

Anti-Socialist Law (October 21, 1878)

Abstract

The Anti-Socialist Law of 1878 was perhaps the most important repressive law of Bismarck's chancellorship. Bismarck, who had never hidden his distaste for the teachings of socialism, made several attempts to curtail the growth of German Social Democracy during the 1870s—for instance through restrictions on the press and the revision of Germany's Criminal Code. But opponents successfully resisted almost all of these measures, and the number of votes cast for socialist candidates in Reichstag elections continued to increase. Then, in May and June 1878, two attempts were made on the life of Kaiser Wilhelm I, who was badly injured in the second attack. Bismarck blamed the Social Democratic Party (SPD), though he knew better. He immediately announced new elections to the Reichstag and helped orchestrate a rabidly anti-socialist campaign in the summer of 1878. The newly elected house was more conservative than the last and passed the law reproduced below on October 21. It banned all Social Democratic associations, meetings, and newspapers. But because the SPD's parliamentary caucus was not banned from the Reichstag, elections provided the party with a forum for continued agitation. This was supplemented by an underground network of agents, presses, and recreational clubs that clandestinely spread the socialist message. Nevertheless, between 1878 and the law's lapse on September 30, 1890, about 1,500 people were sentenced to more than 800 years' imprisonment. Memories of repression and hardship endured during this "heroic period" contributed to Social Democrats' strong feelings of solidarity and commitment. Bismarck's anti-socialist campaign was among his greatest political miscalculations.

Source

Law against the Publicly Dangerous Endeavors of Social Democracy from October 21, 1878^[1]

§ 1

Societies [*Vereine*] which aim at the overthrow of the existing political or social order through social-democratic, socialistic, or communistic endeavors are to be prohibited.

This applies also to societies in which social-democratic, socialistic, or communistic endeavors aiming at the overthrow of the existing political or social order are manifested in a manner dangerous to the public peace, and, particularly to the harmony among the classes of the population.

Associations of every kind are the same as societies.

§ 2

In the event that a registered cooperative comes under the provisions of § 1, par. 2, then § 35 of the Law of July 4, 1868, concerning the legal status of cooperative associations for business and [other] economic purposes [*Erwerbs- und Wirtschaftsgenossenschaften*] (*Bundesgesetzblatt*, pp. 415ff.) is to be applied.

In an analogous event, § 29 of the Law concerning registered Assistance Funds [*Hilfskassen*] of April 7, 1876 (*Reichsgesetzblatt*, pp. 125ff.) is to be applied to Registered Assistance Funds.

§ 3

In the event foreseen by § 1, par. 2, Independent Fund Societies (not registered) [*selbstständige Kassenvereine (nicht eingeschrieben)*], which have the statutory purpose of mutual support for their

members, are not to be immediately prohibited, but are to be put under extraordinary state control.

Where several independent societies of this kind form a union [*Verband*], and in the event that in one of these societies the endeavors described in § 1, paragraph 2 are manifested, this society can be ordered excluded from the union and put under control.

Likewise, if the described endeavors manifest themselves in one branch of a society, control is to be confined to that branch.

§ 4

The authority invested with the control is empowered:

1. To attend all sessions and meetings of the society [*Verein*];
2. To call and conduct membership assemblies;
3. To inspect the books, papers and cash assets, as well as to demand information about the affairs of the society;
4. To forbid the carrying out of resolutions which are apt to further the endeavors described in § 1, paragraph 2;
5. To transfer to qualified persons the duties of the officers or other leading organs of the society;
6. To take charge of and manage the funds.

§ 5

In case the membership meetings, the executive committee, or another managing organ acts in opposition to the directives of the controlling authority issued within the scope of its powers, or in case the endeavors in § 1, paragraph 2, are manifested after the introduction of the control, the society may be prohibited.

§ 6

The prohibition or the imposition of control are within the competence of the State Police Authority [*Landespolizeibehörde*]. The prohibition of foreign societies appertains to the *Reichskanzler*.

The prohibition is in all cases to be publicized through the *Reichsanzeiger*; in addition, the prohibition by the State Police Authority is to be publicized through the designated newspaper for official notifications by the authority of the locality or district.

The prohibition is valid for the entire area of the Federation [*Bundesgebiet*] and embraces all branches of the society, as well as every ostensible new society, which in reality is to be regarded as the old one.

§ 7

With the prohibition, the society's cash assets, as well as the objects intended for the purposes of the society are to be confiscated by the authority.

After the prohibition has become final, the Administrative Authority [*Verwaltungsbehörde*] designated by the State Police Authority must delegate the settlement of the affairs of the society (liquidation) to suitable persons and supervise the liquidation; the Administrative Authority must also make known the names of the liquidators.

The decision of the Administrative Authority takes the place of a resolution by the membership meeting provided for by the laws or statutes.

The liquidated property of the society is, without detriment to the legal claims of third parties and of the members of the society, to be utilized as provided in the statutes of the society, or in general laws.

The moment when the prohibition becomes final is to be considered the moment of the dissolution of the society (or the closing of the Fund).

Appeal against the decrees of the authority is permitted only to the Supervising Authority [*Aufsichtsbehörde*].

