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## The Military Origins of Labor Protection Legislation in Imperial Germany

*Nikolas Dörr, Lukas Grawe & Herbert Obinger\**

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**Abstract:** »Die militärischen Ursprünge der Arbeitsschutzgesetzgebung im deutschen Kaiserreich«. Prussia, and since its founding in 1871 the German Empire, were pioneers in the introduction of general conscription and one of the largest military powers in Europe. At the same time, the German Empire was seen as a pioneer in public social policy. Using the example of labor protection, this article examines whether and to what extent connections existed between general conscription, power ambitions of governments, and social protection. It seeks to determine what role military reasons played in the expansion of German labor protection by analyzing the military's influence on legislation between the early 19th century and the end of the First World War. This examination will show that military arguments have gained great importance over time but have never, with the exception of the First World War, been the dominant motive for welfare reform.

**Keywords:** Labor protection, German Empire, German military, legislation, welfare, *Wehrkraft*, war preparation.

Social policy measures, especially those aiming at worker protection, mitigate the harmful effects of industrial and urban working life; they raise the working population's physical and moral power of resistance. So I am repeating an assertion that I have made before on the occasion of a hearing on the ten-hour working day: the person most interested in measures of workers protection and social policy in general is our Minister of War (*very correct! In the centre*). He should sit next to the Secretary of State of the Interior in the negotiations on occupational safety; he has every reason to pursue these measures with the greatest interest.

The ability to fight for and defend our homeland depends not only on the numbers of armies, soldiers, not only on our financial willingness, but essentially and above all on the physical and moral activity (*very correct!*), which is substantially strengthened by social policy measures.

(Karl Trimborn [Centre Party], Minutes of the German Reichstag, Vol. 234, 198th session, 4 February 1909, 6671-6672)

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## 1. Introduction

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Prussia, and with it later the German Empire, were pioneers in the introduction of general conscription and one of the largest military powers in Europe. At the same time, the German Empire was seen as a pioneer in public social policy. Using labor protection as an example, this article examines whether and to what extent interrelations exist between general conscription, power ambitions of governments, and social protection. Specifically, we are interested in whether military considerations, such as the need for healthy recruits and high birth rates (see the introduction to this issue), contributed to the adoption of labor protection legislation. While contemporary observers saw “Prusso–Germany as the classic testing ground for imperialist social policy” (Adler 1897, 36) and emphasized the active role of the military in the genesis of the Prussian Child Labor Law of 1839, the military origins of labor protection legislation have never been systematically studied. This article attempts to fill this gap by analyzing the military’s influence on labor protection legislation between the early 19th century and the end of the First World War. It will show that military arguments have gained great importance over time but have never, with the exception of the First World War, been the dominant motive for welfare reform.

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## 2. From the Beginning to Bismarck

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Until the end of the 19th century, there was no comprehensive German labor protection legislation.<sup>1</sup> While being a pioneer in social insurance legislation, Imperial Germany was a laggard in terms of labor protection for adult workers. The General State Law for the Prussian States of 1794 did include a few scattered safety provisions which, however, were mostly invalidated by the introduction of freedom of commerce in 1810. With the repeal of mandatory guild-membership for example, the occupational safety provisions for apprentices were rescinded (Bauer 1923, 442). The following decades saw little progress in labor protection legislation. Köllmann rightly characterizes Prussian social policy up until the 1845 Trade and Commerce Act as “tackling single issues” and “ultimately having a mere peripheral influence” (Köllmann 1966, 32). The same holds true for labor protection in the subsequent decades: “During the time of Bismarck, [...] nothing really happened here” (Nipperdey 2017, 358). The most important labor protection provisions were the “Prussian Regulative on the Employment of Adolescent Workers in Factories” (“*Regulativ über die Beschäftigung jugendlicher Arbeiter in Fabriken*”) of 9 March 1839 and, add-

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<sup>1</sup> For a contemporary definition of labor protection see: Frankenstein 1896, 14–15.

ing to it, the “Law Concerning Several Amendments to the Regulative of 9th March 1839 on the Employment of Adolescent Workers in Factories” (“*Gesetz, betreffend einige Abänderungen des Regulativs vom 9. März 1839 über die Beschäftigung jugendlicher Arbeiter in Fabriken*”) of 16 May 1853. Labor protection regulations can also be found in the Prussian Trade, Commerce and Industry Regulation Act of 17 January 1845 and later in the Trade Code of the North German Confederation of the 21 June 1869.

Two main factors account for this deficit in labor protection legislation in Prussia and the German Empire. First, economic interests, often voiced by largescale landowners or businessmen from the industrial sector as well as representatives of the late 19th century’s dominant political ideologies: (national) liberalism and conservatism. Second, Otto von Bismarck vehemently opposed an expansion of labor protection. From 1862 onward, he was able to enforce this position for decades, as Prussian Prime Minister, Chancellor of the Reich and Minister of Trade.

