

Three Decisions of the Imperial Commission against the “Publicly Dangerous Aspirations” of Social Democracy (1878-88)

Abstract

The Reich Commission (*Reichskommission*) was a special administrative agency, under the purview of the Federal Council, established as part (§§26–27) of the Anti-Socialist Law of 1878. It reviewed complaints launched by Social Democrats, and in theory anyone, whose publications, associations, assemblies, or other activities ran afoul of police authorities. Few judgments of the Reich Commission fell in favor of the complainants: by the mid-1880s the Social Democrats had largely abandoned this option to combat repression. Part A provides the Commission’s reasons for turning down a complaint against the ban of the General Workers’ Song Club [Allgemeiner Arbeiter-Sängerbund] in Gotha. Part B justifies the ban on the Leipzig Workers’ Education Society [Arbeiter-Bildungsverein Leipzig]. Part C upholds a ban on Bruno Schönlank’s brochure “On the Condition of the Working Class in Bavaria.”

Source

A. Inciting Songs (November 1878)

There is no doubt that in a number of those songs which have been regularly sung in the meetings of the General Workers’ Song Club [Allgemeiner Arbeiter-Sängerbund] Social Democratic intentions directed toward the overthrow of the existing state and social order come to light in a manner endangering public peace.

The complaint did not explicitly question this; rather, it is essentially based on this,

1. that singing clubs are not among the clubs affected by the law,
2. that the content of the songs cannot be used to draw any conclusions about the aims of the association,
3. that a “distribution” of the songs by the association had not taken place,
4. that the past conduct of the association alone could not legally decide the question of whether the association should be banned.

However, these statements are untenable.

The law of October 21, 1878, does not grant an exemption to associations in which Social Democratic intentions are revealed in the form of song recitals; they are therefore subject to the same assessment as other associations.

If, furthermore, the activity of the association was limited to the singing of songs, then the text of the sung songs gives the only clue for the evaluation of the efforts of the association. The assertion that only the musical meaning of what is sung comes to the fore and that the content of the underlying text was immaterial cannot be considered valid, since it is a matter of assessing the individual case to determine whether songs whose text refers to aspirations of the kind described in the law of October 21, 1878, were sung only by chance and only because of their musical content, or whether the deliberate selection of a

number of songs with such lyrics and the regular repetition of the performance of just such *songs*, whose content, incidentally, is only made all the more inciting by the musical performance, suggest that the tendency of the songs corresponds to the intentions of the association. This has been rightly assumed in the present case. If the performance of the songs provides a sufficient basis for the assessment of the association's aspirations, it is irrelevant whether the association as such has also "disseminated" the songs.

Finally, the assertion that the association had already decided before the enactment of the law of October 21, 1878, to no longer sing the songs that are questionable in view of the purpose of this law, is not of decisive importance for the assessment; rather, in this regard, only that activity can be taken into consideration which the association had practiced up to the time of the ban. The statement that the earlier efforts of the association in the past are to be disregarded and only those efforts that came to light after the enactment of that law are to be considered is equally untenable according to the wording and purpose of the law.

If, finally, the complaint also refers to the prohibition of the collection of songs, which is not clear, it is not justified in this direction either, since the criteria of §11 *ibid.* are unobjectionably present.

The complaint is therefore without merit."

Source: "Rückweisung der Beschwerde vom 25. November 1878, die gegen die Urteilbegründung der Reichskommission gegen die gemeingefährlichen Bestrebungen der Sozialdemokratie zum Verbot des Allgemeinen Arbeiter Sängerbundes, Gotha, vom 2. November 1878 eingelegt wurde," in *Dokumente und Materialien zur Kulturgeschichte der deutschen Arbeiterbewegung 1848–1918*, ed. Peter von Rügen and Kurt Koszyk. Frankfurt am Main, Vienna, Zurich: Büchergilde Gutenberg, 1979, pp. 204–06.

Translation: Insa Kummer

B. Leipzig Workers' Education Society (January 1879)

[...]

