

III. Illegality: the trade unions under the Socialist Law 1878–1890

The obstacles placed in the way of the trade union and political labour movement, which came to a head with the economic depression from 1873 onwards, culminated in the passing of the Socialist Law (also known as the Anti-Socialist Law), which placed social democracy under emergency law and made it illegal, forcing it to go under ground. What was state policy on these matters?

1. *Political disenfranchisement and social policy: the Bismarckian state and the working class*

It was not the policy of the government under Chancellor Otto von Bismarck to treat the “enemies of the Reich”, which is how he dubbed his political adversaries, with kid gloves. This had been evident back in the early 1870s during the *Kulturkampf* against the Catholic Church, political Catholicism and its party, the Centre. The many restrictions placed on Social Democratic activities, particularly in the “Tessendorf Era”, also attested to the fundamental tendency of Bismarck’s policy: internal unity through the marginalization and suppression of critics. Two attempts on the life of the Kaiser, Wilhelm I, – falsely attributed to the Social Democrats, though Bismarck knew full well that they were not involved – provided the pretext in 1878 to deliver the “final blow” to the “subversive movement of socialism”. With the votes of the Conservative Party and most of the National Liberals, the Reichstag passed the Socialist Law on 19 October 1878, against the opposition of the SPD, Centre and liberal Progress Party, by 221 votes to 149.

This “law against the Social Democrats’ efforts to endanger society”¹, which came into force on 21 October and was renewed four times before expiring on 1 October 1890, introduced a number of measures intended to prevent social democracy, now emerging as a political force, from developing into a mass movement. A ban was placed on “associations with the purpose of overthrowing the existing state and social order by working for social democratic, socialist or communist ideas” (Article 1). The law went

¹ Reichs-Gesetzblatt No. 34, 1878, pp. 351–58

on to say that “combinations of any kind shall be considered equivalent to associations”, thus including the trade unions. Furthermore, the law banned meetings and publications “in which social democratic, socialist or communist ideas aimed at the overthrow of the existing state and social order are expressed”. Membership of banned associations or attendance at banned meetings was punishable by fines up to 500 Marks or imprisonment up to three months. More severe punishments were laid down for those who organized or spoke at banned meetings; in addition to imprisonment, agitators were also liable to have restrictions imposed on their place of abode, that is, they could be deported. Finally, a minor state of emergency could be declared in towns or districts that were threatened by socialist activities “endangering public safety”. In such cases, meetings could only be held with police permission, the public distribution of printed material was prohibited, and “persons who are likely to constitute a danger to public safety or public order” could be “denied leave to stay in the town or district”. “Meetings relating to an election for the Reichstag or the state legislature” were excepted from the ban; that is to say, Social Democratic party work was prohibited but not the activity of the parliamentary group, nor was it prevented from standing in elections.

Thus a long list of measures that were a severe blow to the Social Democratic Party and allied trade unions (though not to the liberal Hirsch-Duncker associations) now had legal force. The background to this emergency law was undoubtedly a widespread fear of the socialists that was out of all proportion to the real strength of the Social Democratic labour movement. Of importance at the time was also the fact that the downturn in the economy left less scope for wealth distribution, so that gagging the workers’ organizations was seen as a means of avoiding industrial disputes. Finally, a compromise was in sight between the interests of heavy industry and large landowners detrimental to the export-based manufacturing industry and particularly, in the longer term, to the working class. In 1879 – after the enactment of the Socialist Law – the protectionism that resulted from this compromise made corn imports more expensive, thus leading to a rise in living costs and, until 1881–82, a decline in real wages.

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While the Socialist Law, by pushing the Social Democratic working class on to the sidelines, supported the ideology of harmonious co-operation across the classes by all “decent Germans of good will”, that is, “nationally minded” Germans, the Bismarck government tried to take the wind out of

the Social Democrats' sails by pursuing an active social policy. Of course, many bourgeois politicians advocated social reform for thoroughly honourable motives. But political disenfranchisement and the sudden interest in social policy were not unconnected with considerations of political strategy, which Bismarck openly expressed in Parliament on 26 November 1884: "Were it not for Social Democracy and the fact that many people are afraid of it, the modest advances in social reform that we have hitherto made would not have been achieved."²