Considering the military developments since the French Revolution, the insufficient occupational safety measures come as a surprise:

The new nation-states were drafting their citizens, and it became clear that two factors especially influenced the military’s power: willingness to fight for a national cause and the ability to fight. The military strength of a state grew in proportion to the number of healthy and strong young men it could mobilize to face the enemy. (Unschuld 2014, 35)

When Prussia restructured its armed forces following the devastating losses it suffered against Napoleon’s army during the War of the Fourth Coalition, this new conception of warfare was also taken into account. Some of the new measures introduced under Gerhard von Scharnhorst were meant to strengthen the bond between civil society and the military. Their accordance with the French principle “nation-in-arms” should lead “the army and the nation into a more intimate union” and thereby forge a “school of the nation” (Beckett 1985, 3). The introduction of general conscription following the German Campaign (“*Befreiungskriege*”) of 1813/14 was the centerpiece of the abovementioned reforms. It turned the population into a military resource, forcing the state to assume its protection:

The issue of the population’s health was more and more addressed directly by the state and seen as a governmental concern. Mandatory medical examinations, mandatory vaccinations and countless provisions, regulating public hygiene and workplace conditions were added to the hitherto known method of maintaining a healthy population: individual medicine. (Unschuld 2014, 36)

The first statements and measures concerning labor protection following the end of the German Campaign can easily be associated with this new approach. In a circular to the *Oberpräsidenten*, the supreme representatives of the Prus-

sian crown in the provinces, on 5 September 1817, State Chancellor Karl August von Hardenberg<sup>2</sup> warned of the damaging consequences of industrial workers' repetitive tasks for military service (Feldenkirchen 1981, 13). Factory work would render potential soldiers unable "to defend the fatherland in the hour of peril, when not only good will, but physical strength, presence of mind, hardening against weather [...] are decisive for success" (Karl August Fürst von Hardenberg quoted in Beck 1997, 203, footnote 16)<sup>3</sup>. Hardenberg also demanded a statement from the *Oberpräsidenten* on the topic of child labor, and how it was to be regulated. This circular however did not lead to any legislative initiatives. It took two and a half years after it had been dispatched for the last answer to arrive in Berlin (Koselleck 1962, 107). The clear majority of all *Oberpräsidenten* rejected comprehensive state interventions in the market. Only tougher controls on compulsory school attendance were supported (Köllmann 1966, 34).

In 1828, Lieutenant General Heinrich Wilhelm von Horn sent his report on the state of the *Landwehr* to the Prussian King Friedrich Wilhelm III. This now lost document is the most quoted source about a nexus between labor protection and the military. In his report, von Horn describes the negative effects of industrial child labor on the health conditions of nascent soldiers<sup>4</sup>. The Monarch reacted on 12th May 1828 by requesting that the two responsible ministers, Karl vom Stein zum Altenstein (education) and Friedrich von Schuckmann (interior) take measures to contain child and adolescent labor:

Lieutenant General von Horn states in his report on the state of the *Landwehr* that the industrial regions are not able to fully provide their army contingent, meaning it must partly be covered by agricultural districts, and in doing so he mentions the evil that factory owners are even putting children to work during the night. I can no further tolerate such procedure, as it will undermine the physical education of the delicate youth and surely guarantee that the coming generations growing up in industrial regions will be weaker and more crippled than the current one is already. Therefore, I order You to consider which

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<sup>2</sup> The circular's author was Johann Gottfried Hoffmann, Hardenberg's reform-orientated advisor, Cf. Köllmann 1966, 33. Hoffmann seems to have been influenced by Robert Owen's ideas, Cf. Schulze 1958, 302-303.

<sup>3</sup> Original: „Wie wenig endlich Menschen, welche in der Werkstätte bei der unaufhörlichen Wiederholung eines Handgriffs erzogen wurden, geschickt sind, das Vaterland in der Stunde der Gefahr zu verteidigen, wo nicht guter Wille allein sondern Körperkraft, Geistesgegenwart, Abhärtung gegen die Einflüsse der Witterung und Leichtigkeit, sich in die ungewohntesten Lagen zu finden, über den Erfolg entscheidet, kann auch keinem Zweifel unterliegen.“ State Chancellor Count von Hardenberg addressed to the *Oberpräsidenten* of Breslau, Berlin, Magdeburg, Münster, Cologne and Koblenz. 5 September 1817, printed in: Schulze 1958, 308.

