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Construction of Il/Legitimate Migrant Labor: Non-Nationals in Domestic Service and Gardening in Interwar Austria

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Abstract

Like other European countries, Austria introduced employment restrictions for foreigners after World War I. Access to the labor market was to be reserved primarily for Austrian citizens. These new regulations related exclusively to dependent employees and allowed exceptions in view of family reunification, among other things. They were based on official labor market categories and reflected widely accepted imaginations of gender-specific abilities and responsibilities. However, many foreigners earned their living in a household context and their activities hardly matched the official categories of work and family. Since decision-making on employment permits required unambiguous categorization, this situation posed a dilemma for the authorities in charge. Given the vast variety of work arrangements and relations, they struggled to clearly draw the line between “employed” and “not employed” workers. Using the example of domestic help and Bulgarian gardeners, this article investigates administrative authorities’ attempts to make such distinctions and it examines migrants’ efforts to occupy labor market niches. While migrants un/intentionally circumvented regulations and made their living in Austria, the ongoing disputes paradoxically contributed to an enforcement of restrictions. Administrative authorities gradually increased their endeavor to locate unauthorized foreign workers even within households and they sharpened the criteria for their categorization.

Keywords: migration; domestic service; Bulgarian gardeners; labor; citizenship

When a labor shortage in certain occupations, unemployment, or access to welfare state support is discussed in European public debates, references to “foreigners” are never far behind. Depending on their respective political standpoints, politicians, journalists, and commentators may ascribe positive or negative effects to migration. Frequently, they evaluate mobility according to its ostensible “benefit” or alleged “damage” to the national economy, the labor market, or social security systems. Commentators differentiate and rank people with migrant backgrounds and formulate demands on the state to regulate in-migration or to promote or limit non-citizens’ employment.

This link created between the labor market and migration policy is relatively new. Countries in Europe as well as the United States had implemented forms of migration control in the so-called liberal era before World War I. But state interventions into migration for the “protection” of national labor markets were introduced on a large scale and across the European continent from 1919 onward.¹ In Austria, policies linking employment with migration likewise date to the First Republic (1918–34), when employment restrictions such as visa limitations and exclusive employment permits for non-Austrian nationals were first introduced.² Employment, they stipulated, should first and foremost be reserved for citizens. Non-citizens, in contrast, were supposed to fill occupations for which no suitable jobseekers were available. Less “desired” foreigners without suitable skills were pushed out of work or into the realm of “irregular” labor.³

¹Beate Althammer, “Connecting Welfare State History and Migration History: An Introduction,” in *Citizenship, Migration and Social Rights*, ed. Beate Althammer (London, 2023), 5–6.

²Kenneth Horvath, *Die Logik der Entrechtung. Sicherheits- und Nutzendiskurse im österreichischen Migrationsregime* (Göttingen, 2014), 161, 165–66.

³Catherine Lejeune and Manuela Martini, “The Fabric of Irregular Labor Migration in Twentieth-century Western Europe and North America: A Comparative Approach,” *Labor History* 56, no. 5 (2015): 614–42; Ilse Reiter-Zatloukal, “Ausländische

Delimiting access to labor markets by citizenship came on the heels of the profound transformation of work and the development of social security schemes that had been underway since the end of the nineteenth century.⁴ Governments all over Europe made increasing efforts to intervene into the organization of work. Its codification and the introduction of social insurance, highly exclusive at first, were accompanied by new rights and entitlements for citizens, who were likewise tied more closely to the nation-state.⁵ Gainful, continuous, skilled employment outside the home, commonly associated with male breadwinners, progressively developed into the benchmark for all other livelihoods, setting the standard for what would be considered “real,” legitimate work.⁶ Despite unequal opportunities to participate in such employment and related social rights along the lines of gender, social background, and citizenship, gainful work was increasingly proclaimed as a “universal principle for citizens, as the duty of all people.”⁷ In any case, this essentially related to men. Women were widely expected to follow their alleged “natural” calling as mothers caring for children and doing the household chores.⁸

Even restrictive regulations for foreigners were orientated toward the implicit norm of dependent employment in commercial enterprises. They referred to the categories of worker and employee, entirely excluding those categorized as self-employed, and any who were supported by family members or had the means to support themselves. Such differentiations, however, were often unclear and the status of foreign nationals working (or wanting to work) in Austria was ambiguous. Whom did the Austrian authorities grant the permission to pursue an occupation and whom did they exclude? Where did they draw the line between work and non-work?

Several forms of labor fell through the cracks of the newly evolving migration and employment laws. For example, some farm hands and gardeners as well as domestic help (*Hausgehilfin* was the term commonly used in the interwar period) had in common that they lived with and worked for relatives. Their activities were, to a greater or lesser extent, integrated into the household economy rather than being performed exclusively for the business of non-family employers. One cohort of interwar gardeners—those coming from Bulgaria—fell into a particularly murky employment status: they were non-citizens, may have lived under the roof of family members or compatriots in Austria, and had themselves established collective commercial enterprises. From the perspective of the authorities, such workers occupied a gray zone; they represented cases of dependent work, entrepreneurship, or non-work that could not be clearly categorized.

Such category-defying labor cases sometimes led to protracted disputes with authorities over employment permissions. Using two examples—live-in domestic help and the case of the Bulgarian gardeners—this article explores some of the limits and loopholes of interwar legislation designed to cut foreigners’ labor market participation. I will first explore how authorities attempted to organize and nationalize the labor market and to distinguish more clearly between what constituted employment and non-employment. Second, I will discuss how foreigners came to occupy niches that vague labor categorizations inadvertently opened to them.

Arbeitskräfte in Österreich. Die rechtsgeschichtliche Entwicklung der Arbeitsmigration seit der Frühen Neuzeit,” in *100 Jahre Arbeitsmarktverwaltung. Österreich im internationalen Vergleich*, eds. Mathias Kreml and Johannes Thaler (Göttingen, 2017), 115–57, 130.

⁴Althammer, “Connecting Welfare State History and Migration History,” 4, 6.

⁵Sebastian Conrad, Elisio Macamo, and Bénédicte Zimmermann, “Die Kodifizierung der Arbeit: Individuum, Gesellschaft, Nation,” in *Geschichte und Zukunft der Arbeit*, eds. Jürgen Kocka and Claus Offe (Frankfurt am Main, 2000), 449–75, 450–51; Sigrid Wadauer, “Immer nur Arbeit? Überlegungen zur Historisierung von Arbeit und Lebensunterhalten,” in *Semantiken von Arbeit: Diachrone und vergleichende Perspektiven*, eds. Jörn Leonhard and Willibald Steinmetz (Cologne, 2016), 225–46, 234–35.

⁶Wadauer, “Immer nur Arbeit?” 235.

⁷Josef Ehmer, “Die Geschichte der Arbeit als Spannungsfeld von Begriff, Norm und Praxis,” in *Bericht über den 23. Österreichischen Historikertag in Salzburg [Report on the 23rd Austrian Historians’ Conference in Salzburg]*, 24.–27. September 2002, ed. Gerda Dohle (Salzburg 2003), 5–44, 38.