In a presentation to the Leipzig City Council, written by the well-known Social Democratic leader *Bebel* as chairman, and read out at the extraordinary general meeting of the association on December 9, 1868, which was unanimously approved, it is stated that the previous subsidy of 200 talers from municipal funds should be continued: "The task of the 'Arbeiter-Bildungsverein' [Workers' Education Society] consists, in addition to the promotion of general education, also in cultivating education and enlightenment about political and social questions and institutions among its members, to acquaint them with their position within the state and social conditions and, if necessary, to induce them to advocate and work for changes in the existing situation for their own good and for the good of the community as a whole, since the association would consider it a sin against the most sacred interests of mankind if it did not instruct and support its members in this to the best of its ability. Such political activity was absolutely necessary in a workers' education society and had already been developed by the Leipzig association, which *pursued a decidedly democratic direction.*"

2. In a presentation addressed to the Leipzig City Council for the same purpose in 1869, again signed in the first place by *Bebel*, it is noted that after the Nuremberg Workers' Congress the association had openly and officially declared that in socio-political matters *it represented the social democratic principles and wanted to continue working on the previous social democratic ground in accordance with the Eisenach Program, to which it had unconditionally subscribed.* The Eisenach Program, however, as it says itself, strives for the establishment of the free people's state through the overthrow of the present political and social conditions, which are allegedly "unjust in the highest degree," in particular of the existing wage and production system by means of the "abolition of all class rule" and the introduction of

cooperative labor on a democratic basis.

3. In the general assembly of the association on January 31, 1872, *Bebel's* motion:

to levy a quarterly extra tax of 1 *Neugroschen* per capita “to be used for agitation purposes” was unanimously adopted.

4. By resolution of the General Assembly of August 8, 1874, the members of the “Social Democratic Association” were allowed free admission to the evenings of the association, which were held regularly every Wednesday and Saturday and were intended primarily for lectures of political and social content as well as for declamatory exercises, upon presentation of their membership cards.

5. By resolution of the Association’s board of directors of February 13, 1875, the surplus of the Board’s penalty fund was transferred to the “Fund for the Politically Sanctioned.”

6. By resolution of September 9, 1876, the association’s board of directors declared itself in complete agreement with the tendency of the “Socialist Songs” published by the bookseller *Sauerteig* in Gotha.

7. At the general meeting of February 2, 1878, *Hadlich*, a former member of the executive committee and co-founder of the association, described the struggles the association had had to endure since it had *turned to socialism*, and called on the members to continue to work for the association’s purposes in the spirit of the past and, in particular, to strive for full independence of the workers in political and intellectual matters.

8. The “Choir of the Workers’ Education Society” officially participated in an outstanding manner in the meeting held to celebrate the “Central Workers’ Festival” in Stötteritz on August 19, 1877, which was broken up by the police because of inciting Social Democratic speeches and songs, and according to the minutes of the board meeting of November 24, 1877, 35 marks from the surplus of the festival proceeds went to the association’s building fund.

9. Until the closing of the association’s reading room, the most widely read newspapers and journals of the Social Democratic daily press, which most strongly represent the party point of view, were available for inspection and use by the members of the association.

10. As a rule, outstanding Social Democratic leaders such as *Most*, *Bracke*, *Liebknecht*, *Bebel* and others were featured as speakers at the foundation festivities of the association.

The extent to which the association’s board of directors was itself aware of the association’s unlawful Social Democratic aspirations is clear from the fact that, at the extraordinary general meeting of September 11, 1878, it gave chairman *Witt* unlimited authority to dispose of the association’s assets as he saw fit in the event of the association’s probable closure, and that, on the basis of this authority, *Witt had* already removed from the association’s library all the products of socialist literature that had been represented in great numbers in the library and allegedly burned them even before the confiscation of the association’s assets on October 26, 1878.

Considering all this, the ban on the Leipzig “Workers’ Education Society” imposed on the basis of §1 of the law of October 21, 1878, seems completely justified.

Source: “Urteilsbegründung der Reichskommission gegen die gemeingefährlichen Bestrebungen der Sozialdemokratie zum Verbot des Arbeiter-Bildungsvereins Leipzig vom 26. Oktober 1878. Rückweisung der Beschwerde vom 13. Januar 1879,” in *Dokumente und Materialien zur Kulturgeschichte der deutschen Arbeiterbewegung 1848–1918*, ed. Peter von Räden and Kurt Koszyk. Frankfurt am Main, Vienna, Zurich: Büchergilde Gutenberg, 1979, pp. 56–58.

