

Science of Labour Law and during the time of fascism was interpreted without any difficulties as a fascist relation of partnership. At the beginning of the fifties it was again made the binding opinion of the labour relations in the course of the revival and reformation of the state-monopolist capitalism in West Germany by doctrine and jurisdiction. Contrary to the basic contradiction between capital and labour this doctrine values the labour relation as a personal legal relation of partnership and the labour contract as a contract establishing a partnership. By means of this concept the opinion on the obligatory law and therewith the contracting of obligation and return of obligation is replaced by a number of rights and duties which are outlined in detail for both partners. Furtheron a general norm called "duty on faith" is set for the determination of certain individual duties by which the sphere of the duties of the working people is not only considerable<sup>^</sup> increased but above all the employer's sphere of disposal over the workers and their organization becomes unrestricted.

The practical consequences are manifold. So among others the doctrine is the basis for the attempts politically bind and control the working people and making conform their organs of interest, especially the works-councils, to limit the social rights in the labour relation, to increase the function of compulsion of the labour law, to oblige to faith not only with respect to the concerning employer but moreover with respect to the imperialist state endowed with growing far-reaching special authorities, to found obligations on rendering services or labour according to the Emergency Law.

The relation between capital and labour is determined by the capitalist property of the means of production and the seperation of the producers from property. Opinions

on common interests between employers and workers are in contrast to this relation. Therefore the concept by which the labour relation should be a personal legal relation of partnership serves the aim to counteract class-political thinking and further limit the rights of the working people and their organizations.