⁸Karin Hausen, “Die Polarisierung der ‘Geschlechtscharaktere’. Eine Spiegelung der Dissoziation von Erwerbs- und Familienleben,” in *Geschlechtergeschichte als Gesellschaftsgeschichte*, ed. Karin Hausen (Göttingen 2012), 19–49; Karin Hausen, “Arbeit und Geschlecht,” in *Geschichte und Zukunft der Arbeit*, eds. Jürgen Kocka and Claus Offe, 343–361, 345–350.

To date, only a few studies deal with labor migration policy in Austria's interwar period.⁹ Internationally, many scholars have analyzed the transformation of migration regimes in detail. They compare national settings and focus on supranational efforts and agreements to organize labor migration.¹⁰ Scholars study the "complexities and inconsistencies of regulation, which always entail 'repair work,'" as Anne Unterwurzacher summarizes, and investigate regulatory shifts in the framework of social struggles. Various actors contribute to such changes, including mobile populations themselves.¹¹ Scholars point to the "autonomy"¹² or migrants' "appropriation"¹³ of migration as much as to the unintended effects of their actions.¹⁴ Sigrid Wadauer reminds us that not only regulation but also categorization of mobile populations is a (preliminary) result of divergent, possibly conflicting practices and social disputes.¹⁵ Categorizations create differences and legitimize inequality between people; they are associated with the absence of or access to certain rights, privileges, and entitlements. Since migrants as much as bureaucrats use and counteract them in varying ways, categories may nonetheless behave like "communicating vessels."¹⁶

However, research on labor migration policy lacks a dedicated examination of the boundary-making between work and non-work or between different categories of work. Labor historians and sociologists, in contrast, tend to examine their development with reference to official statistics in various international contexts¹⁷ or to study how these contexts gender work.¹⁸ They have focused less, though, on mobility.¹⁹ To help close this gap, I have examined sources and case files produced by two branches of the interwar Austrian government. The Migration Office (*Wanderungsamt*) was a department of the Federal Chancellery (acting as Ministry of the Interior) and the state body established for overseeing cross-border migration to and from Austria. Second, the Federal Ministry of Social Administration

⁹Exceptions are e.g., Horvath, *Die Logik der Entrechtung*, 161–69; Eugène R. Sensenig-Dabbous, "Von Metternich bis EU-Beitritt. Reichsfremde, Staatsfremde und Drittausländer. Immigration und Einwanderungspolitik in Österreich," in *Das Ausland im Inland. Zur Geschichte der Ausländerbeschäftigung und Ausländerintegration in Österreich: Fremde, Zwangsarbeiter, Gastarbeiter, Flüchtlinge*, eds. Eugène R. Sensenig-Dabbous, Michael John, and Sylvia Hahn (Linz, 1998), 1–505, 304–45, accessed 23 January 2023, <https://de.scribd.com/document/356463030/>.

¹⁰Christoph Rass, *Institutionalisierungsprozesse auf einem internationalen Arbeitsmarkt: Bilaterale Wanderungsverträge in Europa zwischen 1919 und 1973* (Paderborn, 2010); Christiane Reinecke, *Grenzen der Freizügigkeit. Migrationskontrolle in Großbritannien und Deutschland, 1880–1930* (Munich, 2010).

¹¹Anne Unterwurzacher, "Bei der Abwanderung nach Deutschland scheint eine Ruhe eingetreten zu sein': Migrationsmuster und lokales Aushandeln von Migration am Beispiel der Glanzstoff Fabrik in St. Pölten," *Austrian Journal of Historical Studies* (OeZG) 31, no. 1 (2020): 164–86, 172–73.

¹²Manuela Bojadžijev, "Das Spiel der Autonomie der Migration," *Zeitschrift für Kulturwissenschaften* no. 2 (2011): 139–45.

¹³Stephan Scheel, "'The Secret Is to Look Good on Paper': Appropriating Mobility within and against a Machine of Illegalization," in *The Borders of "Europe": Autonomy of Migration, Tactics of Bordering*, ed. Nicholas De Genova (New York, 2017), 37–63.

¹⁴Michael G. Esch, "Regime und Eigen-Sinn: Möglichkeiten, Fallstricke und Folgen der konzeptuellen Positionierung migran-tischer Akteure," in *Was ist ein Migrationsregime? What Is a Migration Regime?* eds. Andreas Pott, Christoph Rass, Frank Wolff (Wiesbaden, 2018), 285–311, https://doi.org/10.1007/978-3-658-20532-4_13.

¹⁵Sigrid Wadauer, "Historische Migrationsforschung. Überlegungen zu Möglichkeiten und Hindernissen," *OeZG* 19, no. 1 (2008): 6–14, 7.

¹⁶Marlou Schrover and Deirdre Moloney, "Introduction. Making a Difference," in *Gender, Migration and Categorisation. Making Distinctions between Migrants in Western Countries, 1945–2010*, eds. Schrover and Moloney (Amsterdam, 2013), 7–54, 8–9.

¹⁷Cf. for example Léa Renard, "The Grey Zones Between Work and Non-Work. Statistical and Social Placing of 'Family Workers' in Germany, 1880–2010," in *Categories in Context. Gender and Work in France and Germany, 1900–Present*, eds. Isabelle Berrebi-Hoffmann, Olivier Giraud, Léa Renard, and Theresa Wobbe (New York, 2019), 40–59; Christian Topalov, "A Revolution in Representations of Work: The Emergence over the 19th Century of the Statistical Category 'Occupied Population' in France, Great Britain, and the United States," in *Revue française de sociologie* (2001), supplement: An Annual English Selection: 79–106.

¹⁸Raffaella Sarti, Anna Bellavitis, and Manuela Martini, "Introduction. What is Work? Gender at the Crossroads of Home, Family, and Business from the Early Modern Era to the Present," in *What is Work? Gender at the Crossroads of Home, Family, and Business from the Early Modern Era to the Present*, eds. Sarti, Bellavitis, and Martini (New York, 2018), 1–84; Theresa Wobbe, "Making Up People: Berufsstatistische Klassifikation, geschlechtliche Kategorisierung und wirtschaftliche Inklusion um 1900 in Deutschland," *Zeitschrift für Soziologie* 41, no. 1 (2012): 41–57.

¹⁹One scholar who does concentrate on mobility is Sigrid Wadauer, *Der Arbeit nachgehen? Auseinandersetzungen um Lebensunterhalt und Mobilität (Österreich 1880–1938)* (Vienna, 2021).

(*Bundesministerium für soziale Verwaltung*), was responsible, amongst other things, for labor market administration.

In the following, I will review the policies that regulated non-citizens' labor market access in interwar Austria. The efforts of foreigners to find work played out against the backdrop of recurring economic crises and in the context of state attempts to organize employment more comprehensively. Secondly, I will examine some of the gray zones of work identified above. These include employment permits that dealt with "important family considerations" and contested cases that occupied the murky space between domestic service, helping out, or being accommodated in the households of relatives. I contrast these cases of domestics with disputes between Bulgarian gardeners and state authorities. As the gardeners' activities could hardly be classified as dependent work (*Beschäftigung*), the Migration Office found it difficult to enforce labor market restrictions against them. The cases show that the variety of possible livelihoods hardly conformed to the authorities' ideas on which the new migration legislation was founded. Migrants utilized the resulting opportunities to make a living in Austria.

