any of his contemporaries because he had mastered the learning of the continental lawyers. It is for this reason that he was able, in the first place, to survey critically the decisions of his predecessors; and, in the second place, to follow to a larger extent and with greater knowledge than his

predecessors the policy of adopting continental rules to an English environment. For these reasons he was able to base his decisions on a solid background of principles which were acceptable both to English and to continental lawyers (Holdsworth, 1966:168).

He met, however, the consequences of his work, in the form of a riotous resistance by the London proletariat, which he contributed to repress by all possible means. This aspect of his work is often underplayed by the increasingly Thatcherite scholarship of our times. In a hagiographic biography, Heward concludes that "Lord Mansfield's greatest contribution to the law of England was establishing principle both as the mainspring of common law, and as a means of threading through the thickets of particularity." (Heward, 1979: 170). But Heward fails to inform us that many in the streets of London, from the City to Spitalfields, viewed Mansfield's "principle" as juridical despotism. Holdsworth, in the more socially conscious 1930s, better qualified his assessment of Mansfield. Holdsworth begins his eulogy on a praising note:

The fact that he was a learned Scottish lawyer affected his mind in two ways. In the first place, it made him familiar with the sometimes more reasonable rules of Scottish law. In the second place, it helped to give him that distinctive Scottish outlook upon the law -- that outlook which led Scottish lawyers to look ... not for the appropriate writ, but for the appropriate legal principle, which led them to build up their system by logical and deductive methods, and not by the empirical inductive English method of decided cases (Holdsworth, 1966: 171).

But he concludes:

To a man with this mental outlook it was tempting sometimes to disregard cases which laid down principles which appeared to be unreasonable, and sometimes to wrest the meaning of cases so as to justify the establishment of reasonable principles ... In fact, there is no doubt that in [some] cases Mansfield went beyond the province of the judge and usurped the province of the Legislature. (Holdsworth, 1966: 171-173)

This mild rebuff from an eminent historian of English law is a muffled echo of the resistance that Mansfield's civilizing efforts met in England. This resistance came from two sources. On the one side there was the "middling sort": the merchants and artisans, whose affairs were centred in London and the main provincial towns. On the other was "the inferior set of people," those whom Sir John Fielding described as "the infinite number of chairmen, porters, laborers and drunken mechanics" (Rude, 1962: 6). Both were excluded from the surplus generated by the system of slavery, extermination and trade later known as the British Empire. Their confrontation with Mansfield intersected with a period of struggle that has passed into British history as the "Wilkes and Liberty" days (1763-74).

John Wilkes was a leading organizer of the "Society of Supporters of the Bill of Rights." He was a flamboyant politico who embodied the resistance to the threat civilization posed to English law. The Wilkites demanded: the total accountability of magistrates, from the King to the local J.P., before the law, the elimination of class-based discrimination in legal practices, the institution of trial by jury in almost all legal proceedings, the gaining of public consent before military force could be used in controlling social crises (Brewer,

1980: 140). William Moore, a contemporary of Wilkes, thus summarized this radical Wilkite position:

... the greatest happiness any nation can enjoy, is being governed by laws by the consent of the people, either collectively or representitively, and of having a right to call the principal magistrates intrusted with the execution of those laws to an account for maladministration. (Brewer, 1980: 142).

Naturally the Wilkites (both of the middling sort and the poor) saw as their chief enemies the Scottish bigwigs, like Lord Bute, then Prime Minister, who had become the advisors of the new masters of English juridical life. In the realm of law the Wilkites found their nemesis in Lord Mansfield. *The North Briton*, the major organ of the Wilkites, continually countered Mansfield's assault on public accountability, equality, jury trial and deference to public consent in times of crisis:

I have seen, upon occasions too many to be repeated, your [Mansfield's] declination from the tightness of rules, your uneasiness under the limits of jurisdiction, your contempt of precedents, and your eagerness to free yourself from every control, which the law has laid upon you." (159) "The judge has little more to do than to superintend the trial, and to preserve inviolate the forms of justice ... But can this compliment be paid to a judge, who confounds, controuls and browbeats a jury? Who changes, garbles and packs a jury? Who in all his speeches, is perpetually talking of supporting the measures of the government, that is the prerogative of the crown, but never once of supporting the privileges of the people; as if the sole duty of a judge were to assist the great in opposing the little, and not to protect the little against the oppressions of the great? Who, not only in his private but in his judicial capacity, affects to despise the sentiments of the public, whom he politely calls the giddy mob, the giddy multitude? (Brewer, 1980: 158).

At the peak of the Wilkite campaign against Mansfield, an anonymous letter writer appeared on the London scene to challenge the Chief Justice. Under the pseudonym "Junius" in November 1770, he published a public letter "To The Right Honorable Lord Mansfield," whose beginning reflected the anti-Scot sentiment pervasive in London and the major provincial towns at the time: "Permit me to begin with paying a just tribute to Scotch sincerity, wherever I find it. I own I am not apt to confide in the professions of gentlemen of that country, and when they smile, I feel an involuntary emotion to guard myself from mischief." (Junius, 1978: 207). The letter then turned to the struggle between Common and Civil Law:

I see through your whole life, one uniform plan to enlarge the power of the crown, at the expence of the liberty of the subject. To this object, your thoughts, words and actions have been constantly directed. In contempt or ignorance of the common law of England, you have made it your study to introduce into the court, where you preside, maxims of jurisprudence unknown to Englishmen. The Roman code, the law of nations, and the opinion of foreign civilians, are your perpetual theme;-but whoever heard you mention Magna Carta or the Bill of Rights with approbation or respect? (Junius, 1978: 208).

Junius bemoaned the introduction of the rules of equity:

Even in matters of private property, we see the same bias and inclination to depart from the decisions of your predecessors, which you certainly ought to receive as evidence of the common law. Instead of those certain, positive rules, by which the judgment of a court of law should invariably be determined, you have fondly introduced your own unsettled notions of equity and substantial justice. Decisions given upon such principles do not alarm the public so much as they ought, because the consequence and tendency of each particular instance, is not observed or regarded. In the mean time the practice gains ground; the court of King's Bench [Mansfield's court] becomes a court of equity, and the judge, instead of consulting strictly the law of the land, refers only to the wisdom of the court, and to the purity of his own conscience ... But what kind of conscience is it that is 'making the trial by jury useless and ridiculous' and would like 'to introduce a bill into parliament for enlarging the jurisdiction of the court, and extending your favorite trial by interrogatories to every question, in which the life or liberty of an Englishman is concerned?' (Junius, 1978: 210,212).

The letter, which Horace Walpole called "the most outrageous I suppose ever published against so high a magistrate by name" (206), ended by denouncing the secrecy of Mansfield's political behavior:

You would fain be thought to take no share in government, while, in reality, you are the mainspring of the machine. Here too we trace the little, prudential policy of a Scotchman. Instead of acting that open, generous part, which becomes your rank and station, you meanly skulk into the closet and give your Sovereign such advice, as you have not spirit to avow or defend. (Junius, 1978: 215)

In his parting shot Junius alerted his countrymen to the consequences of Mansfield's civilizing project:

No learned man, even among your tribe, thinks you qualified to preside in a court of common law. Yet it is confessed that, under Justinian, you might have made an incomparable Praetor. It is remarkable enough, but I hope not ominous, that the laws you understand best, and the judges you affect to admire most, flourished in the decline of a great empire, and are supposed to have contributed to its fall (Junius, 1978: 216).

Junius' xenophobia and defense of the "traditional rights of Englishmen," undoubtedly appealed to the "middling sort" among Wilkite supporters, who feared the advance of civilization on the level of property transactions. But Mansfield's impact on English law was known in a more carnal way by the proletariat of London, and among those who appeared at the sites of the provincial assizes.