The fact that social insurance was being used as an instrument of politics – to steal the Social Democrats' thunder – cannot detract from its importance in substantially diminishing the risks of life. In 1878 an amendment to the trade regulations released mothers from work for three weeks after the birth of a child, prohibited the truck system (the payment of wages in the form of goods) and made factory inspections compulsory. On 17 November 1881, the Kaiser announced further improvements in social welfare. The introduction of sickness insurance (1883), accident insurance (1884) and old age and disability insurance (1889) may indeed be regarded as thoroughly progressive and pioneering measures, compared with the position in comparable industrialized, capitalist countries. Although the benefits payable were very limited, the Bismarck government demonstrated an ability to embark on reform that was in glaring contrast to the way in which it clung on to pre-parliamentary decision-making structures – which were actually strengthened by the reforms. With their stabilizing effect on the system, the social insurance laws of the 1880s were a major step on the way to the modern interventionist state, which – in contrast to the liberal, laissez-faire state – seeks to take an active part in shaping economic and social conditions.

The Socialist Laws revealed the Bismarckian state's Janus face particularly clearly. On the one hand, the Social Democratic working class was marginalized, suppressed and deprived of political rights; on the other, a start was made on a state social policy. In the eyes of a growing number of workers, however, the withdrawal of political and trade union rights greatly overshadowed these tentative signs of the state's readiness to introduce reforms. And yet it was precisely this Janus face which set a permanent stamp on the development of the labour movement.

² Otto von Bismarck in the Reichstag on 26 November 1884, published in *Stenographische Berichte über die Verhandlungen des Deutschen Reichstages*, VI. Legislaturperiode. 1. Session, Vol. 1, p. 25

2. *The trade unions go underground*

As late as 9 October 1878, just ten days before the Socialist Law was passed, Bismarck had assured the Reichstag that he personally would encourage any effort that was “designed to improve the lot of the workers, including an association for the purpose of improving the position of the workers, to obtain for the workers a larger share in the profits of industry and to reduce working hours as far as is feasible”³. Trade unionists who saw this as a tribute to and as recognition of their work, were soon bitterly disappointed to find that they had been wrong. Like the Social Democratic Party, the unions were soon steamrollered by a wave of prohibitions. In the first few weeks of the Socialist Law’s existence, 17 trade unions, 63 local associations and 16 friendly societies had to stop work; as a result, about 55,000 workers had lost their organization. But the Hirsch-Duncker associations were not dissolved, and nor were the Printers’ Union, the Senefeld Union of Lithographers, the Ships’ Carpenters’ Union and the Union of Saxon Coal and Iron Ore Miners. These unions had already declared their party political neutrality, and thus their detachment with regard to the SPD, or they quickly made good the omission; in addition they renounced trade union aims and forms of action in order to ensure their survival as organizations.

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In the first two years after the Socialist Law was passed, the Social Democratic trade union movement was almost destroyed. Conscious of the swift victory they had won, in the years after 1881 the authorities and the police no doubt felt that they could afford to adopt a “milder approach” in applying the Socialist Law. But by the end of 1880 there were already first signs that the unions were being rebuilt: local associations, sickness and death benefit schemes, travel assistance (to provide against the financial consequences of strikes and unemployment) and employment exchanges were set up, which in addition to their stated aims were primarily intended to preserve the political cohesion of the Social Democrats under the emergency law. In this period, the shared experience of suppression and persecution brought many trade unionists and party members together – many workers were, after all, both. Although, in the first few

³ Otto von Bismarck in the Reichstag on 9 October 1878, in *Stenographische Berichte über die Verhandlungen des Reichstages*. IV. Legislaturperiode, 1. Session, Vol. 1 p. 125

years after the enactment of the Socialist Law, the trade union movement was once more reduced to the organizational level of the early days, a succession of unions were soon started up, or rather re-started. In 1884 there were already 13 national unions, in 1886 there were 35, and by 1888 as many as 40; here we shall mention but a few, such as the unions of the printers, hatters, manufacturing workers, tailors, stonemasons and joiners. The fact that the shoemakers and tobacco workers met at “friendly societies” was in compliance with the dictates of the Law on Associations and the Socialist Law, which they thus sought to circumvent. In addition, there were countless local benefit clubs that put the idea of self help into practice, thus indirectly facilitating the advance of the unions.