Visas and Employment Permits—Linking Employment and Migration Policy

In the years before World War I, Austrians generally enjoyed freedom of movement and settlement within the territory of the Habsburg monarchy. However, a protected, unrestricted right of residence (*Heimatrecht*) only existed in their respective home municipality (*Heimatgemeinde*).²⁰ This right was acquired through birth from the father (or unmarried mother), through marriage from the husband or, from 1901 onward, through ten years of uninterrupted residence. The *Heimatrecht* also ensured support for impoverished community members. But this excluded itinerant workers and servants who made a living elsewhere. Moreover, in accordance with the law—and sometimes even against it—many municipalities denied impoverished inhabitants their right of residence. Particularly poor and criminalized internal migrants were frequently deported to their home municipalities. The right of residence retained its validity until it was abolished by Nazi leadership after the German Reich annexed Austria in 1938.²¹

Some authors describe the *Heimatrecht* legislation as a means of regulating the labor market, albeit at the expense of those affected: people unable (or no longer able) to find work where they lived were often forced to leave—unless they officially belonged to the municipality. This similarly affected foreigners from countries outside the Austro-Hungarian monarchy. They were also generally granted the right to move, settle, and work freely provided they could prove they had the means to support themselves and authorities did not suspect them of social unrest, labor protest, and jeopardizing public order. Impoverishment could lead to deportation and endanger naturalization.²² Following the collapse of the Habsburg Empire, non-citizens' employment in the Austrian First Republic was increasingly restricted. Apart from security considerations, perceived requirements of the labor market and of the national economy now become important criteria in official decisions on the entry of non-citizens.

Economically, Austria was at rock bottom after the end of World War I. Throughout the interwar years, the country struggled with repeated economic crises accompanied by high rates of unemployment.²³ Authorities made far-reaching interventions in the labor market hoping to mitigate social consequences ranging from poverty and destitution to potential security risks. To ensure employment of returning soldiers, eight Industrial District Commissions (*Industrielle Bezirkskommissionen* [IBKs]) were initially founded in 1918. These key bodies of labor market administration were composed equally of worker and employer representatives. They oversaw labor mediation, promotion of employment, and the production of labor market statistics. They functioned as arbitration boards in cases concerning unemployment benefits and coordinated the local labor offices that themselves were

²⁰Reiter-Zatloukal, "Ausländische Arbeitskräfte in Österreich," 116–17.

²¹Sigrid Wadauer, "Negotiating the Right of Residence (Austria, Late Nineteenth and Early Twentieth Century)," in *Citizenship, Migration and Social Rights*, ed. Beate Althammer (London, 2023), 33–53.

²²Michael John and Albert Lichtblau, *Schmelztiegel Wien – einst und jetzt. Zur Geschichte und Gegenwart von Zuwanderung und Minderheiten* (Vienna, 1993), 266–67; Sensenig-Dabbous, "Von Metternich bis EU-Beitritt," 39, 41, 51–57.

²³Ernst Bruckmüller, *Sozialgeschichte Österreichs* (Munich 2001), 373–74, 402–3.

expanded in the interwar years. This administrative apparatus, which integrated social partners, was intended to place Austrians able and willing to work in suitable jobs and to organize the labor market as comprehensively as possible.²⁴

Foreigners, in contrast, were only to be given access to the labor market if labor was lacking in certain occupations. Already in the early 1920s, the Migration Office increasingly made the issuing of visas dependent on the employment situation within the country. It prevented foreigners from entering when labor offices had registered Austrian jobseekers in their occupations. With the economic slump following currency stabilization from 1922/23, the office took an increasingly restrictive approach. In its decisions on applications for employment permits, the Migration Office relied to a large extent on the IBKs' assessments.²⁵ The Ministry of Social Administration, which was in charge of labor market policy and superordinated to the IBKs, sometimes added its own evaluations to cases.

This practice was first regulated by law with the "Inland Workers' Protection Act" (*Inlandarbeiterschutzgesetz* [IASG]) of 1925, in force from 1 January 1926.²⁶ Initially presented as a temporary reaction to recurring economic crises and their social consequences, the new law remained in effect until 1938. It obliged employers to apply for an employment permit if they wanted to hire non-Austrian citizens. The permits were limited in time and bound to the employer—provided that no suitable citizens could be found for the position. Only those foreigners who had lived continuously in Austria since at least the beginning of 1923 were generally exempted from the law²⁷—a provision that itself left room for interpretation and was controversial in subsequent years. Entry regulations continued to exist parallel to—and to some degree independently from—employment restrictions. Border crossings at the time were facilitated, for example, with Switzerland, Czechoslovakia, and Germany through a mutual lifting of visa requirements and reciprocal agreements on local border traffic. An entry permit, however, did not allow for employment.²⁸

Again, the Migration Office based its decisions on the labor market administration's assessments. Only in agriculture were the provincial political authorities empowered to reject (not approve) applications. However, with the exception of the eastern state of Burgenland, the new regulations only applied to some agricultural workers. Farm servants, the largest official category of gainfully employed agricultural workers, were exempted until 1934.²⁹

By establishing privileges for Austrian citizens over non-Austrians, administrative authorities aimed to centrally organize and nationalize the labor market. In international comparison, Austria's introduction of the "Inland Workers' Protection Act" came relatively late. Neighboring countries pursued similarly protectionist policies. Employers in Czechoslovakia, Germany, Switzerland, and Bulgaria were

²⁴Irina Vana, "Gebrauchsweisen der öffentlichen Arbeitsvermittlung. Österreich 1889–1938," (PhD diss., University of Vienna, 2013), 98–100; *Ibid.*, "Eingereiht in die große Schlange... – Verwaltung von Arbeitslosen und Arbeitssuchenden am öffentlichen Arbeitsamt (Österreich 1918–1934)," in *100 Jahre Arbeitsmarktverwaltung. Österreich im internationalen Vergleich*, eds. Mathias Kreml and Johannes Thaler (Göttingen, 2017), 89–113, 89–90, 90–92.

²⁵Horvath, *Die Logik der Entrechtung*, 166–68; Sensenig-Dabbous, "Von Metternich bis EU-Beitritt," 312–13.

²⁶"Bundesgesetz vom 19. Dezember 1925 über die zeitweilige Beschränkung der Beschäftigung ausländischer Arbeiter und Angestellter (Inlandarbeiterschutzgesetz)," Federal Law Gazette (*Bundesgesetzblatt*, abbr. BGBl.) 1925, no. 457.

²⁷BGBl. 1925, no. 457, § 2 (1); Fritz Rager, *Das Inlandarbeiterschutzgesetz vom 19. Dezember 1925 samt Durchführungsvorordnungen und Erlässen* (Vienna, 1927), 12.