<sup>4</sup> Horn himself, who died the following year (1829), could not give any further explanations to the king.

measures can be taken to strongly counteract this procedure and subsequently report your findings to me.<sup>5</sup>

However, Schuckmann was especially responsible for considerably delaying this process (Anton 1891, 35-9) because the Minister of the Interior was business-friendly and opposed to restricting child labor.<sup>6</sup> He even blamed schools for the recruits' physical degeneration, saying they put too much pressure on the children to learn ancient languages (Köllmann 1966, 37). The result was a standstill which lasted for several years and merely included an exchange of letters on the topic between the Ministry of the Interior and Ministry of Education. Ten full years after Horn's report, a bill was drafted on the initiative of the *Oberpräsident* of the Rhine Province Ernst von Bodelschwingh. During the following debates, the military argument in favor of enhanced labor protection was mentioned, but only when referring to Horn's original report (Herzig 1981, 367). The Prussian military itself did not comment on the topic (*ibid.*, 369). In some cases, military institutions even contributed to child labor, such as at the military orphanage in Potsdam (Engelen 2005, 509-19). On 9 March 1839, a legal provision for Prussia was eventually enacted: the "Regulative on the Employment of Adolescent Workers in Factories." Children up to the age of nine were forbidden to work in factories, mines, or steel and stamp mills. Adolescents up to the age of 16 were only allowed to work ten hours per day. The local authorities could, however, extend this limit in special cases by up to four hours. If a child did not attend school for at least three years, working was entirely prohibited, provided the factory did not have its own school. Adolescents were generally banned from night shifts and labor on Sundays or holidays and a ten-hour workday had to be punctuated by two 15-minute breaks and an hour for lunch. Employers were henceforth obligated to keep a record of all adolescent workers; violations were punished with fines (Dörr 2004, 146-7). For the time being, those employed in agriculture or doing home-based work were exempted from these regulations.

Given a lack of primary sources, the actual and precise influence Horn's report had on the *Regulativ* is difficult to determine. It is a fact, however, that Horn illustrated the negative repercussions of child labor for the military, and that the Prussian king reacted. Apart from that, however, the relevance of Horn's report has been greatly exaggerated, in particular by Marxist-oriented economists and historians (Beck 1997, 202). They saw the report on the state of the *Landwehr* as evidence of the "cannon fodder thesis"<sup>7</sup> and of Prussian mili-

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<sup>5</sup> GSStA PK, I. HA Rep. 120, Ministerium für Handel und Gewerbe, BB VII 3, Nr. 1, Bd. 1, 85 VS.

<sup>6</sup> "Although he [meaning Schuckmann] agreed with the minister for education that the state was to nurture a strong people, it was most important to him to uphold the favourable commercial status..." (Anton 1891, 30).

<sup>7</sup> This position was mainly represented by the GDR economic historian Jürgen Kuczynski. Cf. Kuczynski 1958, 104.

tarism, even though the source itself does not yield enough information for this interpretation (Kastner 2004, 71). Other scholars come to more nuanced conclusions. By looking at recruitment data, Feldenkirchen shows that physical degeneration caused by child labor was a military argument to introduce labor protection measures. He emphasizes, however, that at least up until the German Wars of Unification starting in 1864, less recruits were drafted than were deemed fit for service. Therefore, even if a large number of conscripts were incapacitated by child labor, the demand for soldiers could be satisfied by enough healthy conscripts. In addition, Feldenkirchen mitigates the influence of the *Regulativ* itself. In the ten years before its enactment, the rate of recruits rejected as unfit for service declined from nine to six percent (Feldenkirchen 1981, 14). He concedes, however, that the number of permanently unfit draftees in Prussia's industrial districts, particularly in the Rhine Province, was significantly higher.

In 1860, the "Statistical Office" stated with regard to the rising numbers of men in Berlin unable to serve in the military:

The reason for this unfavorable ratio arguably is that mostly artisans, factory workers etc. are mustered, who, as experience shows, often suffer more from small hurts that disqualify them [...] than the rural population, or are weak and stunted because of their way of life. (Feldenkirchen 1981, 15, footnote 35)<sup>8</sup>

Apart from Berlin, the percentage of men declared unfit for service was far above the Prussian average in large cities such as Koblenz, Münster, Trier, Düsseldorf and Aachen. In Aachen for example, 58.09 percent of examined men were deemed "permanently" or "momentarily unfit" in 1831. Yet the agrarian provinces, notably Pomerania, were even worse off if one includes the number of momentarily and limitedly unfit in the statistics. It is particularly striking that the percentage of unfit recruits hardly changed after the *Regulativ* was adopted. The share even slightly increased from 37.18 percent in 1831 to 37.64 in 1854. In Berlin, the share went-up from 47.63 percent to 58.65.

Hardenberg's circular and Horn's petition directed the king's attention to two factors that had a negative impact on the Prussian military. Hardenberg criticized the monotonous factory work, which he said decreased the worker's ability to think independently and to act decisively and correctly in new environments and situations. Horn, on the other hand, emphasized the physical degeneration of factory employees, especially that of children and adolescents. He argued their hard and injury-prone work would render them unable for military service. However, neither Horn's concerns nor the often complained of poor education allegedly resulting from child labor led to an immediate restriction of the practice until the *Regulativ* was introduced in 1839 (Köllmann

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<sup>8</sup> Original in: Mitteilungen des Statistischen Bureaus in Berlin, Vol. 13, 1860, p. 114.

1966, 36-37). Social and economic interests were in conflict with each other and it can generally be said that the latter had the upper hand up until the 1880s.