Judicial hanging, as a means of class intimidation, was an essential element of the restructuring of mercantile law Lord Mansfield was responsible for (Hay, 1975). In his 29 Sessions at the Old Bailey, Mansfield personally ordered 29 people for branding, 448 for transportation and 102 for hanging (Linebaugh, 1991). He was also for 22 years on assize (the court sessions periodically held outside of London), where he treated the provincials to

the same terror he meted out in London's Tyburn gallows (Heward, 1979: 66-70). Thus Mansfield was popularly considered a reincarnation of Judge Jenkins, the hanging judge of the first period of judicial thanatocracy; and "the *cheveux de frise* (the 18th century equivalent of barbed wire), atop the wall of King's Bench prison, was known as 'Lord Mansfield's teeth' " (Linebaugh, 1991). Mansfield's principles of equity stopped at the debtors and thieves. Even in his seventy-sixth year (1781), he demanded in the House of Lords that both the families of imprisoned debtors and spiritous liquors be kept out of prison, so that "imprisonment should in future be more rigid." (Heward, 1979: 61). His request was likely stimulated by the events of the previous year, which were to be crucial for the fate of civilization in England.

In June 1780 the London proletarians took to the streets in what were to become known as the Gordon Riots. Their main objects were juridical: the "delivery of Newgate," the freeing of the debtors, the attack on the Old Bailey and, last but not least, the destruction of Lord Mansfield's house (9).

The "savagery" of the uncivilized London poor was much decried, in the days after June, by poets and politicians alike, as an ominous signs of imperial fall. The crowd left a burning Newgate prison reinforced by the liberated prisoners, and Lord Mansfield heard that:

an immense multitude, carrying torches and combustibles, were marching down Holborn, and entering Bloomsbury Square ... when they began to batter his outer door, he retreated by a back passage with the Countess; and he had hardly escaped from their fury when their leaders were seen at the upper windows, tearing down and throwing over furniture, curtains, hangings, pictures, books, papers, and every thing they could lay their hands on, likely to serve as fuel for the fire that was already blazing below. In this instance resembling a Paris mob, they declared that there was to be no pillage, and that they were acting on principle. Pilfers were punished; and one ragged incendiary, to show his disinterestedness, threw into the burning pile a valuable piece of silver plate and a large sum of money in gold, which he swore should not 'go in payment of masses'." (Campbell, 1878 iii: 428-429).

Two opposing principles of justice met in Bloomsbury Square on that day. On the one side was Mansfield's transmission of the civil law of Rome into the sinews of the emerging global empire, on the other was a proletariat who demanded a justice beyond and against the universalization of mercantile law. This conflagration of civilization is thus described by Campbell:

Flames were speedily vomited from every window; and, as no attempt was or could be made to arrest their progress, long before morning nothing of the stately structure remained but the bare and blackened skeleton of the walls. (Campbell, 1878 iii: 429).

The lawyer poet, Cowper, thus lamented over the burning books of civilization:

So then--the Vandals of our isle,
Sworn foes to sense and law,
Have burnt to dust a nobler pile
Than ever Roman saw!

And Murray sighs o'er Pope and Swift,
And many a treasure more,
The well-judged purchase and the gift,
That graced his letter'd store.

Their pages mangled, burnt and torn,
Their loss was his alone;
But ages yet to come shall mourn,
The burning of his own.

When wit and genius meet their doom
In all-devouring flame.
They tell us of the fate of Rome,
And bid us fear the same.
(Campbell, 1878: 430)

None lamented, however, those shot by the soldiers who came on the scene two hours after Mansfield's books began to burn; nor, until recently, have John Gray, Leitia Holland and Mary Gardiner been mourned, much less named, who were sentenced to death for taking part in the assault on "the noble pile" (Linebaugh, 1985). Their notion of "right" was not included under Blackstone's categories, and their "wit and genius" have not been inscribed in well purchased pages. Yet their power was decisive. The Gordon Riots put an end to the civilization of English law. Within a decade Mansfield's innovations began to be rejected in the areas of contract and punishment by the very lawyers and judges who had stood before him in awe. This contraction from the civil law was done in the style of jurisprudence. But behind the rejection of Mansfield's civilization of law lay the "bare and blackened skeleton" of his home. His library was not strong enough.

Scotland and the Civilization of the Highlands

Somebody observing that the Scotch Highlanders, in the year 1745, had made surprising efforts, considering their numerous wants and disadvantages: 'Yes, Sir, (said he) their wants were numerous; but you have not mentioned the greatest of them all--the want of law.' (Boswell on Johnson in 1770).

Johnson's joke pointed to a contradiction that plagued the lawyers and philosophers of the Scottish Enlightenment. At the very time when they were striving to civilize the courts and streets of London, their own countrymen, if not blood relations, were the most "barbarous," "lawless" people in 18th century Britain. Johnson, however, was wrong. The Scotch Highlanders had laws. They were the law of the clan, pivoted upon communal identity and communal land property, and administered by the clan chief and the heads of the septs, the chieftains, in Gaelic language, who governed without the blessing of a reigning King, Archbishop or Chief Justice. The chiefs were "a law unto themselves," they were also owners of clan land, as land tenure in the 18th century was becoming increasingly privatized (10). But though they now rented to "tacksmen," who in turn sublet to clansmen tenants, clannish obligations of mutual aid still subsisted. The chief was expected, in times of collective or personal crisis, to extend his surplus to his clansfolk. And the rents the Highland chiefs exacted were tempered by a sort of 'war communism', as the chiefs saw in their clansmen not only a source of labour but a source of military strength.

This unstable combination of tribal communalism, feudalism and private ownership, called for a military loyalty that was no longer known to the press-ganging English. Chieftains, tenants and subtenants all, as clan members, were expected to join in military enterprises, whether they involved cattle-rustling, inter-clan feuds, or the attempt to seize state power in the world's largest empire. Such an attempt was made in 1745, the year referred to in Johnson's joke, when the Scottish clansmen marched from Inverness to put "Bonny Prince Charlie" on the English throne (11).

Their gestures became the marvel of the age, inspiring much reflection on the civilization process. But the spectacle of the 1745 invasion of the lowlands and England (like the one in 1715 and the aborted ones in 1708 and 1719) was as distressing to the Scottish civilizers as to the English. "How could they have done it?" and more crucially: "how could they be stopped from trying again?" was a question on everyone's mind in Edinburgh and Glasgow (as well as in London) decades after the event. This is how Adam Smith answered the first question in his 1766 Lectures on Jurisprudence:

Another bad effect of commerce is that it sinks the courage of mankind, and tends to extinguish martial spirit. In all commercial countries the division of labour is infinite, and every ones thoughts are employed about one particular thing ... Each of them is in a great measure unacquainted with the business of his neighbor. In the same manner war comes to be a trade also ... The defense of the country is therefore committed to a certain sett of men who have nothing else ado; and among the bulk of people military courage diminishes ... This is confirmed by universal experience. In the year 1745 four or five thousand naked unarmed Highlanders took possession of the improved parts of this country without any opposition from the unwarlike inhabitants. They penetrated into England and alarmed the whole nation, and had they not been opposed by a standing army they would have seized the throne with little difficulty. (Smith, 1978: 540-541) .

The invasion was blamed on civilization, that is on the increasing "refinement," "luxury," and "effeminacy" brought about by the commercial spirit whereby:

The minds of men are contracted and rendered incapable of elevation, education is despised or at least neglected, and heroic spirit is almost utterly extinguished. To remedy these defects would be an object worthy of serious attention. (Smith, 1978)

The task was either strengthening the heroic spirit of the civilized Lowlanders, or "refining" and "effeminizing" the Highlanders. The Scottish intellectuals realistically opted for the latter course, relying on the civilization they were secretly transmitting to London as a tool for pacifying the Highlands. Their first task was creating the conditions whereby the Highlanders could become civilized. This posed the problematic of *historical stages*: Savagery, Barbarism and Civilization, which, not surprisingly, became a major theme in the thought of the Scottish Enlightenment (12). Ferguson, Hume, Monboddo, Kames and Smith were among a host of chronographers who expatiated on "how from being a savage, man rose to be a Scotsman," as Bagehot later quipped. While their approach differed, they agreed that these clanish "Irish" roaming the Highlands were a model of barbarism (the Lowlanders were frequently unwilling to admit that the Highlanders were Scots).