²⁸Rager, *Inlandarbeiterschutzgesetz*, 22, 29; Austrian State Archives [ÖStA], Archives of the Republic [AdR], Federal Chancellery (Ministry of the Interior) [BKA-Inneres], Migration Office [WA], signature [sig.] 8/4g, box 2236–190, no. 60.802/27 and Federal Chancellery (Ministry of Exterior Affairs), proposal to the Council of Ministers, 24 March 1928.

²⁹"Verordnung des Bundeskanzlers im Einvernehmen mit den Bundesministern für Unterricht, für soziale Verwaltung, für Land- und Forstwirtschaft und für Handel und Verkehr vom 18. März 1926, betreffend die Gruppen von Arbeitnehmern, für welche die Vorschriften des Bundesgesetzes vom 19.12.1925, B. G. Bl. Nr. 457, über die zeitweilige Beschränkung der Beschäftigung ausländischer Arbeiter und Angestellter (Inlandarbeiterschutzgesetz) keine Anwendung finden," BGBl. 1926, no. 83, Art. II (1)b; "Verordnung des gemäß der Entschließung des Bundespräsidenten vom 23. September 1933, B. G. Bl. Nr. 434, zuständigen Bundesministers im Einvernehmen mit dem mit der Leitung des Bundesministeriums für Land- und Forstwirtschaft betrauten Bundeskanzler vom 21. April 1934, betreffend die Einschränkung der Gruppen von Arbeitnehmern, für welche die Vorschriften des Bundesgesetzes vom 19. Dezember 1925, B. G. Bl. Nr. 457, über die zeitweilige Beschränkung der Beschäftigung ausländischer Arbeiter und Angestellter (Inlandarbeiterschutzgesetz) keine Anwendung finden," BGBl. for the Federal State of Austria 1934, no. 14.

likewise obliged to obtain employment permits for foreign nationals while priority should be given to state citizens.³⁰

Domestic Help, Assisting Family Member or Visitor?

Despite their relative importance, labor market requirements and the state of the national economy were not the only criteria for official decisions on non-citizens' employment in Austria. The law also provided permits on the basis of "important family considerations" ("*wichtige Familienrücksichten*") or "reasons of humanity" ("*Gründe der Menschlichkeit*").³¹ Officially accepted refugees ("*politische Emigranten*," *Flüchtlinge*)³² were not to be excluded from entry and the possibility of earning their living. Moreover, the IASG took into account that the new border demarcations following the collapse of the Habsburg Empire had not stopped at families. Many regular residents of Austria had been denied citizenship of the newly founded republic, some had declared their affiliation to another successor state after the war.³³ Cross-border social ties were frequent and references to kinship were particularly common in the applications for employment permits of domestic help.

Corresponding to the gender norms of the time, nearly all those employed in domestic service from the end of the nineteenth century onward were women—and these women were highly mobile. According to census data from 1890, domestic help working in Vienna had migrated from areas within and outside the territory of the later Austrian Republic. Less than one-third of them were born in the city (12.86 percent) or in the surrounding Lower Austrian regions (19.49 percent). Over 54 percent of the household staff came from another crownland, above all Bohemia, Moravia, Hungary, and Upper Austria. More than 14 percent had moved there from a country outside the monarchy.³⁴

By the late 1920s, the typical composition of Viennese domestic staff looked different: the proportion of Bohemian and Moravian live-in domestic help was only around 10 percent,³⁵ while the majority had grown up in rural regions of the republic.³⁶ Between 1925 and 1928, the Migration Office annually granted between 682 and 727 foreign domestic workers to temporarily enter and seek employment.³⁷ According to the 1934 census, there was a total of 133,175 domestic help working in Austria.³⁸

Domestics' biographies were often marked by repeated changes of position to find a better livelihood elsewhere. They moved from place to place, often back and forth between rural and urban areas.³⁹ Many domestics attempted to leave behind poor working and living conditions or disputes with employers. But living with family members (or at least working close to them) also motivated some to change positions or move to other provinces or across the border. If possible, many domestic

³⁰Horvath, *Die Logik der Entrechtung*, 162–63; Rager, *Inlandarbeiterschutzgesetz*, 21–23, 29.

³¹BGBI. 1925, no. 457, § 7 (1).

³²The law itself does not further explain the vague phrase "reasons of humanity" or limit its validity to certain persons. Fritz Rager, secretary of the Vienna Chamber of Labor, explained in his extensive explanations of the law in 1927: "Reasons of humanity' are decisive, for example, for those political emigrants who have claimed the right of asylum of the Austrian Republic and who have to expect persecution and punishment when returning to their home country." Rager, *Inlandarbeiterschutzgesetz*, 51–52.

³³About "opting" for citizenship in the beginning 1920s see e.g., Reiter-Zatloukal, "Ausländische Arbeitskräfte in Österreich," 127.

³⁴Fritz Winter, "Statistisches," *Dokumente der Frauen* 2, no. 21 (1900), 584–89, 585.

³⁵Reinhard Sieder, "Zur alltäglichen Praxis der Wiener Arbeiterschaft im ersten Drittel des 20. Jahrhunderts," (Habilitation, University of Vienna, 1988), 342.

³⁶Antonie Platzer, "Die Hausgehilfin," in *Handbuch der Frauenarbeit in Österreich*, ed. Kammer für Arbeiter und Angestellte (Vienna, 1930), 159–69, 159; Edith Rigler, *Frauenleitbild und Frauenarbeit in Österreich vom ausgehenden 19. Jahrhundert bis zum Zweiten Weltkrieg* (Vienna, 1976), 116.

³⁷Einigkeit, *Der Aufstieg der Hausgehilfinnen und Heimarbeiterinnen. Bericht der "Einigkeit" 1924–1928 an den Verbandstag der Hausgehilfinnen, Erzieherinnen und Hausarbeiterinnen Österreichs am 24. November 1929 in Wien* (Vienna, 1929), 39.

³⁸Bundesamt für Statistik, *Die Ergebnisse der österreichischen Volkszählung vom 22. März 1934. Bundesstaat. Tabellenheft* (Vienna, 1935), 64.

³⁹Annemarie Steidl, *On Many Routes. Internal, European, and Transatlantic Migration in the Late Habsburg Empire* (West Lafayette, 2020), 27–28.

workers and farm servants—Austrian as well as non-Austrian—at least temporarily lived and worked in the households of close or distant relatives.⁴⁰

Unstable livelihoods, mobility, and temporarily living with kin characterized gainful domestic work before and after the war—even though this kind of work changed in the early republic. On the one hand, new legislation⁴¹ turned “domestic servants” (*Dienstboten*) into laborers in 1920, commonly referred to as “domestic help” (*Hausgehilfen*) in the interwar years. Instead of being legally dependent on their employers as under service legislation, domestic help at least on paper shared in some of the achievements of the labor movement such as holidays, rest periods, and sick pay. From 1922, they were also included in health insurance. On the other hand, persistent unemployment increased competition for jobs in domestic service. Some women who had previously worked in other sectors also sought paid domestic work, with some doing so under pressure from the labor office.⁴²

When domestics lived and worked with family members, the boundaries between unpaid and gainful work were blurry.⁴³ Accordingly, employers applying for permits to hire frequently pointed to family relations with their future domestics—or they denied the existence of an employment relationship with the same reference when approached by the authorities. In the latter case, they would then declare they were simply accommodating a member of kin. Were employers not related to prospective domestics they would refer to the special relationship of trust as a characteristic of domestic service and the need for reliable staff. Sometimes, they added details about their personal circumstances such as a family member’s need for care or the homemaker’s illness and inability to do the household chores.⁴⁴ Other employers claimed to know the women they sought to employ—for example, when they had already worked for the family in the past.⁴⁵ Stressing pre-existing personal links in the application was plausible since administrative authorities repeatedly referred to the “close relationship” between the employer’s family and the staff as a special feature of service relationships.⁴⁶ However, as long as the labor market administration recorded domestics without a position (or, respectively, unemployed women who could be placed in domestic service)⁴⁷ neither one of the argumentation strategies was very successful.