While Prussia implemented some labor protection measures, labor standards were more or less lacking in other German states.<sup>9</sup> Up until the 1860s, most German states had only introduced a few provisions. Typically, they were related to the most severe and obvious dangers, such as the widespread phosphorous necrosis among matchstick factory workers (Pappenheim 1870, 528). Even though the early labor movement and the churches repeatedly demanded an improvement of occupational safety, governments more or less remained inactive. In April 1837, two years before the implementation of the Prussian *Regulativ*, social-catholic Franz Josef Ritter von Buß caused a stir. The Freiburg professor introduced a comprehensive proposal of labor protection measures into the parliament of the Grand Duchy of Baden in Southwestern Germany. Although the draft did not make it to a vote (Dorneich 1979, 70-84), his so-called “factory speech” was the first speech to be held on labor protection in any parliament in Germany. In his address, von Buß also highlighted the negative effects of factory work on future recruits:

This organic degeneration is gradually becoming the permanent habitus of the factory population. The weaklings produce an ever-weaker people. The phylum degenerates. Where you once could behold the Lord of creation in the mere shape of free dwellers in their homeland, you will soon see the rudiments of cretinism, gradually seeping into the race. [...] To prove the harmfulness of factory work, one merely has to conduct a cross-country comparison of the ratio of able-bodied recruits from agricultural areas to those from industrial provinces. (Buß 1986, 14)

Apart from the *Regulativ*, the following decades did not yield extensive labor protection achievements. Recurring strikes and riots and an ever-growing labor movement also failed to bring about improvements. The workers’ loyalty towards the state had suffered greatly because of the poor working conditions, a fact best exemplified by the Silesian weavers’ riot in June 1844. The famous German poet Heinrich Heine illustrated their attitude in his ballade “The Silesian Weavers”: “A curse on the fatherland, false and faithless, where shame and infamy flourish scathless [...]” (Heinrich Heine quoted in Dorn Brose 1997, 230).<sup>10</sup> Far from making social policy concessions, however, governments relied on repressive policies. The revolution of 1848/1849 brought no progress in labor protection, although the ‘labor question’ (“*Arbeiterfrage*”) increasingly shaped the political discourse (Kaufmann 2003, 40-42). A Prussian decree from 9 February 1849 did introduce factory inspectors (“*Gewerberäte*”) that were

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<sup>9</sup> For the regulations of occupational safety and health in the individual states before the founding of the North German Confederation, see Bauer 1923, 435-436.

<sup>10</sup> Original: „Ein Fluch dem falschen Vaterlande, wo nur gedeihen Schmach und Schande [...]“

meant to oversee the enforcement of the Trade Regulation Code and to act as arbiters in industrial relations, but they were never able to exert influence and were abolished after a few decades (Bauer 1923, 435).

Some labor protection regulations were partly introduced into the Trade Regulation Code of 17 January 1845. Article 136 stipulated that the health and decency of apprentices, journeymen, and assistants had to be a point of concern. However, the most comprehensive regulation up until Prussian Prime Minister Otto von Bismarck took office in 1862 was the “Law Concerning Several Amendments to the Regulative of 9th March 1839 on the Employment of Adolescent Workers in Factories” enacted on 16 of May 1853.<sup>11</sup> With this amendment, a new monitoring institution was established: factory inspections, which in the following decades developed into a modern factory inspectorate. Additionally, adolescent workers had to be registered with the local police and the sanctioning methods were expanded. The law also enhanced the protection of child and adolescent laborers by completely forbidding any work in factories for those up to the age of twelve, limited that of 13 to 14 year olds to a maximum of six hours per day, and only allowing 15 to 16 years olds to work up to ten hours daily. Military motives only played a subordinate role in the drafting of the law. The significant underlying intention was to strengthen measures of oversight, since factory owners could easily circumvent the regulations enshrined in the act of 1839 (Nipperdey 2017, 246-7). Protest from among the factory owners was weaker than in 1839, not least because the need for adolescent workers gradually declined due to technical advancements (Neugebauer 1992, 713).

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### 3. The Era of Bismarck

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Nine years later, Otto von Bismarck, an outspoken opponent of extensive labor protection legislation, took over the most important political office in Prussia.<sup>12</sup> His social policy agenda focused on public social insurance, which the Social Democrats firmly rejected. Bismarck in turn strictly opposed the labor movement’s preferred labor protection measures, particularly a reduction of working hours (Ayaß 2002, 403). He especially disliked the expansion of factory inspections (ibid., 406), because government regulations of occupational safety would weaken the employer’s natural authority within his business (Nipperdey 2017, 359). The Chancellor of the Reich also predicted that many families would not be able to afford their livelihood, should adolescents and women be

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<sup>11</sup> The law is reprinted in Quandt 1978, 55-56.