In the anthropological scheme of the Scottish Enlightenment, 'barbarism' was an intermediary stage between 'civilization' -- whose essence were law and convention, providing order and stability for the protection of property -- and 'savagery', which was characterized by the absence of property. Savages were hunters and fishermen. Barbarians came into being with moveable property (they were herders living in small clans), while only with unmovable property could 'civilization' take-off. As Ferguson put it (echoing Rousseau):

He who first said 'I will appropriate this field; I will leave it to my heirs'; did not perceive, that he was laying the foundation of civil laws and political establishments. (Bryson, 1968: 48).

How could one transform these 'Irish' Highlanders from barbarians into civilized 'Scots'? A social 'contract' struck with the clan leaders, or among the Highlanders themselves, would be unthinkable. To Rousseau's assumption of an "original contract" Scottish philosophers unanimously objected that this would first require the formation of individuals capable of contracting. Smith rejected Locke's theory with sarcasm:

Ask a common porter or a day-labourer why he obeys the civil magistrate, he will tell you that it is right to do so, that he sees others do it, that he would be punished if he refused to do it, or perhaps that it is a sin against God not to do it. But you will never hear him mention a contract as the foundation of his obedience. (Smith, 1978: 402-403).

For Smith civilization originates not from the private consent of independent individuals, but from the principles of authority and utility. Hume's rejection of contract theory was even more decisive. He wrote in 1752:

'Tis vain to say, that all governments are, or should be, at first, founded on popular consent, as much as the necessity of human affairs will admit ... I maintain ... that conquest or usurpation, that is, in plain terms, force, by dissolving ancient governments, is the origin of almost all the new ones, which ever were established in the world ... Reason, history and experience shew us, that all political societies have had an origin much less accurate and regular [than an original contract]; and were one to choose a period of time, when the people's consent was least regarded in public transactions, it would be precisely on the establishment of new governments. (Hume, 1768: 499).

Here in essence was a strategy for the civilization of the Highlanders. Its premise was that it would be impossible to negotiate with them, for no agreement would be binding on them. Another plan was necessary, grounded on a healthy dose of Humean force, and followed by measured injections of Smithian authority and utility. The plan called for a military defeat of the Highlanders, the massacre of the recalcitrants, the cooptation of the remaining leaders, and the application of "utility" for the transition to civilized life. The first part of the plan was firmly put into place with the defeat of the Highland clans at the battle of Culloden in 1746.

"Some five thousand men had risen under their chiefs for the Pretender: they were physically smashed as fighting units by the battle and by the atrocities which followed it. Legislation then consolidated the work of the army throughout the Highlands. No one anywhere in the Highlands was allowed to carry firearms (a significant exemption was

made for cattle drovers), or to wear Highland dress or to play the pipes which were associated by the Government with barbarous habits and martial deeds ... A committee of Edinburgh lawyers was constituted to administer the estates forfeited from rebel leaders in all parts of the Highlands. Though not in any way vindictive, they worked on the assumption that Highland peasants were ignorant, idle and culturally savage, and they therefore strove to do all they could to eliminate the mores of the clan." (Smout, 1969: 321).

On this committee sat Lord Kames and others familiar with Hume's writings and Smith's lectures. They were in a position to transform the Highlands because the forfeited estates would only be sold to chiefs who supported the Government" (13). In 1752 legislation annexed 13 forfeited estates "unalienably" to the Crown. All rents and profits were to be used for:

'Civilising the Inhabitants upon the said Estates and other Parts of the Highlands and Islands of Scotland, the promoting amongst them the Protestant religion, good Government, Industry and Manufactures and the Principles of Duty and Loyalty to his Majesty, his Heirs and Successors and to no other Use or Purpose whatsoever' (Youngson, 1973: 27).

The task of 'civilizing' the Highlands thus officially fell into the hands of Scottish lawyers. Now other aspects of Hume's and Smith's concept of civilization came to the fore. "Utility," that is the cultivation of self-interest, commerce and the division of labour, would undermine, once and for all, clannish communalism and martial spirit. The financing of an extensive education system, and the construction of roads in the post '45 era, further tamed the Highlands. Later a combined policy of enclosures, transportation and factory work drove the Scots out of the Highlands into the capitalistic world. Through these processes pre-capitalist Scotland ceased to exist, and a new 'civilized' society took its place. How quickly this civilization process occurred can be seen by Dr. Johnson's description of the Highlands forty years after Culloden:

There was perhaps never any change of national manners so quick so great and so general, as that which has operated in the Highlands by the last conquest and the subsequent laws. We came hither too late to see what we expected--a people of peculiar appearance and a system of antiquated life. The clans retain little now of their original character: their ferocity of temper is softened, their military ardour is extinguished, their dignity of independence is depressed, their contempt of government subdued, and their reverence for their chiefs abated. Of what they had before the late conquest of their country there remains only their language and their [rural] poverty. (Johnson, 1971).

Those too were lost with the Clearances of the 1790s and early nineteenth century. Indeed famines and clearances were the final result of the civilization of the Highlands.

Notes

(1) Francis White (p. 40). White quotes Graham Connah on this point. In his *African Civilization: Precolonial Cities and States in Tropical Africa, An Archeological Perspective* (Cambridge: Cambridge University Press, 1987) he argues that "The term 'civilization' has been quietly abandoned by many writers, it is too vague a concept and too subjective to be useful. It also has unpleasant connotations that are at best

ethnocentric and at worst egocentric. It implies an 'us' and 'them' situation: we are 'civilized,' they are 'primitive.'" (White, 1989: 40). The thinker who has tried to use the concept of 'civilization' scientifically in the twentieth century is Norbert Elias. (Elias, 1978, 1982; Mennell, 1989). This is not the place to deal with his approach adequately, but my tracing of the trajectory of 'civilization' through intra-, inter- and trans-class conflict in England and Scotland offers material for a critique of his assumption that civilization can be measured by psycho-social categories like "self-restraint" and explained by changes in the composition of ruling groups alone.

(2) There are two senses of "Civil Law" in English: one in contrast to Criminal Law and the other in contrast to Common Law. In the former sense, Civil Law regulates the conduct of exchange relations between *private* persons while criminal law deals with what kinds of conduct amount to crimes, i.e., conduct that implies liability to prosecution and punishment by the *state*. In the latter sense, Civil Law is a legal system based on Roman law while Common Law is one based on the body of law developed in the English King's courts of Common Law. Consequently, there are two senses of legal 'civilization', i.e., the transformation of criminal into civil law *and* the transformation of common into civil (or Roman) law. We will be dealing exclusively with the second transformation in this article. The first sense is logically involuted and dependent upon the polyvalent meaning of "information" and "inquest."

(3) The Scottish Enlightenment refers to a period (roughly from the 1730s to the 1780s), and a set of persons (from Hutcheson to Millar), that includes philosophers, engineers, chemists, lawyers, and other intellectuals working in the narrow strip between Glasgow and Edinburgh. These Scottish intellectuals organized the essential 'hardware' (the steam engine) and 'software' (theories of human nature) appropriate for the original exemplar of industrial capitalism.

(4) A most unusual union resulted from the Act of Union from the point of view of the "law of property, which nature herself has written upon the hearts of all mankind." (Edward Christian quoted in Hay, 1975: 19). For the most basic property rights and their adjudication were determined by a border, as English Common Law was not truly sovereign north of Dumfries (Walker, 1976).

(5) The course of the Protestant Reformation in England was quite different from its Scottish version, a difference that had important consequences for the tension between the common and civil law. In England, Protestantism was driven by the development of the monarchically-lead Church of England, whose main concern was the destruction of the political and economic power of papal agents in England. Hence the concern for the limitation and then extinction of Canon Law derived from Roman models. In Scotland, the monasteries were not the main object of contest, while the positive Protestant force was Calvinism with its demand for the generalizable, Roman law.