The provision concerning family members in the IASG was vaguely phrased—deliberately as the Christian Social politician Franz Spalowsky, rapporteur of the committee concerned, had explained in the parliamentary debate before the legislation was passed. The aim was “to give the authorities every opportunity to apply the law as liberally as possible.”⁴⁸ Files on domestic help indicate this was hardly the case in practice. Mere kinship ties were simply not sufficient. Fritz Rager, secretary

⁴⁰Elizabeth Anne Kuznesof, “Domestic Service and Urbanization in Latin America from the Nineteenth Century to the Present,” in *Proletarian and Gendered Mass Migrations. A Global Perspective on Continuities and Discontinuities from the 19th to the 21st Centuries*, eds. Dirk Hoerder and Amarjit Kaur (Leiden, 2013), 86–102, 90f; Jessica Richter, “Brüchigkeit als Normalität. Mobilitäten und Stellenwechsel in Selbstzeugnissen von Hausgehilfinnen (Österreich, ca. 1900–1938),” in *OeZG* 29, no. 3 (2018): 112–16; Raffaella Sarti, “Conclusion. Domestic Service and European Identity,” in *The Modelization of Domestic Service*, eds. Suzy Pasleau and Isabelle Schopp with Raffaella Sarti (Liège, 2005), 195–284, 197 and 293.

⁴¹“Gesetz vom 26. Februar 1920 über den Dienstvertrag der Hausgehilfen (Hausgehilfengesetz),” State Law Gazette (Staatsgesetzblatt) 1920, no. 101. In 1926, the law was extended to small localities of up to 5,000 inhabitants. “Bundesgesetz vom 26. März 1926, betreffend die Abänderung des Gesetzes vom 26. Februar 1920, St. G. Bl. Nr. 101, über den Dienstvertrag der Hausgehilfen (Hausgehilfengesetz),” BGBl. 1926, no. 72.

⁴²Jessica Richter, *Die Produktion besonderer Arbeitskräfte. Auseinandersetzungen um den häuslichen Dienst in Österreich (1880–1938)* (Berlin, 2024), 41–60, 71, 96–105.

⁴³Manuela Martini and Anna Bellavitis, “Household Economies, Social Norms and Practices of Unpaid Market Work in Europe from the Sixteenth Century to the Present,” *The History of the Family* 3 (2014): 273–82.

⁴⁴ÖStA, AdR, BKA-Inneres, WA, sig. 8/4, box 2236–330, no. 9.053/25.

⁴⁵ÖStA, AdR, BMfsV, Sozialpolitik, box 127, no. 21.740/5K/II/27.

⁴⁶Jessica Richter, “Von persönlicher Anhängigkeit zur Arbeit der besonderen Art – Der häusliche Dienst vor dem VwGH (ca. 1900 bis 1934),” *Das Recht der Arbeit* no. 1 (2023): 81–85.

⁴⁷In view of the fact that only a small proportion of domestic help were registered with the labor offices due to their exclusion from unemployment insurance, this is astonishing. There is no indication in the files that statistics from other than the public exchanges were used here. However, public employment offices did put pressure on unemployed women to accept domestic services (live-in and live-out). Cf. Vana, “Gebrauchsweisen der öffentlichen Arbeitsvermittlung,” 286.

⁴⁸“Stenographische Protokolle über die Sitzungen des Nationalrates (II. Gesetzgebungsperiode) der Republik Österreich,” 130th session, 19 December 1925, 3267.

of the Viennese Chamber of Labor, implicitly confirmed this by giving examples of cases that might be accepted. These examples stood out due to the extraordinary economic hardships that the separation of the families caused. For example, a breadwinner joining the family that already lived in Austria or an orphan who had left school and had neither relatives nor employment opportunities on the other side of the border—both should be given employment permits on family grounds, so Rager exemplified.⁴⁹ Generally, the decisions on permits substantially relied on the Migration Office’s interpretation of the law and its and the labor market administration’s assessments of the cases.

Thus, the authorities even rejected applications to employ domestic workers who wanted to stay with their parents or siblings in Austria. Some of the concerned workers claimed they had no relatives across the border.⁵⁰ If the family situation did not justify any particular hardship from the perspective of the authorities, the perceived labor market situation was the decisive criterion. Cases in which permits were actually granted show this clearly. For example, Emilie V.’s support of her working sister in caring for her sick child was recognized as worthy of consideration, since the sister did not earn enough money as a factory porter to otherwise have afforded the employment of domestic help.⁵¹ Josefine H. received a permit because, in addition to household chores, she was also employed for agricultural work for which no hand could be found.⁵² Elisabeth B.’s employer Malvine S. applied successfully, but not because of her need for trustworthy domestic help in view of her sickness and advancing age that she emphasized in her request. Rather, she received a permit for Elisabeth B. because job-seekers from Vienna refused to be placed in the nearby federal state Burgenland, where Malvine lived, due to profound pay differences.⁵³

The Migration Office’s decisions based on “family considerations” remained controversial. While would-be employers or domestic help insisted on their right to visit relatives or to support each other within the family economy when help was needed, representatives of Austrian workers (Social-Democratic politicians and unions as well as the regional Chambers of Labor) claimed to be scandalized by the alleged “abuse” of this provision. This would lead, so they argued, to an increase of unemployment amongst the Austrian clientele they aimed to protect.⁵⁴ Despite the Migration Office’s rigorous scrutiny, entering the country as a “guest” to visit kin or others apparently could be a way of circumventing employment restrictions. It is not possible to determine how often this justification was used as a pretext or to what extent non-nationals were falsely suspected of doing so. Records repeatedly mention heads of households who were accused of passing off domestic help as guests⁵⁵ or border guards doubting this justification. For instance, the border control post at Summerau on the Czechoslovakian border informed the Migration Office in 1928: “Similarly, a large number of maids were observed entering the country; when questioned ... they always declared that the purpose of the trip was to visit. These statements, however, are dubious. This post assumes searching and taking up employment was the reason for entry.”⁵⁶

The Migration Office therefore asked the border guards to obtain the names and addresses of the migrants’ hosts and to notify the district authorities. The latter would then start investigations to uncover irregular employment.⁵⁷ As part of these inquiries, the IBKs conducted inspections not only of workplaces in commercial enterprises but also in private households. Moreover, they consulted health insurance data to track down registered non-citizens without a permit. When the officials

⁴⁹Rager, *Inlandarbeiterschutzgesetz*, 51.