The dominant form of organization was probably the occupational trade association at local level, with its members drawn from the ranks of the skilled workers or journeymen. These local associations, which thus represented a traditional branch of the German trade union movement, jealously guarded their independence of central authority. The local attachment was far from being an antiquated relic of the past. This organizational model was a lesson that police persecution had taught the unions: it was much easier to shield local organizations from bans and other restrictions, and also – because the members knew one another – from informers, than large national unions. The latter’s aim was to co-ordinate strikes across the country, to safeguard their funds by sharing the risk and, above all, to organize a mobile working class nationwide; the local associations kept up the tradition of direct democracy. Demands were formulated and a strike committee elected at a meeting, so that “preventive intervention” by the police was made difficult. While national unions had to rely on a system of representative democracy, with responsibility delegated from level to level, local associations often followed the principles of spontaneous and direct grassroots participation – an idea that was to be taken up again and again, particularly in the notion of “councils” current during the revolutionary period of 1918–19, the so-called “*Rätebewegung*”.

The main emphasis in the trade union movement continued to be on skilled workers and artisans, both in the national unions and the local associations. Few unions (among them the tobacco workers and the manufacturing workers) attempted to organize both skilled and unskilled workers, both men and women, as early as the 1880s. A move in this direction by the engineering workers’ union in the summer of 1885 was stopped by an order to disband. Another factor that was equally important as the beginnings of cross-occupational organization, which was soon – in the 1890s – to be extended, was the change of generations that took place dur-

ing the period of the Socialist Law. For the first time, men who were “born” workers appeared in the top positions of the unions, men such as Carl Legien and Theodor Leipart of the woodworkers, Carl Kloß of the joiners, August Brey of the factory workers and Alexander Schlicke of the engineering workers. Their political views and their attitude to the state and society had been shaped by the Socialist Law, a fact that made itself felt in the decades to come. Whereas the state was initially considered to be a ruling class instrument for oppressing the workers, the unions soon came to see the state social policy launched in the 1880s as a means of reforming the capitalist system, and hence an important field of action for the labour movement. From being the “bourgeoisie’s agent of domination”, the state became the means whereby the working class might hope to achieve economic and social liberation. These attempts to influence social policy and, in particular, co-operation with the employers in administering the social insurance schemes were to have a lasting effect on the unions’ attitude to the state and the employers.

Evidently the Social Democratic workers’ determination to organize and take action took the authorities by surprise. Not only did the Social Democratic Party fail to disappear; despite all the obstacles placed in its way by the state, its work flourished. From taking 7.5 per cent of the vote in the general elections of 1873, it maintained its share of the vote, even under the Socialist Law, at a respectable level, polling 6.1 per cent in 1881, 9.7 in 1884 and 7.1 in 1887, before leaping to 19.7 in 1890. And the trade union movement also continued to expand. This by no means applied solely to the Hirsch-Duncker Gewerkvereine, which commenced a slow but steady upward movement in the 1880s: their membership, often organized in cross-occupational unions, rose from just over 16,500 in 1878 to about 52,000 in 1886 and about 63,000 four years later. Moreover, the associations’ benefits scheme profited by the introduction of a compulsory state insurance scheme in 1883, which people could opt out of by joining a private scheme. But if one takes into account the measures designed to suppress them, the upswing experienced by the Social Democratic unions was far more impressive: the membership of the national unions increased from 53,000 at the end of 1877 to more than 230,000 by the end of 1889.⁴

Moreover, it should not be forgotten that under the Socialist Law the Church’s efforts to organize the workers were stepped up, later to result in the Christian trade unions. One of the main organizations was *Arbeiterwohl* (worker welfare), founded in 1880 by the cloth manufacturer Franz

4 See W. Albrecht, *Fachverein*, pp. 529 and 534 ff.

Brandts and headed from 1881 on by Franz Hitze, the general secretary; it was this organization that gave rise in 1890 to the People's Association for Catholic Germany (Volksverein für das katholische Deutschland), which came out firmly in favour of extending the Catholic workers' associations and founding and strengthening Christian unions. Pope Leo XIII's 1884 encyclical "Humani generis" also encouraged the Catholic workers' associations, which were supposed not only to tie the workers to the Church but also to render them invulnerable to social democracy. There were similar reasons behind the setting up of the Protestant workers' associations from 1882 on; following the merger into a national union (Gesamtverband) in 1890, they could boast some 40,000 members. The Protestant associations combined the idea of a harmonious settlement of disputes through co-operation between the two sides of industry on the one hand with support for emperor and fatherland on the other.