(6) The *Pandects* was the last major compilation of Roman law commissioned by Justinian in 530 A.D. It consists of fifty books, divided into laws, of selections from juristical writings from the republican period. It was meant to be the first complete legal code since pre-imperial times.

(7) "Thanatocracy" is the term Peter Linebaugh has coined to describe the expanded, but differential use of capital punishment of urban proletarians to regulate class conflict in 18th century Britain. (Linebaugh, 1991)

(8) Cesare Beccaria' *On Crimes and Punishments* (1764) not only criticized judicial torture, but argued for "a fixed code of laws, which must be observed to the letter," quite uncharacteristic of the Common Law.

(9) For another account of the Gordon Riots emphasizing its class sentiments: "a groping desire to settle accounts with the rich, if only for a day, and to achieve some rough kind of social justice," see Rude, 1973.

(10) The elaborate division of agricultural labour that prevailed in the pre-Clearances Highlands is thus described by Smout: "The arable was divided runrig, and the organization of the whole joint farm was a cooperative one between a dozen tenants who contributed something to the common plow and obeyed communal rules for the grazing". They were everywhere assisted in husbandry by a large class of subtenants ... normally these men held no more than a diminutive strip of arable and the right to graze a cow or a couple of goats on the pastures. They paid the tenant rent by working without wages upon his land for a certain time each week: the rest of the time they devoted to winning their own subsistence from the ground." (Smout, 1969: 317).

(11) The political aim of this Highland invasion was to put Charles Edward Stuart, the "Young Pretender," on the throne of England and Scotland. His grandfather, James II, had been deposed by a traitorous liaison between Parliamentary forces and William III of the Netherlands in 1689, which set in place the machinery of Whig rule throughout most of the 18th century in England. The 1745 invasion was a major effort by the "crofters in Highlands and the small craftsmen in the Lowlands" to overturn the increasing, encroaching pressure on their form of life emanating out of London, Edinburgh and Glasgow (Plumb, 1950: 107).

(12) Social science, Marxist and non-Marxist, has not transcended this schema, although refinements are always available. 19th century theorists of civilization integrated racial determinants, early 20th century variants included disquisitions on parallel stages of rationality and pre-logicity, while even postmodernists like Foucault, Lyotard and Baudrillard depend on it for their ironies (Baudrillard, 1983). Only by acknowledging that intellectual transmission between centres and peripheries is not a top-down, centripetal affair can the stages metaphor be transcended. Exemplary in this context is Brandon's study of the derivation of the modern notions of 'liberty' from the American Indian experience. Brandon shows that the potato and tomato were not the only contributions by Andean cultures to Europe; as it was from the indigenous Americans that Europeans gained the idea of 'liberty' as 'masterlessness' (Brandon, 1986).

(13) These estates constituted a substantial portion of the Highlands, stretching in a 30-40 mile swathe from Stirling to Inverness and north of Inverness, from the East to the West coast (Lenman, 1977: 78).

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Introductory Note to Negri's *Constituent Republic*

Editorial Committee

Working in the 'autonomist' tradition of Marxism, a group centering in Paris around the journal *Futur antérieur* has formulated categories which attempt a theorisation of today's revolutionary practice. The central concepts of this theorisation, presented by Negri overleaf, include 'immaterial labour', 'mass intellectuality' and 'new constitution'. The point of departure is a section of Marx's *Grundrisse* manuscript of 1857-58. For the reader's convenience, a central passage from this section is quoted below:

'Nature builds no machines, no locomotives, railways, electric telegraphs, self-acting mules, etc. These are products of human industry; natural material transformed into organs of the human will over nature, or of participation in nature. They are *organs of the human brain, created by the human hand*; the power of knowledge, objectified. The development of fixed capital indicates to what degree general social knowledge has become a *direct force of production*, and to what degree, hence, the conditions of the process of social life itself have come under the control of the general intellect and been transformed in accordance with it. To what degree the powers of social production have been produced, not only in the form of knowledge, but also as immediate organs of social practice, of the real life process.'

– Marx *Grundrisse* (Dietz Verlag, Berlin, 1974, p. 594; Pelican Books, 1973, p. 706)

Thus Marx: the relevance of the passage should be clear in the light of debates concerning new technology, and as a powerful counterblast against the technological determinism with which discussion of the new technology is so often linked. But Negri and his comrades delve deeper still in the passage, not merely opposing technological determinism but seeking to identify a new constitution of revolutionary subjectivity which empowers itself in, and against, present day times.

The translation of the paper is by Red Notes, who published Toni Negri's *Revolution Retrieved: Selected Writings* in London in 1988.

Constituent Republic

Toni Negri

[Translated from Riff-Raff no. 1, Padova, April 1993]

1. "To Each Generation Its Own Constitution"

When Condorcet suggests that each generation might produce its own political constitution, on the one hand he is referring to the position of constitutional law in Pennsylvania (where constitutional law is on the same footing as ordinary law, providing one single method for creating both constitutional principles and new law), and on the other he is anticipating the French revolutionary constitution of 1793: "Un peuple a toujours le droit de revoir, de reformer et de changer sa Constitution. Une génération ne peut assujettir à ses lois les générations futures." (A people always has the right to revise, reform and change its constitution. One generation may not subject future generations to its own laws.) [Article XXVIII]

Standing at the threshold of present-day developments in state and society, as they were to be brought about by revolution, science and capitalism, Condorcet understood that any preconstituted blockage of the dynamic of production and any restraint of liberty that goes beyond the requirements of the present, necessarily lead to despotism. To put it another way, Condorcet understands that, once the constituent moment is past, constitutional fixity becomes a reactionary fact in a society that is founded on the development of freedoms and the development of the economy. Thus a constitution should not be granted legitimacy on the basis of custom and practice, or the ways of our ancestors, or classical ideas of order. On the contrary, only life in a constant process of renewal can form a constitution – in other words, can continually be putting it to the test, evaluating it and driving it towards the necessary modifications. From this point of view, Condorcet's recommendation that "each generation should have its own constitution" can be put alongside that of Machiavelli, who proposed that each generation (in order to escape the corruption of power and the "routine" of Administration) "should return to the principles of the State" – a "return" which is a process of building, an ensemble of principles – not an inheritance from the past but something newly rooted.

Should our own generation be constructing a new Constitution? When we look back at the reasons which the earlier creators of constitutions gave for why constitutional renewal was so urgent, we find them entirely present in our own situation today. Rarely has the corruption of political and administrative life been so deeply corrosive; rarely has there been such a crisis of representation; rarely has disillusionment with democracy been so

radical. When people talk of "a crisis of politics", they are effectively saying that the democratic State no longer functions - and that in fact it has become irreversibly corrupt in all its principles and organs: the division of powers, the principles of guarantee, the single individual powers, the rules of representation, the unitarian dynamic of powers, and the functions of legality, efficiency and administrative legitimacy. There has been talk of an "end of history", and if such a thing exists we might certainly identify it in the end of the constitutional dialectic to which liberalism and the mature capitalist state had tied us. To be specific, as from the 1930s, in the countries of the capitalist West there began to develop a constitutional system which we would call the "Fordist" constitution, or the labourist welfare-state constitution; this model has now gone into crisis. The reasons for the crisis are clear when one takes a look at the changes in the subjects which had forged the original agreement around the principles of this Constitution: on the one hand the national bourgeoisie, and on the other hand the industrial working class organised within both the trade unions and the socialist and communist parties. Thus the liberal-democratic system functioned in such a way as to match the needs of industrial development and of the sharing-out of global income between these classes. Constitutions may have differed more or less in their forms, but the "material constitution" - the basic convention covering the sharing out of powers and counter-powers, of work and of income, of rights and freedoms - was substantially homogeneous. The national bourgeoisies renounced fascism and guaranteed their powers of exploitation within a system of sharing-out of national income which - reckoning on a context of continuous growth - made possible the construction of a welfare system for the national working class. For its part, the working class renounced revolution.