⁵⁰ÖStA, AdR, Federal Ministry of Social Administration [BMfsV], Social Policy [Sozialpolitik], box 118, no. 72.568/5K/II/26; ÖStA, AdR, BMfsV, Sozialpolitik, box 119, no. 81.851/5K/II/26; ÖStA, AdR, BMfsV, Sozialpolitik, box 124, no. 32.647/5K/II/27.

⁵¹ÖStA, AdR, BMfsV, Sozialpolitik, box 103, no. 57.104/5K/II/25.

⁵²ÖStA, AdR, BMfsV, Sozialpolitik, box 120, no. 87.042/5K/II/26.

⁵³ÖStA, AdR, BMfsV, Sozialpolitik, box 116, no. 60.462/5K/II/26.

⁵⁴Rager, *Inlandarbeiterschutzgesetz*, 51.

⁵⁵ÖStA, AdR, BMfsV, Sozialpolitik, box 122, no. 5.777/27 and ÖStA, AdR, BKA Inneres, WA, box 190, no. 58.022, IBK Vienna to the Vienna Police Department, 4 March 1927, 2 (case 3).

⁵⁶ÖStA, AdR, BKA Inneres, WA, box 190, no. 53.510/28.

⁵⁷ÖStA, AdR, BKA Inneres, WA, box 190, no. 53.510/28.

believed they had uncovered irregularly employed domestics, they initiated penal proceedings against the employers.⁵⁸

Nevertheless, transgressions were likely to continue considering the sheer effort of controlling unfenced rural borders and potential workplaces, especially private households and small and/or remote businesses. Furthermore, authorities had a hard time distinguishing employees from visiting relatives—likely, many migrants themselves were not aware they might be employed in official terms. Their perspectives remain hidden in the files or are only presented through the lens of official processes. Living and working with family members was common, but from the authorities' viewpoint, it was at odds with the official categories of family and work, and posed problems far beyond the cases that concerned the IASG. Concerning labor law, occupational statistics, social insurance, and work permits, a precise classification of those working was needed. Gainfully employed persons and cohabiting relatives each had different formal rights and obligations. In the case of adults and adolescents who had completed compulsory education, administrative authorities usually presupposed employment. In households, however, there was a fine line between gainfully working (employment) and helping out for board, lodging and possibly pocket money (reciprocal support amongst members of kin).⁵⁹

Ladislav K., for example, fought to host his twenty-two-year-old niece Marie K., a Czechoslovak citizen. The case was even heard by the Administrative Court. In 1926, the uncle had unsuccessfully applied for an employment permit for Marie K. as a domestic worker. Later, IBK Vienna inspectors found her ironing in Ladislav K.'s laundry. The IBK interviewed witnesses, who, so it argued, revealed "that K[. Marie] . . . was constantly working in K[. Ladislav]'s shop." Therefore, it initiated legal proceedings against the latter for the violation of the IASG.⁶⁰ Ladislav K. denied employing his niece as a helper in the laundry or the private household. In fact, he and his wife wanted Marie K. as their successor to run the business. He therefore showed her the ropes, so he explained, and it was essential that she learned practically to do the work required.

A fine was initially imposed on the laundry owner; his complaint against this decision failed. On appeal, the court confirmed deficiencies in the investigation: as long as this was not an apprenticeship, the ruling explained, instruction and practice were not subject to the IASG. The Vienna Municipality as the appellate authority had not sufficiently determined whether this was the case, whether Marie K.'s activities could be classified as employment or "the usual assistance of a related member of the household." This was to be decided on the basis of the "nature of the business[,] the type, duration and extent of employment." Accordingly, family assistance and instruction were supposed to assume less time and effort than employment in the business or the household without this being specified in more detail.

The court ruling did not end the dispute surrounding this case, which occupied the labor market administration, the magistrate, executive authorities, and the judiciary in addition to the Migration Office. Where exactly the boundary between these different work arrangements was remained unclear. Subsequent police investigations concluded that Marie K. was an assisting member of the household in whose place no Austrian worker would be employed. She worked in the various fields of the business and the household and only received pocket money, food, accommodation, and clothing. The magistrate complied with this assessment and refunded the fine.

The Migration Office, in contrast, was convinced on the grounds of the police report "that Marie K . . . is employed by [Ladislav] K . . . and therefore falls under the provisions of the law. For she is responsible for the cash management and the handling of deliveries for fourteen city shops, thus acting as an employee, who also helps with the work on the machines, thus acting as a worker, and is employed in the household, thus acting as a domestic help."⁶¹

⁵⁸Rager, *Inlandarbeiterschutzgesetz*, 10.

⁵⁹I have dealt with similar disputes concerning health insurance here: Jessica Richter, "Wer arbeitet beim Bauern eigentlich? Hierarchisierung landwirtschaftlicher Arbeitskräfte in der Krankenversicherung (Niederösterreich, 1918–1938)," in *Arbeit im Wandel. Technische Umbrüche, soziale Konflikte und geopolitische Herausforderungen*, eds. Monika Dommann, Juan Flores Zendejas, Kristina Schulz, and Simon Teuscher (forthcoming).

⁶⁰The complete case file can be found here: ÖStA, AdR, BKA-Inneres, WA, sig. 8/4g, box 2236/190, no. 60.997/27.

⁶¹ÖStA, AdR, BKA-Inneres, WA, sig. 8/4g, box 2236/190, no. 60.997/27, inlay sheet, 2.

The final outcome of the dispute is missing from the file. Nevertheless, the case shows the difficulty in distinguishing between an employment relationship and mutual assistance and education in the context of a family household/business. In this case, though, the blurry boundaries between cohabiting kin and workers/employees became apparent on two levels: in the household as a place of privacy and family life, and within the family business, where the cooperation of family members was common but could not necessarily be equated with employment.

Bulgarian Gardeners: Entrepreneurs or Seasonal Workers?

Domestic workers are usually the first that come to mind if one thinks of gainful household work in the interwar period. But they were not the only ones whose livelihood was linked to a household (of kin or others) and who slipped between the lines of labor regulations. The same applied to farm hands and, in a broader sense, also to those who were working and were accommodated in a family business, for example Bulgarian gardeners. In their case, too, it was highly contested whether the IASG applied. Again, controversies were all about defining the boundaries of employment more precisely. But in the case of Bulgarian gardeners, authorities focused on distinguishing dependent employment and self-employment instead of on the household.

