

Prison Proposal [*Zuchthausvorlage*] (1899)

Abstract

The German Reichstag deliberated over a bill in June of 1899 for the protection of commercial labor relations [“zum Schutz der gewerblichen Arbeitsverhältnisse”], also known as the Prison Proposal [*Zuchthausvorlage*]. This bill prescribed jail for anyone who hindered others from working during labor strikes and would have limited the ability of workers to organize. It caused a storm of protest with as many as 70,000 people demonstrating in Berlin and Hamburg. The bill was initiated by the Imperial government, but the majority parties criticized the bill and ultimately rejected it.

Source

Draft of a “Law for the Protection of Commercial Labor Relationships,” the so-called Prison Proposal, from May 26, 1899.

§ 1 Whoever undertakes through physical force, threats, insults, or humiliation to influence employers or workers to participate in meetings or agreements, the purpose of which is to have an effect on working or wage relationships, or to prevent their participation in such meetings or agreements, shall be punished with a prison sentence of up to one year.

If mitigating circumstances are present, then a fine of up to one thousand Marks can be substituted for the prison term.

§ 2 The provisions of punishment in § 1 can also be applied to those who through physical force, threats, insults, or humiliation undertake to:

1. cause or support a lockout in order to influence employers to lay off workers or to prevent them from recruiting or hiring workers;
2. cause or support a workers’ strike in order to influence workers to lay down their work or to prevent them from taking on or seeking work; or
3. influence either employers or workers during a lockout or a strike to yield to the demands put forth by the other side.

§ 3 Whoever makes it his business to engage in actions as described above in §§ 1 and 2 shall be punished with a prison sentence of no less than three months.

§ 4 Damaging or withholding equipment, raw material, goods of production, or clothing will be treated under the law with the same physical force understood in §§ 1 through 3.

Similarly, the systematic surveillance of employers, workers, work sites, routes, streets, squares, railroad stations, canals, harbors, or other traffic facilities will be treated the same under the law as the making of a threat as understood in §§ 1 through 3.

A humiliation or threat as understood in §§ 1 through 3 does not apply if the accused undertakes an act which is justifiable, in particular if he has been authorized to decline, terminate, or cancel a work or service relationship, to cease working, or to continue a work stoppage or lockout, or if he has been authorized to announce the possibility of such labor-related actions.

§ 5 If persons who refuse or have refused, either in part or entirely, to participate in a labor strike or lockout are, for reasons of this refusal, assaulted with defamation, or suffer premeditated physical harm or premeditated destruction of property, a warrant for the prosecution of the perpetrators will not be required.

§ 6 Whoever threatens or discredits, on the grounds of refusing to participate, persons who refuse or have refused, either in part or entirely, to participate in a labor strike or lockout shall be punished with a prison sentence of up to one year.

If mitigating circumstances are present, then a fine of up to one thousand Marks can be substituted for the prison term.

§ 7 Whoever takes part in a public thrashing in which an act described in §§ 1 through 6 is committed by persons acting in unison shall be punished with a prison sentence.

The ringleaders of such an action shall be punished with a prison sentence of no less than three months.

§ 8 If in the cases described by §§ 1, 2 and 4 a strike or lockout is caused or supported, and if the strike or lockout, according to the nature and importance of the affected enterprise, has the potential to threaten the security of the Empire or that of a Federal State, or to pose a common threat to human life or property, then participants in these acts shall be punished with a prison sentence of no less than one month, the ringleaders with no less than six months.

If, as a result of the strike or lockout, the security of the Empire or that of a Federal State has been threatened, or a common threat to human life or property has occurred, then participants in these acts shall be punished with a prison sentence of up to three years, the ringleaders with up to five years.

If mitigating circumstances are present in the cases described above in the second paragraph, then [comes] a prison sentence for participants of no less than six months, for ringleaders no less than one year.

§ 9 According to this law, as far as an act against an employer is liable for punishment, the same statutes of the law and sentencing will be applied to acts against a representative of the employer.

§ 10 The statutes of this law shall be applied to:

1. labor or service relationships that fall under § 152 of the Commercial Labor Code;
2. all labor or service relationships in enterprises of the Empire, State, or local jurisdictions in which the national defense, public security, public transportation, or public health is served;
3. all labor or service relationships in enterprises of the Federal Railroads.

§ 11 The § 153 of the Commercial Labor Code is annulled with this law.

Source of original German text: *Verhandlungen des Reichstages*, Stenographische Berichte; 10th Legislative Period; I. Session 1898/1900; Volume III of Exhibits, No. 347, p. 2238 and following; reprinted in Willibald Gutsche, *Herrschaftsmethoden des deutschen Imperialismus 1897/8 bis 1917*. East Berlin, 1977, pp. 65–67.

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