Now, at the point when the crisis of the 1960s concludes in the emblematic events of 1968, the state built on the Fordist constitution goes into crisis: the subjects of the original constitutional accord in effect undergo a change. On the one hand, the various bourgeoisies become internationalised, basing their power on the financial transformation of capital, and turning themselves into abstract representations of power; on the other, the industrial working class (in the wake of radical transformations in the mode of production - victory for the automation of industrial labour and the computerisation of social labour) transforms its own cultural, social and political identity. A multinational and finance-based bourgeoisie (which sees no reason why it should bear the burden of a national welfare system) is matched by a socialised, intellectual proletariat - which, on the one hand, has a wealth of new needs, and on the other is incapable of maintaining a continuity with the articulations of the Fordist compromise. With the exhaustion of "real socialism" and the etching of its disaster into world history at the end of 1989, even the symbols - already largely a dead letter - of a proletarian independence within socialism were definitively destroyed.

The juridico-constitutional system based on the Fordist compromise, strengthened by the constituent agreement between the national bourgeoisie and the industrial working class, and overdetermined by the conflict between the Soviet and American super-powers (symbolic representations of the two conflicting parties on the stage of each individual nation) has thus run out its time. There is no longer a long-term war between two power-blocs at the international level, within which the civil war between classes might be cooled down by means of immersion in the Fordist constitution and/or in the organisations of the Welfare State; there no longer exist, within individual countries, the subjects who could constitute that Constitution and who might legitimate its expressions and its symbols. The whole scenario is now radically changed.

So what is the new Constitution which our generation is going to have to construct?

2. "Arms and Money"

Machiavelli said that in order to construct the State, the Prince needed "arms and money". So what arms, and what money, are going to be required for a new Constitution? For Machiavelli, the arms are represented by the people (*il popolo*), in other words the productive citizenry who, within the democracy of the commune, become a people in arms. The question is, what *popolo* or people could be counted on today for the creation of a new Constitution? Do we have a generation opening itself to a new institutional compromise that will go beyond the Welfare State? And in what terms would it be disposed to organise itself, to "arm" itself, to this end? And what about the "money" side of things? Is the multinational finance bourgeoisie willing to consider a new constitutional and productive compromise that will go beyond the Fordist compromise – and if so, then on what terms?

Within the social system of post-Fordism, the concept of "the people" can and must be redefined. And not only the concept of "the people", but also the concept of "the people in arms" – in other words, that fraction of the citizenry which by its work produces wealth and thus makes possible the reproduction of society as a whole. It can claim that its own hegemony over social labour be registered in constitutional terms.

The political task of arriving at a definition of the post-Fordist proletariat is by now well advanced. This proletariat embodies a substantial section of the working class that has been restructured within processes of production that are automated, and computer-controlled processes which are centrally managed by an ever-expanding intellectual proletariat, which is increasingly directly engaged in labour that is computer-related, communicative and in broad terms educative/formative. The post-Fordist proletariat, the *popolo* or "people" represented by the "social" worker (*l'operaio sociale*), is imbued with and constituted by a continuous interplay between technico-scientific activity and the hard work of producing commodities; by the entrepreneuriality of the networks within which this interaction is organised; by the increasingly close combination and recomposition of labour time and life-time. There, simply by way of introduction, we have some possible elements of the new definition of the proletariat, and what becomes clear is that, in all the sections in which this class is being composed, it is essentially *mass intellectuality*. Plus – and this is crucial – another element: within the scientific subsumption of productive labour, within the growing abstraction and socialisation of production, the post-Fordist labour form is becoming increasingly cooperative, independent and autonomous. This combination of autonomy and cooperation means that *the entrepreneurial potentiality (potenza imprenditoriale) of productive labour is henceforth completely in the hands of the post-Fordist proletariat*. The very development of productivity is what constitutes this enormous independence of the proletariat, as an intellectual and cooperative base, as economic entrepreneuriality. The question is, does it also constitute it as political entrepreneuriality, as political autonomy?

We can only attempt an answer to this question once we have asked ourselves what exactly we mean by "money" within this historic development. In other words, in today's world, what happens to the bourgeoisie as a class, and to the productive functions of the industrial bourgeoisie? Well, if what we have said about the new definition of a post-Fordist proletariat is true, it follows that the international bourgeoisie has now lost its productive functions, that it is becoming increasingly parasitic – a kind of Roman church

of capital. It now expresses itself only through financial command, in other words a command which is completely liberated from the exigencies of production – "money" in the post-classical and post-Marxian sense, "money" as an alienated and hostile universe, "money" as general panacea – the opposite of labour, of intelligence, of the immanence of life and desire. "Money" no longer functions as mediation between labour and commodity; it is no longer a numeric rationalisation of the relationship between wealth and power; it is no longer a quantified expression of the nation's wealth. In the face of the entrepreneurial autonomy of a proletariat which has materially embraced within itself also the intellectual forces of production, "money" becomes the artificial reality of a command which is despotic, external, empty, capricious and cruel.

It is here that the new fascism reveals itself – a postmodern fascism, which has little to do with Mussolinian alliances, with the illogical schemas of Nazism, or the cowardly arrogance of Petainism. *Post-modern fascism* seeks to match itself to the realities of post-Fordist labour cooperation, and seeks at the same time to express some of its essence in a form that is turned on its head. In the same way that the old fascism mimicked the mass organisational forms of socialism and attempted to transfer the proletariat's impulse towards collectivity into nationalism (national socialism or the Fordist constitution), so post-modern fascism seeks to discover the communist needs of the post-Fordist masses and to transform them, gradually, into a cult of differences, of the pursuit of individualism and the search for identity – all within a project of creating over-riding despotic hierarchies aimed at constantly, relentlessly, pitting differences, singularities, identities and individualities one against the other. Whereas communism is respect for and synthesis of singularities, and as such is desired by all those who love peace, the new fascism (as an expression of the financial command of international capital) produces a war of everyone against everyone, produces religiosity and wars of religion, nationalism and wars of nations, corporative egos and economic wars ...

So, let us return to the question of "the arms of the people". We are asking: what is this Constitution that our new generation is going to have to build? This is another way of asking what are the balances of power, the compromises, which the new post-modern proletariat and the new multinational employing class are going to have to institute, in material terms, in order to organise the next productive cycle of the class struggle. But if what we have said so far is true, does this question still make sense? What possibility exists now, for constitutional compromise, in a situation where a huge degree of proletarian cooperation stands at the opposite pole to a huge degree of external and parasitical command imposed by multinational capital? A situation in which money stands in opposition to production.

Does it still make sense to ask ourselves how rights and duties might be reciprocally calibrated, given that the dialectic of production no longer has workers and capital mixing in the management of the productive relationship?

We would probably all agree that the question makes no sense. The "arms" and the "moneys" are no longer such that they can be put together in order to construct the State. Probably the Welfare State represents the final episode of this history of accords between those who command and those who obey (a history which – if we are to believe Machiavelli – was born with the "dualism of power" which the Roman tribunes installed in relation to the Republic).

Today everything is changing in the fields of political science and constitutional doctrine:

if it is the case that those who once were the "subjects" are now more intelligent and more "armed" than kings and employing classes, why should they go looking for a mediation with them?

3. State Forms: That Which Is Not "Constituent Power"

From Plato to Aristotle and, with some modifications, through to the present day, the theory of "state forms" has come down to us as a theory which is unavoidably dialectical. Monarchy and tyranny, aristocracy and oligarchy, democracy and anarchy, handing over from one to the other, are thus the only alternatives within which the cycle of power develops. At a certain point in the development of the theory, Polybius, with undoubted good sense, proposed that these forms should be considered not as alternatives, but rather as complementary. (Here he referred to the constitution of the Roman Empire, to show that there were instances in which different state forms not only did not counterpose each other, but could also function together: could be functions of government.) The theorists of the American Constitution, along with those of the popular-democratic Constitutions of Stalinism, thus all contentedly recognised themselves as Polybians! Classical and contemporary constitutionalism, wherein all the prostitutes of the State of Right happily wallow, is nothing other than Polybian! Monarchy, aristocracy and democracy, put together, form the best of republics!