Bulgarians had built up commercial vegetable gardens on the territory of the subsequent Austrian Republic, but also in Hungary, Czechoslovakia, Poland, and elsewhere since the early twentieth century. By that time, they had also already been active in Serbia and Romania. Most of these gardeners migrated seasonally to supplement their incomes; only some stayed over the winter. Many hoped to earn enough to build a house in their home communities, often located in the Veliko Tärnovo district in the northern Balkan Mountains. Around 1900, some 12,000 to 17,000 gardeners left Bulgaria annually for the warmer months. Even in the crisis-ridden 1930s, they numbered 4,800 per year.⁶² By 1938, 600 to 700 Bulgarian gardeners worked in 95 enterprises all over Austria.⁶³ They introduced new vegetables such as peppers and aubergines as well as their own cultivation and irrigation methods to the country. By producing large quantities of vegetables relatively cheaply, they served the needs of the growing cities and in particular their poorer populations.⁶⁴

Austrian authorities would refer to these migrants as “Bulgarian gardeners,” addressing them as a homogeneous group to which they ascribed common characteristics. From the Migration Office’s perspective, the collective enterprises that many of them established were particularly dubious operations. While the office initially paid little attention to such cooperatives, it suspected them from the mid-1920s onward of disguising dependent employment.

The collective enterprises had their origin in specific complex patrilineal family relations in Bulgaria that, according to Marijana Jakimova, had emerged in this form in the eighteenth and nineteenth centuries.⁶⁵ They can be described as patriarchal communities largely consisting of members of kin, who shared property, and lived and worked together. In Austria, the cooperatives were contractually secured in shareholder agreements: even though they were hierarchically structured, all members contributed shares to the lease, paid for the equipment, and split up the profits. This organizational form enabled the gardeners to set up businesses and, at the same time, it ensured the availability of the labor they needed.⁶⁶

Most of the partners were young males. Women are rare in the records and appear even less frequently at the forefront of the conflicts with the Migration Office over the IASG. However, the files

⁶²Marijana Jakimova, “Migration and Assimilation. The Case of the Bulgarian Gardeners in Austria,” in *(Hidden) Minorities. Language and Ethnic Identity between Central Europe and the Balkans*, eds. Christian Promitzer, Klaus-Jürgen Hermanik, and Eduard Staudinger (Vienna, 2009), 129–42, 130–31.

⁶³ÖStA, AdR, BKA, WA, Sig. 8/4, box 2236/395, no. 107, 223.

⁶⁴Jakimova, “Migration and Assimilation,” 132–33.

⁶⁵Jakimova, “Migration and Assimilation,” 133. Such complex families, like in other Balkan regions, included several generations and sometimes lateral relatives. Women became part of their husbands’ household after marriage and were excluded from independent inheritance and property. Due to migration, the communities sometimes extended over long distances, whereby mutual obligations and common property rights were maintained. Vgl. Michael Mitterauer, *Historisch-Anthropologische Familienforschung. Fragestellungen und Zugangsweisen* (Vienna, 1990), 28–29, 93, 103, 113–14.

⁶⁶Jakimova, “Migration and Assimilation,” 133–34.

do list women who worked in the enterprises: Austrian helpers but sometimes also wives, daughters, and relatives (Bulgarian or other)—particularly of those gardeners who had been residents for some time. Occasionally, these women were partners in the business or had leased the land. On the one hand, women seemed seldom involved in such communal property as it was predominantly administered and worked by men. On the other hand, in accordance with established gender relations, the Austrian authorities hardly acknowledged their active roles. Even if the files identified them as co-owners of the business, the authorities would still likely deal with their husbands.⁶⁷

Since the male cooperative members formally appeared as self-employed entrepreneurs, the IASG did not seem to apply, which put the Migration Office in a dilemma. The office needed to react to the growing number of complaints from Austrian gardeners, farmers, and their representatives. In the interwar years, they increasingly mobilized against the competition from their Bulgarian counterparts, who could produce at a lower price. The migrant gardeners would accept, so the criticism went, poor living conditions and exceedingly long hours which in turn lowered the standard for Austrian gardeners. Furthermore, the complainants would point to the fact that such entrepreneurs were generally exempted from compulsory social insurance.⁶⁸ This allowed the businesses to save insurance contributions while individual Bulgarian gardeners had to rely on the group's care in case of illness and accident.

But the Migration Office saw little room to maneuver: unilateral restrictions against Bulgarian gardeners provoked retaliation by the Bulgarian government. When the Migration Office, for instance, complicated access to visas for Bulgarian gardeners in 1928, the legation threatened to withdraw employment permits issued to Austrians working in Bulgaria. Moreover, cities such as Linz and Graz opposed taking action against Bulgarian gardeners to keep vegetable prices low at their local markets.⁶⁹

Facing these challenges, the Migration Office looked for ways to enforce the IASG on Bulgarian gardeners regardless of the difficulties. Due to similar measures on the Bulgarian side and since the law did not single out a certain group but targeted foreign workforces in general, it was the instrument that was most likely to be accepted by the Bulgarian government. The Migration Office therefore argued that the cooperatives concealed labor relationships: one of the group would act as a manager by leasing the land, providing equipment and supervising the others. The remaining members would contribute comparably small shares or even only their labor to the enterprise and would have to comply with the leader's instructions. In a decree from 29 April 1932, the Migration Office informed the political authorities of the federal states that cooperative managers were to be treated as employers and the others as workers. Employers should accordingly be obliged to apply for employment permits for their workers—or face fines if they failed to do so.⁷⁰

However, these directives could not be enforced. Some district and provincial authorities were afraid of implementing the decree given the legally binding nature of the shareholder contracts. In any case, tracing the actual working relationships between the gardeners turned out to be strenuous in practice. Individual businesses were differently composed and organized, and the shareholders' contributions

⁶⁷On the one hand, these women and children are likely to have been classified as contributing family members instead of as laborers. On the other hand, if they were Bulgarian, they had often already been resident for some time and were therefore allowed to work. On assisting family members see e.g., Manuela Martini, "When Unpaid Workers Need a Legal Status: Family Workers and Reforms to Labour Rights in Twentieth-Century France," *International Review of Social History* 59 (2014): 247–78, 252–54; Daniela Rütter, "Die unsichtbare Mehrheit: Frauen als mithelfende Familienangehörige in der Weimarer Republik," in *Faltenwürfe der Geschichte. Entdecken, entziffern, erzählen*, eds. Sandra Maß and Xenia von Tippelskirch (Frankfurt am Main, 2014), 481–94, 482, 485–88.

⁶⁸Health insurance for agricultural workers was introduced in 1921, but remained controversial and was secured on a national scale only in 1928 with the Agricultural Workers' Insurance Act (*Landarbeiterversicherungsgesetz*, in effect 1929). This law also regulated accident insurance (previously this only covered those agricultural workers who worked with machinery) and small old-age benefits. Self-employed farmers were exempted. Cf. Bundesgesetz vom 18. Juli 1928, betreffend die Kranken-, Unfall- und Invalidenversicherung der Land- und Forstarbeiter (*Landarbeiterversicherungsgesetz*), BGBl. 1928, no. 235; Gerhard Siegl and Guenther Steiner, *Ja, jetzt geht es mir gut Entwicklung der bäuerlichen Sozialversicherung in Österreich* (Vienna, 2010), 103–25.

⁶⁹ÖStA, AdR, BKA, WA, Sig. 8/4, box 2236/395, no. 60,506/30, no. 61,255/30, and no. 61.481/35: Österreichische Gesundheitschaft in Sofia, 2 April 1935, 2.