<sup>12</sup> In the first years of his term, Bismarck was open to basic occupational safety, but then changed his position a few years after the founding of the Reich and the rise of social democracy. See Karl 1993, 80-82; Claßen 1962, 88-90.

barred from having an income (Ayaß 2002, 416). Furthermore, he worried the German industry would lose its ability to compete internationally if extensive reforms were to take place (Becker 2017, 184),<sup>13</sup> even though the main competitor, Great Britain, had long established comprehensive labor protection legislation with its “Factory Acts.” The British parliament had for example introduced the “Health and Morals Apprentices Act,” a law for apprentices working in cotton mills, as early as 1802 (Hutchins and Harrison 1911, 16). The famous German sociologist Max Weber criticized Bismarck posthumously for his stance on the issue: “He rejected labor protection measures, which were most indispensable for the preservation of our physical *Volkskraft*, as a violation of the rights of lordship [in part with unbelievably trivial arguments]” (Weber 1984, 447). Accordingly, Bismarck’s tenure in office was not an era characterized by far-reaching advancements in labor protection. For the first time, however, companies were obligated to ensure safe working conditions for their laborers in the Trade Regulation Code of the North German Confederation, from 21 June 1869 (§ 107): “Every businessman is required to establish and uphold all facilities at his own expense that, depending on the particular characteristics of the venture and manufacturing site, are necessary to secure his workers’ life and health.”<sup>14</sup> Additionally, the system of truck wages, i.e., remunerating employees with goods, was forbidden (§ 134).<sup>15</sup> Despite these provisions, one has to concede that the 1869 Trade Regulation Act “is mainly remarkable for its reluctance to intervene between employers and their workforce” (Hennock 2007, 80).

The topic of labor protection became more important after the proclamation of the German Empire in 1871.<sup>16</sup> Theodor Lohmann, who had risen through the ranks of the Prussian administration and was heavily influenced by social Protestantism, was a close social policy advisor to Bismarck until their falling-out during the drafting of accident insurance (Nipperdey 2017, 341-342). Lohmann attempted, mostly unsuccessfully, to strengthen workers’ rights and push through improved labor protection measures, which in his mind would also heighten the competitiveness of the German economy. Bismarck, however, disagreed. Only after the chancellor was forced to resign could Lohmann im-

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<sup>13</sup> See also Ambrosius 2004, 5-29.

<sup>14</sup> Trade Regulation Act for the North German Confederation, Title VII: Gewerbegehilfen, Gesellen, Lehrlinge, Fabrikarbeiter, Bundesgesetzblatt des Norddeutschen Bundes, vol. 1869, no. 26, 245-282.

<sup>15</sup> The importance of the military railway system was a special case. It was not covered by the Trade Regulation Act but was regulated by the states of the empire. An Imperial Law of 29 June 1873 institutionalized the Imperial Railway Agency as its own regulatory authority for the railways. In 1873 and 1886, this agency established occupational health and safety regulations. Cf. Bauer 1923, 473.

<sup>16</sup> See Sellier 1998, 60-134 for a more detailed look at the corresponding initiatives and debates.

plement his ideas, then serving as a high-ranking staff member of Hans Hermann Freiherr von Berlepsch's Ministry of Commerce.

On the parliamentary level, the Reichstag, inspired by the newly founded "Association for Social Policy" ("*Verein für Socialpolitik*"), demanded a survey of Bismarck that was supposed to look into the need for broader labor protection legislation (Frerich and Frey 1996, 129). The questionnaire also referred to the possible effects the employment of children, adolescents and women might have on the population's suitability for armed service.<sup>17</sup> The survey was conducted in 1874/75 and led to two legislative drafts.<sup>18</sup> One proposed a revision of the occupational safety provisions in the Trade Regulation Code. During the Reichstag's negotiations, the military's capability was especially brought up to argue in favor of improved protections for the working children and adolescents:

In the good old Prussian factory legislation, upon which we still rely, it was notably with regard to general conscription and the strength of the people, that we regulated adolescents' work in the factories. Even now, a significantly smaller percentage of young men from the factories is capable of fulfilling their military duty to the homeland. If you now revoke the existing protective measures, not only will the military's defensive power be strongly impaired, but even more so the ability to defend one's family and one's own existence.<sup>19</sup>

After heated discussions between Bismarck's government and the Reichstag, an amendment to the Trade Regulation Code was finally passed on 17th July 1878. Compared to the original draft, however, the regulations were less strict (Frerich and Frey 1996, 129). Notable improvements included three weeks leave for women who had recently given birth, an expansion of labor protection measures for children and adolescents and enhanced powers for factory inspectors (Bauer 1923, 469). From now on, they could carry out rigorous inspections, normally every six months, in addition to those of the local police.