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The Socialist Law was not even able to completely eliminate industrial action, as shown by the strike movement of 12,000 Berlin bricklayers in the summer of 1885. It seemed to be time for another clampdown, as signalled in 1886 by the Strike Decree of the Prussian Ministry of the Interior, Robert von Puttkamer: between 1886 and 1888, 15 trade union organizations and 6 friendly societies were dissolved. This took the number of trade union organizations banned since 1878 to 17 national unions, 78 local associations, 23 friendly societies, 106 political associations and 108 recreational clubs. In addition to these, almost all trade union newspapers and periodicals were banned. In view of the overwhelming dominance of the bourgeois press, these papers were of an importance that is hard to comprehend today. A total of 1,299 publications were forced to close under the Socialist Law. One of the harshest consequences of the law was the persecution of large numbers of labour movement activists: some 1,500 people were imprisoned and about 900 were expelled from their home districts. Many were forced into political exile, and others emigrated for good⁵.

Neither the advance of the Social Democratic Party and unions nor the industrial struggle could be halted in this way. Against the background of a slight upturn in the economy from 1888 on, there was a marked increase in strike action (Table 2a). Even by international standards the following

⁵ Ignaz Auer, *Nach zehn Jahren. Material and Glossen zur Geschichte des Sozialistengesetzes* (Nuremberg, 1913), p. 354 ff.

years were notable for a spate of strikes, culminating in the miners' strike of 1889. It started spontaneously, without union involvement. The miners were demanding a wage rise of 15 per cent and the introduction of eight-hour shifts (including travelling time). These demands, which were made in several areas, were handed to the pit managements in writing – but elicited no response. At this, the strike started on 1 May, at first in scattered pits, but soon spreading to the whole Ruhr district. On 5 May, at the command of the Westphalian Supreme President, troops were used against the strikers. But the strike continued to spread – to the Saar district, Upper and Lower Silesia, Aachen, Lorraine and Saxony (Zwickau, Lugau and Plauen), eventually involving more than 150,000 men. It ended in partial victory after the Kaiser, Wilhelm II, had received a miner's delegation.

Precisely because the strike developed spontaneously there was a lack of coordinated planning behind the industrial action. This fact, together with the attitude of the pit managements and, above all, the use of state coercion seemd to permit only one conclusion to be drawn from this partial success: in August 1889 a Social Democratic-inspired miners' union called the "Old Union" was set up.

So this struggle, too, showed the mobilizing effect of a strike. And the wave of 670 strikes between 1888 and 1890 did their bit to boost the number and membership of the unions quite sharply: at the beginning of 1889 there were 41 unions with 174,000 members; by the end of the year this had increased to 58 unions with 230,000 members. Under the Socialist Law the unions were already well on the way to becoming a mass movement, a trend that was to lead to a breakthrough in the decades prior to the First World War.