§ 8

The prohibition decree by the State Police Authority, as well as the establishment of a control is to be communicated in writing, indicating the reasons, to the society's Executive Committee, in case one exists within domestic jurisdiction. Against such a decree the society's Executive has the right to make an appeal (§ 26).

The appeal must be made within one week after receipt of the notice of the decree; the appeal is to be directed to the authority which issued the decree.

The appeal has no postponing effect.

§ 9

Meetings in which social-democratic, socialistic, or communistic endeavors which aim at the overthrow of the existing political or social order are manifested are to be dissolved.

Meetings for which the assumption is justified by the fact that they are intended to further the endeavors described in the first paragraph are to be prohibited.

Public festivities and processions shall be treated the same as meetings.

§ 10

Prohibition and dissolution are within the competence of the Police Authority.

Appeal is permitted only to the Supervising Authority.

§ 11

Publications in which social-democratic, socialistic, or communistic endeavors aimed at the overthrow of the existing political or social order are manifested in a manner calculated to endanger the public peace, and particularly the harmony among all classes of the population, are to be prohibited.

In the case of periodical publications, the prohibition may extend to further issues as soon as a single issue has been prohibited on the basis of this law.

§ 12

The prohibition lies within the competence of the State Police Authority, and, in the case of periodical publications appearing within the Reich, under the competence of the State Police Authority of the District [*Bezirk*] in which the publication appears. The prohibition of the further distribution of periodical publications printed abroad lies within the competence of the *Reichskanzler*.

The prohibition is to be publicized in the manner described in § 6, par. 2, and is valid for the entire *Bundesgebiet*.

§ 13

The prohibition of publications by the State Police Authority is to be made known in writing, with the reasons of the same, to the publisher or editor, and in the case of non-periodic publications, to the author of the same, if these persons are within the Reich.

The publisher, editor or author has the right of appeal against the order (§ 26).

The appeal must be submitted to the authority which issued the decree within a week after receipt of notification.

The appeal has no postponing effect.

§ 14

On the basis of the prohibition, the publications concerned are to be confiscated wherever found for the purpose of distribution. The confiscation may include the plates and forms used for reproduction; in the case of printed publications in the proper sense, a withdrawal of the set types from circulation is to be substituted for their seizure, upon the request of the interested parties. After the prohibition is final, the publication, plates, and forms are to be made unusable.

Appeal is permitted only to the Supervising Authority.

§ 15

Before the decree of prohibition, the Police Authority is empowered provisionally to seize publications of the character described in § 11, as well as plates and forms for reproduction. Within twenty-four hours, the seized publication is to be delivered to the State Police Authority. The latter must either order immediately the restoration of the confiscated material or issue a decree of prohibition within one week. If the prohibition does not ensue within this period the confiscation is voided and the various pieces, plates and forms shall be released.

§ 16

The collection of contributions for the furtherance of social democratic, socialistic, or communistic endeavors aiming at the overthrow of the existing political and social order, as well as a public appeal for such contributions, are to be prohibited by the police. The prohibition is to be announced publicly.

Appeal is permitted only to the Supervising Authority.

§ 17

Whoever participates as a member in a prohibited society (§ 6), or carries on an activity in its interest, is to be punished by a fine of not more than five hundred marks or with imprisonment not exceeding three months. The same punishment is to be inflicted on anyone who participates in a prohibited meeting (§ 9), or who does not depart immediately after the dissolution of a meeting by the police.

Imprisonment of not less than one month and not more than one year is to be inflicted on those who participate in a society or assembly as chairmen, leaders, monitors, agents, speakers, or treasurers, or on those who issue invitations to attend the meeting.

§ 18

Whoever provides a prohibited society or meeting with a place of assembly is to be punished with imprisonment of from one month to one year.

§ 19

Whoever distributes, continues, or reprints a prohibited publication (§§ 11, 12) or a provisionally confiscated publication (§ 15) is to be punished with a fine not exceeding one thousand marks or with imprisonment not exceeding six months.

§ 20

Whoever acts in violation of a prohibition under § 16, is punishable with a fine not exceeding five hundred marks or with imprisonment not exceeding three months. Moreover, all that which has been received in consequence of the prohibited collection or invitation, or its value, is to devolve to the Poor Relief Fund [*Armenkasse*] of the locality.

§ 21

Whoever commits one of the acts prohibited by §§ 17, 18, 19 without knowledge of the prohibition, but after the notification of the prohibition in the *Reichsanzeiger* (§§ 6, 12) is to be punished by a fine not exceeding one hundred and fifty marks.

The same punishment applies to those who act in violation of a prohibition under § 16 after the publication of the prohibition. The concluding provision of § 20 applies.

§ 22

In addition to the punishment of imprisonment, in case of a condemnation for acts in violation of §§ 17 to 20, a further judgment may be rendered as to the admissibility of a limitation of their right of residence against persons who make a business of the agitation for endeavors described in § 1, paragraph 2.

On the basis of this judgment, the residence of a condemned person in certain districts and localities may be forbidden by the State Police Authority, only if, however, the condemned person has not resided in his place of legal residence for a period of six months. Foreigners may be expelled from the *Bundesgebiet* by the State Police Authority. Appeal to be permitted only to the Supervising Authority.