In the following years, amendments to the Trade Regulation Code remained a key issue in the Reichstag. Until the new amendment to the Trade Regulation Code of 1887, however, the different factions were unable to find a compromise or were thwarted in their efforts by the government or the overwhelming Prussian influence in the Federal Council. The parliament's two strongest pro-

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<sup>17</sup> "Have adverse health effects emerged - generally or only for specific industries? What is their reason? Is there a decrease in strength and health in the classes involved (comparison with districts where no women are employed in factories, results of the military recruiting)? Is this possibly due to the physical degeneration of female youth?" Letter from the President of the Reich's chancellery to the Bundesrat. Motion to conduct a survey on the factory work of women and adolescent workers, 5 July 1873, in Ayaß 1996, 180-3, here: 181.

<sup>18</sup> The results of the study were published in 1877: *Ergebnisse der über die Frauen- und Kinder-Arbeit in den Fabriken auf Beschluß des Bundesrats angestellten Erhebungen, zusammengestellt im Reichskanzler-Amt, Berlin: C. Heymann, 1877.*

<sup>19</sup> Max Hirsch quoted in Minutes of the Reichstag, Vol. 48, 1878, 44th session, 9 May 1878, Berlin, 1878, 1170-1.

ponents of improved labor protection did not cooperate, but rather worked against each other for years. The left-leaning social-catholic wing of the German Centre Party and the Social Democrats shared the same goals but had completely different motives. Even if they submitted almost identical draft bills, on outlawing work on Sundays for example, the Centre Party tried to avoid support from the Social Democrats (Ayaß 2005a, 40).

During the henceforth frequent debates on labor protection legislation, the military argument was repeatedly used to underline one's own opinion. Representative of the National Liberal Party, Friedrich Hammacher was himself owner of a mine and denied that the work there would be harmful to military service:

No, colleague Hirsch Sir,<sup>20</sup> if you claim that the employment of adolescents in coal mining in accordance with the Trade Regulation Code and the provisions of this Bundesrath has made our miners unnerved and unfit for military service, then you are posing an obvious falsehood. I can assure, with reference to the authority of public officials and based on my own experience, notably in the lower Rhine-Westphalian mining districts, that those employed in the mines were among the most qualified and strenuous recruits, and never have I heard a complaint that adolescent laborers working within the terms of the Trade Regulation Code have experienced any sort of harm to their physical development.<sup>21</sup>

By contrast, the delegate Reinhart Schmidt is an example of a businessman who supported labor regulations for children and adolescents in light of the population's dwindling military fitness<sup>22</sup>:

Those who do not recognize the necessity to further limit child labor, should consider the fact that the percentage of men unfit for military service is by far higher in industrial districts, where child labor is rampant, than elsewhere, and I am of the opinion that whoever wants to change this situation must first and foremost venture to eradicate child labor. If the Central Association of German Industrialists bears its customary nationalist coat for the promotion and safeguarding of national labor, then it can prove its patriotism in this regard.<sup>23</sup>

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<sup>20</sup> Hammacher referred to the remarks of Max Hirsch, a social-liberal deputy of the German Progress Party and co-founder of the Hirsch-Duncker trade unions: "Gentlemen, back in 1839, it was reported that it was chiefly and perhaps exclusively the consideration of military service conditions which prompted the Prussian Government to introduce such protective regulations, because it was found that the exploitation of the adolescent workers, their excessive and unsuitable working hours in those early years had weakened the body, and many could no longer perform military service. Gentlemen, that is still true today [...]."Minutes of the Reichstag, Vol. 66, 1881/82, 35. session, 26 January 1882, Berlin, 1882, 976.

<sup>21</sup> Minutes of the Reichstag, Vol. 66, 1881/82, 35th session, 26 January 1882, Berlin, 1882, 985.

<sup>22</sup> Schmidt was a member of parliament for the social-liberal German Free-Minded Party (*Deutsche Freisinnige Partei*) and owned a company for the production of envelopes in Elberfeld (Rhineland).

<sup>23</sup> Minutes of the Reichstag, Vol. 96, 1887, 38th session, 8 June 1887, Berlin, 1887, 784.

Even leading Social Democrats such as Karl Kautsky demanded improved labor protection for military reasons:

Formerly, the industrial workforce was only a fraction of the population. If the harmfulness of the work ruined the laborers mentally and physically, the working class could always be resupplied with farmer's blood. Today, this influx from the countryside is no longer enough to stop the degeneration of the industrial population. It has grown too much, it often makes up most of the population and the farmers' blood has started to lose its refreshing effect, since the rural industry became the object of capitalist exploitation and with it the seed of physical deterioration has now been planted among the peasantry as well. It is becoming ever more vital, in the interest of industrial efficiency and the military strength of the states, to establish such working and living conditions that the industrial working class can maintain its unbroken resilience without constant replenishment and, should it be necessary, can attain new resilience. (Kautsky 1890, 56-57)

Only in June 1887, after the premature dissolution of the Reichstag following its refusal to accept Bismarck's army bill ("*Heeresvorlage*"), a new amendment to the Trade Regulation Code was passed that included enhanced labor protection measures for mothers, women, and adolescents. Specifically, it banned women from working night shifts and on Sundays or holidays. Furthermore, in May 1888 a draft was introduced to prohibit work on Sundays in general (Ayaß 2005a, 48), it was however not enacted by the Bundesrat due to Bismarck's resistance (Ayaß 2002, 412-3).