Except that the alleged scientific value of this dialectic of state forms doesn't go much beyond the familiar classical apologetics of Menenius Agrippus, whose position was as reactionary as any other, given that it implied a conception of power that was organic, unmoving and animal (inasmuch as it required the various social classes to work together to construct an animal functionality). Should we write it off as being of no value, then? Perhaps. But at the same time there is a value in recognising these theories for what they are, because the way they have survived over the centuries, the effects they have had on history, and the daily effect of inertia that they exert, provide a useful reminder of the power of mystification.

The ideology of revolutionary Marxism too, albeit overturning the theory of state forms, nonetheless ends up affirming its validity. The "abolition of the state", *pace* Lenin, assumes the concept of state as it exists within bourgeois theory, and poses itself as a practice of extreme confrontation with that reality. What I am saying is that all these concepts – "transition" as much as "abolition", the "peaceful road" as much as "people's democracy", the "dictatorship of the proletariat" as much as the "cultural revolution" – all these are bastard concepts, because they are impregnated with a conception of the state, of its sovereignty and its domination – because they consider themselves as necessary means and unavoidable processes to be pursued in the seizure of power and the transformation of society. The mystificatory dialectic of the theory of state forms turns into the negative dialectic of the abolition of the state: but the theoretical nucleus remains, in the absolute and reactionary way in which the power of the state is affirmed. "All the same old shit," as Marx put it.

It is time to emerge from this crystallisation of absurd positions – which are given a value of truth solely by their extremism. It is time to ask ourselves whether there doesn't exist, from a theoretical and practical point of view, a position which avoids absorption within the opaque and terrible essence of the State. In other words, whether there doesn't exist a viewpoint which, renouncing the perspective of those who would construct the constitution of the State mechanistically, is able to maintain the thread of genealogy, the

force of constituent praxis, in its extensivity and intensity. This point of view exists. It is the viewpoint of daily insurrection, of continual resistance, of constituent power. It is a breaking-with, it is refusal, it is imagination, all as the basis of political science. It is the recognition of the impossibility, nowadays, of mediating between "arms" and "money", the "people in arms" and the multinational bourgeoisie, production and finance. As we begin to leave Machiavellianism behind us, we are firmly of the opinion that Machiavelli would have been on our side. We are beginning to arrive at a situation where we are no longer condemned to think of politics in terms of domination. In other words, what is under discussion here is the very form of the dialectic, mediation as a content of domination in its various different forms. For us, it is definitively in crisis. We have to find ways of thinking politically beyond the theory of "state forms". To pose the problem in Machiavellian terms, we have to ask: is it possible to imagine constructing a republic on the basis of the arms of the people, and without the money of the Prince? Is it possible to entrust the future of the state solely to popular "virtue", and not at the same time to "fortune"?

4. Constructing the Soviets of Mass Intellectuality

In the period which we have now entered, in which immaterial labour is tending to become hegemonic, and which is characterised by the antagonisms produced by the new relationship between the organisation of the forces of production and multinational capitalist command, the form in which the problem of the Constitution presents itself, from the viewpoint of mass intellectuality, is that of establishing how it might be possible to build its Soviets.

In order to define the problem, let us begin by recalling some of the conditions which we have assumed thus far.

The first of these conditions derives from the tendential hegemony of immaterial labour and thus from the increasingly profound reappropriation of technico-scientific knowledge by the proletariat. On this basis, technico-scientific knowledge can no longer be posed as a mystified function of command, separated from the body of mass intellectuality.

The second condition derives from what I referred to above as the end of all distinction between working life and social life, between social life and individual life, between production and life-form. In this situation, the political and the economic become two sides of the same coin. All the wretched old bureaucratic distinctions between trade union and party, between vanguard and mass, and so on, seem definitively to disappear. Politics, science and life function together: it is within this framework that the real (*il reale*) produces subjectivity.

The third point to consider arises from what has been said above: on this terrain the alternative to existing power is constructed positively, through the expression of potentiality (*potenza*). The destruction of the State can be envisaged only via a concept of the reappropriation of administration. In other words, a reappropriation of the social essence of production, of the instruments of comprehension of social and productive cooperation. Administration is wealth, consolidated and put at the service of command. It is fundamental for us to reappropriate this, reappropriating it by means of the exercise of individual labour posed within a perspective of solidarity, within cooperation, in order to administer social labour, in order to ensure an ever-richer reproduction of accumulated immaterial labour.

Here, therefore, is where the Soviets of mass intellectuality are born. And it is interesting to note how the objective conditions of their emergence chime perfectly with the historical conditions of the antagonistic class relationship. In this latter terrain, as I suggested above, there is no longer any possibility of constitutional compromise. The Soviets will therefore be defined by the fact that they will express immediately potentiality, cooperation and productivity. The Soviets of mass intellectuality will give rationality to the new social organisation of work, and they will make the universal commensurate to it. The expression of their potentiality will be without constitution.

The constituent Republic is thus not a new form of constitution: it is neither Platonic nor Aristotelian nor Polybian, and perhaps it is no longer even Machiavellian. It is a Republic which comes before the State, which comes outside of the State. The constitutional paradox of the constituent Republic consists in the fact that the constituent process never closes, that the revolution does not come to an end, that constitutional law and ordinary law refer back to one single source and are developed unitarily within a single democratic procedure.

Here we are, finally, at the great problem from which everything starts and towards which everything tends: the task of destroying separation and inequality, and the power which reproduces separation and inequality. Now, the Soviets of mass intellectuality can pose themselves this task by constructing, outside of the state, a mechanism within which a democracy of the everyday can organise active communication, the interactivity of citizens, and at the same time produce increasingly free and complex subjectivities.

All the above is only a beginning. Is it perhaps too general and abstract? Certainly. But it is important that we begin once again to talk about communism – in this form – in other words, as a programme which, in all its aspects, goes beyond the wretched reductions that we have seen being enacted in history. And the fact that it is only a start does not make it any the less realistic. Mass intellectuality and the new proletariat which have been constructed in the struggles against capitalist development and through the expression of constitutive potentiality are beginning to emerge as true historic subjects.

The moment of the new, the new happening, the "Angelus novus" – when they arrive – will appear suddenly. Thus our generation can construct a new constitution. Except that it will not be a constitution.

And perhaps this new happening has already occurred.

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Book Reviews

Selma James

Marx and Feminism

Crossroads Books, London, 1994.

Reviewed by Alice Brown

The publication of the revised edition of *Marx and Feminism* ten years after it was first published in 1984 is timely as it forces us to re-address one of the key demands of the women's movement for liberation through waged work. Selma James remains critical of this strategy although she overstates her case when she argues that: 'In the last decade, feminism has increasingly identified itself as the political strategy which exhorts, and even plans for, women to take waged work as the only road to liberation.' (p.23)

This pamphlet, published by Crossroads Books, records a lecture given by the author as part of the 1983 Jubilee Group Lent Lectures to commemorate the centenary of the death of Marx. The lecture, which has been revised and updated for 1994, demonstrates Selma James' continuing commitment to the campaign for wages for housework.

The aim of the author's lecture was to test the relevance of Marx's writing to women and she provides a very clear explanation

of Marx's analysis of labour power, the extraction of surplus value through exploitation, the alienation of workers from their own capacities, and the way in which the wage relation and money dominate all social relationships. By drawing on the amount of labour which is both paid and unpaid, Selma James then goes on to explore the way in which women are affected by this process. In a system where the male worker is the predominate source of labour power for capitalists, women become 'the producers of everyone's labour power, everyone's ability to work and to be exploited.' (p.12) In giving birth, in nurturing and in supporting and servicing the adult worker, labour power is produced and reproduced by women.