Acts in contravention are to be punished with imprisonment from one month to one year.

§ 23

Under the conditions described in § 22, paragraph 1, innkeepers, barkeepers, persons carrying on a retail business in brandy or liquors, book publishers, booksellers, librarians in lending libraries and proprietors of reading rooms, may, in addition to imprisonment, be forbidden to continue their business.

§ 24

The State Police Authority may withdraw the license for the professional or non-professional public distribution of publications, as well as the license for an itinerant trade in publications from persons who make a business of furthering the endeavors described in § 1, paragraph 2, or who have been legally sentenced to punishment on the basis of the provisions of this law.

Appeal is permitted only to the Supervising Authority.

§ 25

Whoever acts in contravention of a judgment pronounced under § 23 or of a decision decreed under § 24 is punishable by a fine not exceeding one thousand marks, or by arrest or imprisonment not exceeding six months.

§ 26

A Commission is to be formed to decide upon the appeals in the cases of §§ 8, 13. The Bundesrat elects four of its own members and five from the highest courts of the Reich or the individual *Bundesstaaten*.

The election of these five members is for the period of the duration of this law, and for the period in which they hold judicial office.

The Emperor [Kaiser] appoints the chairman and his representative from out of the number of the members of the Commission.

§ 27

A quorum of the Commission consists of five members, of whom at least three shall belong to the judicial members. Before a decision on an appeal is given, the appellant is to be afforded the opportunity to plead in support of his motion either verbally or in writing. The Commission is empowered to collect evidence in the fullest scope, and particularly through sworn witnesses and experts, and to collect

evidence through a demand upon an authority of the Reich or of the states of the Reich. With respect to the obligation to testify as a witness or as an expert, as well as with respect to the punishment to be inflicted for disobedience, the laws of judicial procedure of the locality where the Commission sits, or where the government official called upon resides, obtain. The decisions are based upon free judgment [*freiem Ermessen*] and are final.

In other respects, the Commission's conduct of business is to be regulated by rules prescribed by itself, which are subject to the approval of the Bundesrat.

§ 28

For districts or localities where the public safety is menaced by the endeavors described in § 1, paragraph 2, the following regulations may be decreed, in case they are not already permitted by state law, with the consent of the Bundesrat for a period not exceeding one year:

1. that meetings may take place only after the consent of the Police Authority has been obtained; this limitation does not extend to meetings called for the purposes of an announced election to the Reichstag or to the diets of the states [*Landesvertretung*];
2. that the distribution of publications shall not take place on public roads, streets, squares, or other public places;
3. that the residence in districts or localities of persons from whom danger to public safety and order is to be feared may be forbidden;^[2]
4. that the possession, bearing, importation, and sale of weapons is to be forbidden, limited, or made conditional upon certain requirements.

The Reichstag must be informed immediately, that is, upon its first reassembling, about any decree that has been issued under the foregoing provisions.

The decrees are to be announced in the *Reichsanzeiger* and by whatever manner is prescribed for local police orders.

Whoever, knowingly or after public notice is given, acts in contravention of these regulations, or of the decisions based thereon, is to be punished by a fine not exceeding one thousand marks, or with arrest or imprisonment not exceeding six months.

§ 29

The Central Authority of each Federal State will announce to which authority the designation of State Police Authority applies.

§ 30

This law goes into force upon the day of its proclamation and remains in force until March 31, 1881.

NOTES

[1] The law was first passed on October 19, 1878. It was effective until March 31, 1881. Following that it was renewed four times: In May 1880, effective until September 30, 1884; in May 1884, effective until September 30, 1886; in April 1886, effective until September 30, 1888; and in February 1888, effective until September 30, 1890. [Footnote taken from Vernon L. Lidtke, *The Outlawed Party: Social Democracy in Germany, 1878–1890*. Princeton, NJ: Princeton University Press, 1966, pp. 339–45.]

[2] Based on the law concerning the authentic declaration and the period of validity of the Law against the Publicly Dangerous Endeavors of Social Democracy [the Anti-Socialist Law] dated May 31, 1880 (*RGBl. [Reich Law Gazette]*, p. 117), § 28 was supplemented with the following clause: "The regulation stipulated in § 28, No. 3 of the Law dated October 31 is interpreted in such a way that it is

not applicable to members of the Reichstag or of any legislative assembly who are staying at the seat of this body during its session. Any appeals against the decrees issued on the basis of regulations in accordance with § 28 of the aforementioned law can only be submitted to the regulatory authority.” [Footnote adapted from Ernst Rudolf Huber, ed., *Dokumente zur Deutschen Verfassungsgeschichte*, 3rd rev. ed., vol. 2, 1851–1900. Stuttgart: W. Kohlhammer, 1986, pp. 464–69.]

Source of English translation: Vernon L. Lidtke, *The Outlawed Party: Social Democracy in Germany, 1878–1890*. Princeton, NJ: Princeton University Press, 1966, pp. 339–45; reprinted with permission of Princeton University Press.

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