The government adopted a new course in the field of labor protection when the German Emperor changed twice in 1888 and Bismarck resigned two years later. Wilhelm II assumed the patronage of the "German General Exhibition for the Prevention of Accidents," which took place in Berlin in 1889 and attracted the interest of a broader audience.<sup>24</sup> Based on the high accident rates in the industry an analogy between industrial workers and soldiers was drawn. The mass-circulation newspaper *Die Gartenlaube* wrote:

We are used to confronting bellicose victories with the achievements of peace: compared to the rough God of War, Peace appears to be a merry young boy, poets sing of him in songs and laud him with such allegories – fields, down-trodden by the hooves of horses, the dead and the wounded, burning villages, those are the ghastly emblems of the God of Slaughter, laughing meadows, delighted people surround the genius of Peace. We forget too easily that some peaceful conquests too can only be achieved with vicious fighting, that nations have lists of casualties for this line of work as well, that here too, the dead and the wounded lay forgotten in the city square. That is what the new 'German General Exhibition for Accident Prevention' reminds us all of and if you

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<sup>24</sup> In 1903, the "Permanent Exhibition for Workers' Welfare" was opened in Charlottenburg. Thus, a public learning center for accident prevention and hygiene at the workplace was created. In 1922, it was renamed "German Occupational Safety Museum" (*Deutsches Arbeitsschutz-Museum*), cf. Poser 1998, 95-138.

stand in the middle of the exhibition room and look at the statistical tables of the German accident insurance in 1887, you will find out that in this one year alone 17,102 people were killed or severely injured in professional associations and state-owned enterprises, that 7,083 widows and orphans lost their breadwinner and that around 115,579 more or less injured had to be recorded in the list of casualties of the large laboring army. (Falkenhorst 1889, 523-524)

In public opinion, one could now speak of an “awakening of a consciousness for social policy” (Wenck 1908, 140-146). Additionally, information exchange with more advanced countries in the area of labor protection increased, for example through the work of the “Verein für Socialpolitik” (Kott 2014, 51). While Germany was a social insurance pioneer, the highly industrialized country had fallen behind in issues of labor protection for adult workers. With Wilhelm II’s accession to the throne at the latest, public cries for change grew louder. The *Berliner Tageblatt* wrote on 8 May 1890:

The often-praised statutory insurance covering sickness, accidents and invalidity has achieved a lot of good things; it has, however, not proven to be thoroughgoing. How does the overwhelming mass of still healthy laborers benefit, if they are consoled in old age or illness, but they are not effectively protected against premature physical exhaustion and exploitation?<sup>25</sup>

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## 4. Labor Protection during the Wilhelmine Period until 1914

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### 4.1 The “New Course” and the Trade Regulation Code of 1891

Bismarck’s resignation paved the way for a “New Course” in social policy, which Emperor Wilhelm II announced with his “February decrees” in 1890. They held the promise of improved labor protection and social insurance and mediation between employers and their workers in the fight for better pay and working conditions (Berlepsch 1987, 28-29 and Born 1957, 7-20). The Monarch called on the Prussian State Council, an advisory board made up of 70 to 80 people, to develop a new approach in labor protection legislation (Schneider 1952). The negotiations in late February were attended by the respective Prussian ministers, state secretaries, representatives of the industry, scientists, and also three high-ranking military officials: Commander of the VIII army corps Walther von Loë, former head of the Kaiser’s Military Cabinet Emil von Albe-

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<sup>25</sup> *Berliner Tageblatt*, No. 229, morning edition, „Das Arbeiterschutzgesetz,” printed in: Ayaß 2005b, 64-66, here 64. The deputy Landolin Winterer (Alsace-Lorraine Protest Party) expressed himself in the Reichstag in the same way: “It is very desirable to provide for the invalid workers; but it is even more desirable to act so that these workers do not become invalids too early.” Cf. Minutes of the Reichstag, 1888/89, 25th session, 23 January 1889, 574.

dyll and Wilhelm von Blume, head of the Prussian War Ministry's General War Department (Berlepsch 1987, 149).

In light of Bismarck's longstanding blockade, the majority of attendees quickly agreed to implement extensive reforms including banning work on Sundays, forbidding children who are still obligated to attend school from being employed, and outlawing night shifts for women. Besides humanitarian and educational motives, military arguments also played an important role. Christoph von Tiedemann, President of the regional Government of Bromberg, supported the ban of child labor because, after all, "the previously determined figures for the years 1868 until 1873 [showed] how much lower the percentage of young men fit for military service was among the factory workers compared to the tradesmen, farmers and rural day laborers."<sup>26</sup> Wilhelm von Blume spoke on the part of the military and made his point insistently:

The principal element of compulsory military service is the physical, moral and intellectual strength of the population. Therefore, the military administration holds a special interest for the issues discussed here. I can only confirm Mr. Tiedemann's statements, the dwindling physical capability of the factory population cannot be doubted, it is thereby advisable to implement such regulations as should forbid the employment of children younger than 14 and limit that of 14- to 16-year olds so they can only work as much as their strength permits.<sup>27</sup>

Thus, the German military cannot be accused of a lack of interest in labor protection issues. In particular, when it came to the protection of minors, military arguments often went alongside the pedagogical and philanthropic approach (Thies 1993, 107).