However, women do not receive money or wages in their own right for the contribution they make to labour power. Instead it is 'unwaged' - a term which Selma James says she invented to describe this 'women's work' or 'housework'. It is this relationship, she argues, which forms 'the material basis of the social antagonism between the sexes.' (p.13) Although unwaged slavery of women is hidden and interpreted as a natural and private affair, women do housework against their will and are compelled to sell their labour power voluntarily via the male worker.

Selma James uses this relationship between the sexes to provide an explanation of violence in the home. She states that: 'We absorb violence from those above and then let it out on those less powerful than we

are.' and argues that if a man is waged and his wife is dependent on him, 'then wife-beating is not a mystery.' (p.15)

Finally, Selma James quotes Marx to demonstrate the way in which a hierarchy of labour power develops and can cause divisions between different sectors within the working class. This hierarchical wedge also causes division between races and between men and women to the extent that biological differences become social divisions. We are trained to acquire certain skills at the expense of others and 'these capabilities are taken to be our nature and fix our functions for life, and fix also the quality of our mutual relations.' (p.17) Thus sexual and other stereotyping is developed and reinforced. She argues, therefore, that the struggle for unity is just as central today and that there is a need to attack and destroy the existing hierarchy of labour power.

In defending Marx against his feminist and academic critics, Selma James draws two key conclusions in her lecture. Her first is that the wage is the crucial point of conflict between workers and capital, and that the object of the Wages for Housework Campaign, which began in 1972, was to make visible the exploitation of unwaged labour and to advance the struggle for wages of workers who are unwaged. Her second point is that without the activity of autonomous organizations, the diversity between the needs of the different sectors of the working class could not be expressed. Instead they would reflect the hierarchy within the working class which is imposed upon us. The object, however, is for the different sectors, including men and women, to unite, for 'Those with more power must unite with those of us with less because we know better what their interests are than they know themselves. ...Women know, for example, which of men's 'victories' are victories for us, and which are defeats for us and therefore ultimately for them. We also know how much we have contributed to all victories, and how much men owe us for

that.' (p.21)

The value of Selma James' contribution in interpreting the role of women in society is self-evident, but there are also some problems with her analysis and her critique of modern feminism. She is right to assert that striving for liberation through waged work alone is not 'the answer' - one experience of working in or even visiting a local supermarket or factory is ample demonstration of this point. However, in the absence of wages for housework, most women have little choice but to look for and accept paid work, even if it is low paid with poor conditions of employment. They do so first to pay their bills and support themselves and their children, but also to achieve some level of autonomy from men. To use Selma James' own phrase, many women wish to have 'money in their own right'; also they may wish to have economic autonomy as an alternative to living with a violent partner. Thus, although they are still being exploited by an employer, they do not face the dual exploitation of 'exploitation in the home and exploitation out of it.' (p.25) I agree also with the author that the 'elevation of women' is not dependent 'on the denigration of men' (p.18) and that ultimately they should be united in their struggle against exploitation, but unfortunately this is not the reality of many women's lives. They may feel unable to do much to escape the exploitation of an employer, but what some women have gained is the power and strength to challenge and reject the exploitation of some men. Selma James herself comments in relation to domestic violence that in a hostile environment where 'each is trying to survive and to cut down on the amount of work that both are compelled to do against their will, what's astonishing is that men and women even talk to each other, let alone live together and occasionally even love each other.' (p.15) What is clear is that many men and women are unable to achieve such a relationship, and that some women are now deciding to live with their children without

being dependent on a man.

Selma James is simply wrong when she says that feminists, including Marxist feminists, have not addressed women's right to refuse both unwaged dependence at home and waged exploitation outside the home. Also she underestimates the resistance of women and others to the government's attacks on single mothers and workfare proposals. If she was closer to the activity of some women in the political parties, she would be aware of the involvement of women in opposing the Child Support Act against the views of the male-dominated leadership - a 'glaring example' of the need to have more feminists in key positions in political parties? In generalising about feminism in this way, she ignores the diversity and complexity of the modern women's movement.

Where I would support Selma James is in her view that too little attention has been given by feminists to the campaign for wages for housework. In part this can be explained by the emphasis given to the family in feminist writing as the site of women's oppression - escaping the roles imposed on women by family values was, therefore, an understandable aim. Also the disproportionate attention given to campaigning for childcare to assist women in returning to the paid workforce and as a panacea for improving women's position in society can be frustrating, and can play into the hands of those who have an interest in encouraging women into low paid and insecure employment. The focus on childcare often means that the division of labour within the home remains unchallenged and unaltered and has little relevance for women with no children or for whom childcare is no longer an issue. Nevertheless, many women do face the 'double burden' of paid and unpaid work while someone else - usually another woman and not the father - looks after their children. As social surveys continue to indicate, men are extremely reluctant to share the burden of domestic chores and

childcare.

Thus while autonomy through paid work should not be the only strategy adopted by women seeking liberation, so too wages for housework is not the only answer. What is needed is a multi-faceted campaign to suit the needs and priorities of different women. The demands by women for liberation, whatever form they take, should not be viewed in competition with one another but as part of a united strategy for change. Thus a revaluing of and payment for the contribution which women make in the domestic sphere should go hand-in-hand with demands for better pay and conditions at work, for a fair division of labour within the home, for good quality childcare, for better representation in decision-making bodies, for better services and benefits, etc. etc. Just as Selma James advocates, in relation to the working-class in general, the unity of the powerful with the powerless, so too should women with power in our society unite with those women with less power - only then will the needs and aspirations of different groups of women be recognised and valued. Without a strategy for uniting women, Selma James runs the risk of falling into the trap of dismissing feminism as a 'middle-class indulgence' and in dividing women against women.

Moishe Postone

Time, labour and social domination. A reinterpretation of Marx's critical theory.

Cambridge University Press. 1993.

Reviewed by Cyril Smith

Reinterpreting Marx

The upheavals of the 1990s cause deep dismay among sections of the Left. Events having unceremoniously demolished so many of their unquestioned assumptions, they either struggle on, sheltering behind cherished theoretical dogma, or, with a cynical post-modern shrug, toss all principles aside.

For some of us, however, these same happenings are a liberating experience, precisely because they shake up fundamentals, thus giving us an opportunity to reconsider and develop them. It then becomes clear that, in order to reassess the experience of twentieth-century socialism, especially of the October revolution and its aftermath, it is necessary to grasp the sharp opposition between old-style 'Marxism' and the ideas of Karl Marx.

In his new book, Moishe Postone has made an important contribution to this task. As I shall explain later, I have basic disagreements with some of his ideas. But I am convinced that anyone concerned with these questions is obliged to make the effort involved in working through his 400 pages.

Postone effectively attacks what he calls 'traditional Marxism', posing against it what he believes is the theoretical outlook of the 'mature Marx', that is, the Marx of *Grundrisse* and *Capital*. The book describes the limitations and presuppositions of traditional Marxism in some detail. Postone sometimes agrees with the ideas of

Lukacs in *History and Class Consciousness*. But in the end he criticises them also, as being themselves still bound up with 'traditional Marxism'. The book also contains an analysis of what Postone calls 'the pessimistic turn of Critical Theory', concentrating on the work of Horkheimer and of his fellow-Frankfurter Friedrich Pollock, as well as the later work of Habermas.

For Postone, the difference between Marx and the Marxists centres on their attitude to labour. He declares that 'labour' does *not* mean the same thing as 'productive activity'. As is well-known, Marx insisted that his analysis of the 'twofold character of labour' was 'crucial to an understanding of political economy'. But Postone shows that this must *not* be taken to mean that Marx accepts concrete labour as the 'good side', while abstract labour is the side which will be eliminated in a communist society. Both sides, and the distinction between them, express oppressive and distorted aspects of social life.