⁷⁰ÖStA, AdR, BKA, WA, Sig. 8/4, box 2236/395, no. 107,223/38.

varied. Examining the respective conditions was time-consuming and even with great effort hard to determine.⁷¹ Additionally, the alleged employers frequently challenged the authorities' assessments. In the mid-1930s, even the Federal Supreme Court (*Bundesgerichtshof*)⁷² dealt with some of these cases. It exacerbated the authorities' dilemma by partly overturning their decisions—with similar justifications as in the earlier case of domestic worker Marie K.

Dobri S. in Kehrbach/Carinthia, for instance, was fined in 1931 for the unauthorized employment of foreign workers. The political district authority in charge identified him as an employer since he provided the land and the inventory, whereas the other partners (or “workers”) only marginally contributed to the business. While the Carinthian state office confirmed this decision, the Supreme Court ruled otherwise. In its view, the authority had not closely investigated the “true economic conditions.” Thus, it remained unclear, so the Federal Court of Justice criticized, “whether the persons working with the complainant were subjected to his will or were dependent on him economically in such a way that their relationship . . . is that of employer and employees.”⁷³

Time and again, district and provincial authorities struggled to adequately assess Bulgarian gardeners' work relationships and business structures⁷⁴ and instead had to rely on the gendarmeries' investigations. The latter questioned witnesses, especially the respective gardeners, and sometimes neighbors or others. Regularly, gendarmes could not establish clear indications of employment—or they believed the witnesses and confirmed the cooperative nature of the business.⁷⁵ A mere hierarchical relationship, lease contracts in which only one of the shareholders was listed, or the different amounts of contributions alone were not in themselves sufficient to assume an employment relationship.

Eventually, employment restrictions were set through an agreement between the Austrian Ministry of Agriculture and the gardeners' interest organization, the Association of Bulgarian Gardeners (*Verein bulgarischer Gärtner*) shortly before the National Socialist regime took power in 1938. It defined an annual contingent of about 340 gardeners who should be included in health and accident insurance.⁷⁶

Even though Bulgarian gardeners maintained a common household, shared land, tools, work, food, and accommodation, and were often related to each other, this was not convincing in the eyes of the Migration Office. While individual women, especially in private households, could be classified as visiting and merely assisting family members, this was, given contemporary gender relations and realities of family businesses, not plausible for several able-bodied men in a gardening enterprise. Bulgarian gardeners' cooperatives, though, shifted the authorities' focus to question the limits of self-employment. The gardeners contributed property, assets, and/or labor, received a share of the income, and made no secret of their involvement in the business. But the precise form of their commercial practices was sufficient to call into question the categorizations of dependent and self-employed work established by the Austrian authorities.

Conclusion

As in other countries, the organization of work increasingly had become a task of the state in Austria since the end of the nineteenth century. Male citizens in particular were able to benefit from new labor-related rights and social insurance entitlements, which were greatly expanded in the interwar period. Moreover, the newly established labor market administration also set about nationalizing the labor market. Citizenship took on an important new role since World War I. It developed into—in Austria and elsewhere—a criterion for access to the labor market.

The labor market, in turn, was not only constructed as something exclusive that should be reserved for nationals. It also seemed to be in need of protection and, for this reason alone, something to be

⁷¹Ibid.

⁷²The Federal Supreme Court replaced the Constitutional and Administrative Courts during the period of the Austrofascist regime (1933/34–1938).

⁷³ÖStA, AdR, BKA, WA, Sig. 8/4, box. 398, no. 81,510/35: Federal Supreme Court, case decision A 645/34 of 9 May 1935.

⁷⁴For example: ÖStA, AdR, BKA, WA, Sig. 8/4, box 2236/395, no. 107,223/38.

⁷⁵ÖStA, AdR, BKA, WA, Sig. 8/4, box 2236/398, no. 68,429/36, no. 68,969/36, and no. 70,097/36: BKA, WA no. 81,560/35.

⁷⁶ÖStA, AdR, BKA, WA, Sig. 8/4, box 2236/395, no. 53,394/28 and no. 107,223/38.

centrally controlled. To this day, links between social and migration policy are still important in all so-called Western countries: to name just two examples, in the context of recruitment of skilled workers for certain occupations, and even in the assessment of refugee migration in policy-making and public debate. Contemporaries often depict migrants as a burden or alternately emphasize their benefits for the economy.

The introduction of selective restrictions to labor market access after World War I, however, presupposed clear-cut distinctions between employment and other ways of making a living, which often proved difficult to establish on the ground. Official employment categories hardly matched the multitude of livelihoods in practice. Family ties and cohabitation, for instance, did not exclude gainful work per se. But in private households, family businesses, and/or cooperatives, the boundaries of dependent employment, mutual assistance and providing for others, as well as self-employment were commonly unclear.

Foreigners found work arrangements that frequently evaded employment restrictions. Some non-citizens earned a livelihood in the gray areas between official labor categories. They stayed in households as guests, lived and worked with relatives in exchange for room and board, or transformed cooperative work arrangements into shareholder contracts that to some extent protected them from state intervention. While it was plausible for individual women and girls to stay in private households as guests for a time, the situation was different for the gardeners. A mere visit to a business, especially by several men able to work, did not seem very credible. The translation of such relationships of cohabitation and collaboration in one household into shareholder agreements, in contrast, allowed for an opportunity to earn money outside the scope of the new legislation.

However, this cannot necessarily be interpreted as a deliberate strategy to circumvent official measures. Just as family visits and reciprocal support across the border certainly existed, Bulgarian gardeners' specific cooperative practices were based on older forms of household economy and family relationships. Both situations opened niches where people could gain a foothold in Austria in between the lines of employment restrictions.

This came at a personal cost, as the migrants were denied social and labor rights and had to rely on informal support in the household or the group as needed. Particularly between non-family members, this was not a given, and in any case, the arrangements of living and working together were hierarchically structured. Moreover, even though conflicts over unclear cases enabled some migrants to stay and to make a living in the country, they also spurred the eventual articulation of more clear-cut distinctions between the official categories of work and non-work. Authorities distinguished employment from other livelihoods ever more precisely and gradually shored up ambiguities in former gray areas. In the case of Bulgarian gardeners, the Migration Office asserted its interpretation of labor relations after years of recurrent dispute. In the case of domestic help, there was no fundamental change until the National Socialist regime seized power.⁷⁷ However, intensified investigations by the IBKs and other authorities tended to make living and working in the household of relatives more difficult for domestics as well. The ongoing struggles for access to the labor market in Austria certainly contributed to changes in regulation but were also characterized by the unequal distribution of power among the actors involved.

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⁷⁷From 1941, Eastern European women (who according to National Socialist ideology were deemed fit for "re-Germanization") were coerced to work in German households. In 1944, around 100,000 women or, respectively, 10 percent of the domestics were affected. Mareike Witkowski, *Arbeitsplatz Privathaushalt. Städtische Hausgehilfinnen im 20. Jahrhundert* (Göttingen, 2024), 110–11.