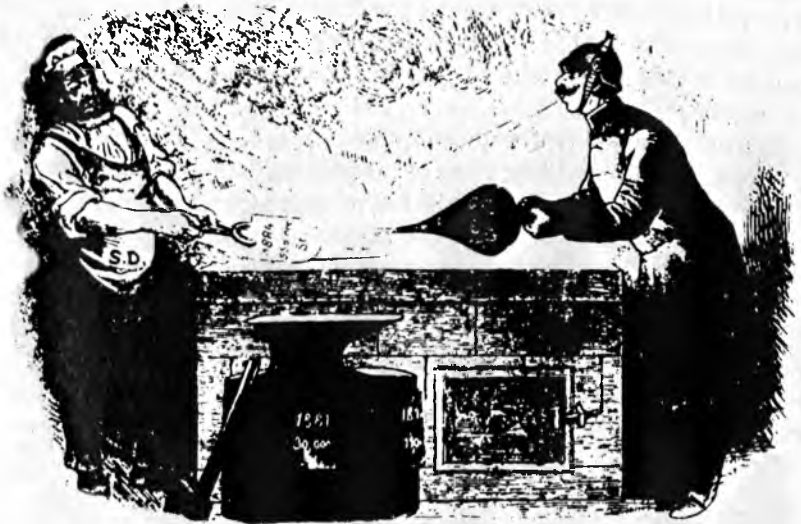
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However slight the impact of the Socialist Law on the organizational development of the SPD and the unions, its effect on matters of policy could hardly have been greater. The Janus face of Bismarck's policy – suppressing the party while allowing it to continue its parliamentary work, depriving the working class of political rights while pursuing social policies designed to aid it – had a lasting influence on the Social Democrats' attitude to the state. It was precisely the results of political persecution that paved the way for the acceptance of Marxist ways of interpreting reality. The economic depression was seen as proof of the theory of the impoverishment of the working class. The repressive measures confirmed that the state was the instrument of the wealthy, a class state belonging to



The 1889 miners' strike: young people attack an army patrol

~G Anacblasen, nicht ausgeblasen! ~



Wir danken auch Ihnen für die freundliche Unterstützung!

Cartoon about the Socialist Law's failure to have the desired effect. The captions read: Fired up, not blown out! and Thank you for your kind support!

the bourgeoisie. And the workers' ghetto situation favoured the formation of a radical outlook of their own, to which SDP propaganda tried to give content and direction in order to make them "class-conscious". Being proscribed and excluded by bourgeois society forced the Social Democrats – both its leaders and the workers – to adopt a radical stance in policy matters that manifested itself in the recognition of the Marxist analysis of society and future developments. The most prominent champion of Marxism within the party was Karl Kautsky, with his theoretical review "Die Neue Zeit" (The New Age). The struggle against the contemporary capitalist class state and the vision of the socialist society of the future popularized by August Bebel's book "Die Frau und der Sozialismus" (Women and Socialism) of 1879, were greeted eagerly, but the SPD remained a party of democratic reform, precisely because it was allowed to continue its parliamentary work. Under the Socialist Law, Parliament was the sole legal forum for agitation, the parliamentary party was the real party leadership – and the ballot paper was considered the sole means of achieving political power. The SPD's political methods remained "lawful" even though the Wyden party congress of 1880 had deleted this word from the Gotha Programme, precisely because the party considered that it was being forced to act illegally. At the 1887 party congress in St. Gallen, Wilhelm Liebknecht asserted that it was "not by coups and outrages" that the victory of the SPD would be hastened, "but only by means that increase our power", by which he meant the recruitment of new members and voters⁶.

The experience of repression and, above all, success in the parliamentary elections of 1890 had the effect of entrenching the assumption familiar from the 1860s and 70s that the political struggle took precedence over the trade union struggle. Moreover, this period strengthened internationalism. Exile and contact with the socialists of other countries and the realization that action had to be co-ordinated internationally both helped the German Social Democrats to see themselves as part of an international labour movement, which rallied round the call for the eight-hour day at the International Workers' Congress held in Paris in 1889⁷. The idea of demonstrating every May Day for this specific objective turned into a

6 Wilhelm Liebknecht, in Verhandlungen des Parteitages der deutschen Sozialdemokratie in St. Gallen, abgehalten vom 2. bis 6. Oktober 1887 (Hottingen-Zürich 1888), p. 42

7 See Arbeiterschutz-Resolution, in Protokoll des Internationalen Arbeiter-Congresses zu Paris, abgehalten vom 14. bis 20. July 1889. German translation (Nuremberg, 1890), p. 121 f.

headache for the German labour movement, with opinions in the party and in the trade unions divided.

Even under the Socialist Law, the accession of Wilhelm II on 15 June 1888 had aroused hopes of a period of political and social reform. The Reichstag was not unaffected by this “new” mood. When the government proposed extending the Socialist Law on 25 January 1890 it was voted down, with the result that the law lapsed on 30 September 1890. Partly because of the failure of his domestic policy, which had been designed to halt the advance of social democracy, Bismarck resigned as Chancellor on 20 March 1890. The end of the Bismarck era and the expiry of the Socialist Law marked the onset of a new period in the life of the trade unions.