The commodity which is produced by this twofold activity is likewise double. But again, says Postone, this does not imply that, while value characterises bourgeois society, use-values are OK. Marx distinguishes the commodity form as a *whole* from 'real wealth' [*wirklicher Reichtum*], (*Grundrisse*). The fact that wealth has a social form quite different from its material form determines every aspect of our lives. Thus, for example, in Chapter 1 of *Capital*, Marx declares that wealth is the product of *both* labour *and* Nature, but that 'Nature has nothing to do with' the production of value.

(None of this means anything to the devotees of 'Marxist economics', who imagine that Marx was expounding *his* 'labour theory of value'. Of course, his aim was precisely a critique of Ricardo's 'labour theory of value', the most complete expression of bourgeois social relations.)

Thus, argues Postone, socialism is not about the 'realisation of labour', in any sense. It implies the abolition of labour as a twofold social form, a form which counterposes the atomised individual to abstract universality in every phase of life. Postone contends that it is the *form* in which wealth is *produced* which is at the heart of Marx's critique of political economy. He attacks the understanding of 'Marxist economics' that it is just the distribution of wealth through private ownership which has to be changed. Simply replacing 'market forces' with 'planning', keeping the shape of modern industrial *production*, is not socialism. That is concerned with establishing a new mode of production, one which is consciously controlled by the 'associat-ed producers', instead of ruling them.

Labour, Postone argues, 'constitutes' bourgeois society and its forms of consciousness. Most interesting, although very abstractly expressed, is his examination of the way that conceptions of time are shaped by commodity-production. 'Abstract time' is dis-tinguished from 'concrete time'. Abstract time is bound up with social necessity, imposed by labour itself on the labourers. Concrete time is, rather, 'a function of events'.

As Postone so well reminds us, in Chapter 1 of *Capital*, Marx declares that political economy had never asked 'why labour is expressed in value, and why the measurement by its duration is expressed in the magnitude of the value of the product.' We might have seen the importance of the first half of this question, but the second half has been ignored by many of us.

When he turns from the commodity to capital itself, Postone's insistence on the centrality of the form of production really pays off. Marx shows that capital is a 'social relation which appears in the form of a thing', 'value in process'. It is 'the dominant subject', which 'subsumes' labour under it, first 'formally', then as

'real' subsumption. When labour has been absorbed into capital - a process which takes place at the level of the total social capital, not of the individual worker or capitalist - every aspect of social life and consciousness is dominated by its movement.

But now we come to what I see as the difficulties of Postone's position. He thinks that Marx's analysis of labour implies that the proletariat has nothing to do with the overcoming of capital. The struggles of the working class movement, he contends, however laudable, remain within the bounds of capital. For example, the workers' fight for higher wages, he thinks, is merely the way they bargain as a collective commodity-owner. Capital, he agrees, does prepare the *possibility* for a higher social formation. But, to the extent that he discusses such matters at all, Postone advises us to look elsewhere for the agency which can realise these possibilities. Unfortunately, he is not very clear on where to look.

I can't accept this line of argument. But, at the same time, I think it is important that we don't just throw it aside. 'Marxism' has for too long evaded the problems Postone is pointing out, often understanding class struggle in a framework which is close to that of sociology.

The problem was never properly resolved in either the Second or the Third Internationals. The difficulties were encountered by Kautsky and Lenin, with their talk about the relation between 'spontaneity' and 'socialist consciousness'. (Maybe it is linked to Lukacs' problem of 'imputed' class consciousness.) To ground the fight for socialism securely, these issues must be addressed with care, especially in view of the changes in the nature of today's struggles. We must recapture Marx's understanding that the overthrow of bourgeois society means the self-abolition of the proletariat, involving the self-transformation of the individual members of that class.

Of course, Postone is quite entitled to argue for his point of view on the overthrow of bourgeois society. But it is another thing entirely for him to assume that the 'mature Marx' agreed with him. A study of the 'Old Marx', say, from the time of the Paris Commune until Marx's death, shows that his conception of proletarian revolution, if anything, grew firmer at the end of his life. (Look, for example, at Marx's 1875 comments on Bakunin's book *Statehood and Anarchy*.)

In any case, I cannot accept Postone's complete exclusion of Marx's writings of the 1840s from his discussion of *Capital*. It is unfair, both to the early and to the late Marx, to say that

(t)he theory of alienation implied by Marx's mature critical theory does not refer to the estrangement of what had previously existed as a property of the workers (and should, therefore, be reclaimed by them); rather it refers to a process of the historical constitution of social powers and knowledge that cannot be understood with reference to the immediate powers and skills of the proletariat. (p. 31)

And, while Marx's return to Hegel in his work for *Grundrisse* was certainly vital for his clarification of the forms of value and of capital, I believe it is misleading to state that it led him to analyse the social validity for capitalist society of precisely those idealist Hegelian concepts which he earlier had condemned as mystified inversion. (pp 74-5.)

This brings me to two other major objections I have to Postone's approach. In my opinion, it is not possible to make sense of Marx's ideas without a notion of *humanness*. Marx was quite definite that communism meant a 'truly human society', and just as certain that capital was an *inhuman* social form. Of course, his conception of what was human was not the same as that of any bourgeois thinker, and

he had a specific understanding of how humanness existed within this inhuman shape or shell, and how it would break out. This, I think, is what made possible Marx's understanding of the proletariat and its relationship to the fight for socialism. Postone's attempt to avoid the use of such categories leaves him in the grip of a form of relativism.

Let us recall a well-known passage from *Grundrisse*:

The recognition of the products as its own, and its awareness that its separation from the conditions of its realisation is improper and imposed by force, is an enormous consciousness, and itself the product of the mode of production based on capital, and just as much the 'knell to its doom' as the consciousness of the slave that he cannot be the *property of another*, his consciousness of being a person, reduced slavery to an artificial lingering existence, and made it impossible for it to continue to provide the basis of production. (*Marx Engels Collected Works*, Volume 28, pp 390-1.) [See Penguin Edition, p 463.]

Such statements, it seems to me, point us towards the way that Marx actually viewed the class struggle and its relationship with the emancipation of humanity from classes.

This problem is fundamentally connected with another. If 'labour' constitutes consciousness in bourgeois society, what is the basis for the conceptions of Marx himself, and, indeed, of Postone? If our ideas are shaped by alienation, how can anybody get to know this? I believe this issue is quite basic. Postone is certainly not unaware of the problem, but he consigns it to a footnote, which it shares with a reference to Habermas:

The question of the standards by which that which exists can be criticised cannot be fully dealt with here. It should be clear, however, that in Marx's approach the source and standards of critique also must be a

function of existing forms of social reality. (p. 219.)

He then refers us, not to Marx, but to Wittgenstein's *Philosophical Investigations*!

I believe that this reveals the weakness of Postone's whole approach, invaluable as it is. Perhaps the root of my dis-agreement is illuminated by the very last words of his conclusion:

Marx's critical theory, which grasps capitalist society by means of a theory of the constitution by labour of a directionally dynamic, totalizing mediation that is historically specific, is a brilliant analysis of this society; and it is, at the same time, a powerful argument regarding the nature of an adequate social theory. (p. 399.)

Now, I think this precisely misses the point of Marx's work and its importance today, including the work of Postone himself. Are

we struggling with the ideas of a man who died in 1883 just in order to get 'a powerful argument' about theory? Well, I am not, for one, and I don't think I am overestimating Postone when I say I don't think he is either. Surely, what we are trying to do is to clarify questions on which the entire future life of humanity depend. That is why I think it is even misleading to describe Marx's work as 'theory', as if that puts him in the same box as your friendly neighbourhood professor of sociology.

So I think Postone's book is more important than his own closing sentence would suggest - although that sentence shows where his relativism leads him. No. Clearing away the confusion, even downright lies, that have for so long walled us off from the essence of Marx's ideas, is no academic work. At the end of this terrible century, it is a job of tremendous significance for us all. This book, I repeat, is a major contribution to that task.

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