Translation: Insa Kummer

C. Bruno Schönlink, “On the Condition of the Working Class in Bavaria” [“Zur Lage der arbeitenden Klasse in Bayern”] (March 1888)

Economic sketch

The ordered ban rightly finds in the pamphlet in question evidence of dangerous Social Democratic aspirations within the meaning of §11 of the law of October 21, 1878. The author does not limit himself to the framework of an “economic sketch of the situation of the working class in Bavaria” and to a “scientific critique” of the Bavarian factory inspectors’ reports and the official general reports of the Sanitary Administration for the Kingdom of Bavaria, but also discusses, on the basis of these reports, the present conditions of the working population in general, and does so in a tendentiously spiteful manner directed toward the overthrow of the existing social order and seriously endangering public peace, especially the harmony of the social classes. The lot of the worker is portrayed in the most glaring colors as a modern form of slavery, as an existence unworthy of human beings and as the home of misery, hunger, crime and infirmity; the source of all this misery is described as the licentiousness of the capitalist mode of production, the despotism of the factory owners and big capitalists, and “the senseless chase of the same on the race track of profit,” which has overproduced, exploited the male, female and child labor of the working people to the point of total exhaustion, treated working people more ruthlessly than the more costly quadrupeds, and mercilessly thrown into the street those workers who have been exploited or become expendable in critical times. Certainly, objective and honest reporting and criticism of existing evils has a right to protection, and in such a case one cannot reproach it for calling things by their name. This right to protection is forfeited by the author of the present paper, however, because he does *not* proceed objectively and because he generalizes in a tendentious manner evils, abuses and encroachments on the part of employers, which occur *individually* and, where they occur, may find the strongest condemnation, as if the avoidable faults of the individual were those of the whole social classes, or as if the oppressions of the working class were inevitably connected with the existing social order, and thus, by inciting the latter, works deliberately toward the overthrow of the existing social order.

Even the protective measures, the institutions for gainful employment and further training taken by individual factory owners for the safety and better advancement of their workers are suspected of being sham maneuvers and self-serving institutions calculated merely to increase the employers’ profits. Finally, the working class is called upon to fight together against capitalism, which was close to its downfall, to help itself against the capitalist mode of production and to free itself from the pressure of the presently prevailing method of work, which has become unbearable. It is being told that it was already on the threshold of a new economic system which will make it possible “to distribute work rationally among all, to secure for all members of society a cultured standard of living, to create the social reserve fund on the broadest possible basis and to make art and science—everything that embellishes life—the common property of all.”

The task of the workers, it continues, is to create the basis for a better, happier arrangement of things through their struggle for liberation. In this context, reference is made first of all to the favorable outcomes of the last federal and local election battles. But in what way this liberation struggle, if it does not lead to its goal by legislative means, is to develop further is—apart from the fact that its goal cannot be achieved at all without a violent overthrow of the existing social order—understandably enough indicated by the reference to the “magnificent struggle of the Irish against the yoke of the British landlords” and the principles of the French Revolution—page 21—as well as to the work stoppages of the Colmar journeymen bakers and the Nuremberg journeymen tinsmiths, happily carried out in the years 1495 to 1505 and 1475, “whom a good organization of the workers, *who, by the way, would also have known how to bear arms*, helped both in the struggle of the guilds against the dynasties and against the

overconfident masters” —page 71.

The author of the pamphlet obviously unfolds here the whole Social Democratic program of the present with all the means of struggle serving for its realization.

The ban of the printed publication on the basis of § 11 of the law of October 21, 1878, therefore appears to be fully justified and the rejection of the complaint filed against it unobjectionably justified.

Reasons for the judgment of the Reich Commission against the publicly dangerous aspirations of Social Democracy on the banning of Bruno Schönlank, “On the Condition of the Working Class in Bavaria: An Economic Sketch.” Nuremberg 1887. Prohibition of November 19, 1887. Rejection of the complaint of March 23, 1888.

Source: “Urteilbegründung der Reichskommission gegen die gemeingefährlichen Bestrebungen der Sozialdemokratie zum Verbot von Bruno Schönlank, Zur Lage der arbeitenden Klasse in Bayern. Eine volkswirtschaftliche Skizze, Nuremberg 1887. Prohibition of November 19, 1887. Rejection of the complaint of March 23, 1888,” in *Dokumente und Materialien zur Kulturgeschichte der deutschen Arbeiterbewegung 1848–1918*, edited by Peter von Rügen and Kurt Koszyk. Frankfurt am Main, Vienna, Zurich: Büchergilde Gutenberg, 1979, pp. 74–76.

Translation: Insa Kummer

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