Blume's position, however, should not hide the fact that other factions of Germany's military leadership were very skeptical when it came to social policy, which they claimed spoiled the workers and made them weak. Alfred von Waldersee, Chief of the Prussian German General Staff from 1888-1891, repeatedly warned of complying too much with social democracy's vision of welfare state measures (Born 1957, 135-139) and he was not alone in this. "Our social policy," well-known military writer and General Colmar von der Goltz wrote,

as much as it is legitimized by its humanity, makes it unnecessary for individuals, through its extensive institutions of compensation and insurance that even guard against self-inflicted harm, to cope with hardship on their own and bravely defy it. We cannot deny that it spoils characters. (von der Goltz 1913, 60 and Krethlow 2012, 385-386)

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<sup>26</sup> Minutes of the State Council meeting of February 26, 1890, printed in: Schneider 1952, 314-328, here 324.

<sup>27</sup> Minutes of the State Council meeting of February 26, 1890, printed in: Schneider 1952, 314-328, here 325-326.

Such opinions about the “new course” in social policy were not uncommon among the German army and stood in stark contrast to more progressive military officers, who, like Blume, expected that improved labor protection measures would generate a physically stronger population.

Despite this disagreement, Wilhelm II could feel vindicated by the State Council’s advice and instructed the Prussian Minister of Commerce Hans Hermann von Berlepsch to develop new labor protection legislation (Berlepsch 1987, 151). That the Kaiser was not looking for a solution to the “social question” but rather worried about the military usefulness of the young men, is further illustrated by a note in Alfred von Waldersee’s diary. As head of the general staff, he was very influential in the courtly sphere and vehemently supported repressive measures targeting social democracy. At the end of the State Council’s conference, the Emperor is said to have remarked:

Nobody should be led to believe that he [Wilhelm II] was hereby attempting to solve the problem of the ‘social question’ [...]; he simply wanted to make sure the young generation would grow up healthy, both physically and mentally. (Waldersee 1967, 107-109 and Röhl 2001, 300-303)

At the end of March 1890, a first draft was completed, which the Reichstag discussed intensely. Military considerations played a role once again. Countless supporters of improved labor protection legislation, no matter their party allegiance, repeatedly pointed to the fact that overly long work hours, night shifts, and child labor had negative effects on the health of workers and, in consequence, on the enlistment of new recruits.

Hermann Kropatschek, member of the German Conservative Party and deputy in the Reichstag, for example demanded a complete ban of child labor and criticized the general lack of progress in this field since the Regulative of 1839. Therefore, he argued, the term “adolescent workers” had to be defined more broadly to include all those up to the age of 18.

I will disregard the sanitary reasons, although there can be no doubt that an adolescent laborer’s skeleton and muscular system between the ages of 16 and 18 has to develop in ways made impossible by full employment; I am convinced that during the coming military recruitments this fact will be felt more and more.<sup>28</sup>

Heinrich Meister, a delegate of the Social Democrats, even concluded: “Where there are no strong, well nurtured and developed children, there can be no strong and healthy soldiers.”<sup>29</sup> The press, too, reported the negative effects industrial work had on the strength of the German army. An article in the *Berliner Volksblatt* read: “The industrialization of the people without social reform

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<sup>28</sup> Delegate Hermann Kropatschek, 8th parliamentary term, 1st session (1890/91), 10th sitting, 20 May 1890, 190.

<sup>29</sup> Delegate Heinrich Meister, 8th parliamentary term, 1st session (1890/91), 101st sitting, 16 April 1891, 2338.

as a protective shield will result in the state's inability to defend itself in times of war!"<sup>30</sup>

This concern that industrial labor could greatly harm the German "*Wehrkraft*" (military strength) (Hartmann 2010, 137-8), was not merely attributed to the effects of child labor. Some delegates in the Reichstag also saw the work of women as harmful. Even the Social Democrats used military arguments to pass improved labor protection legislation. Chairman of the SPD August Bebel for example stated insistently "that the healthy development of our nation rests first and foremost on the strength and health of our women, and that it is at risk by the overly demanding working conditions women are faced with in the factories." Every year the number of men unfit for military service would increase, he predicted, and "the degeneration of the nation will continue and the military defense's main sources of strength will forever dry up." He saw it as absolutely necessary that the legislator "provide the sufficient means early, so the nation's physical degenerateness can be met head on."<sup>31</sup>

Compared to the dangers a supposed degeneration of the German industrial population would cause, a different argument, which had proven so effective in the 1880s, took a back seat, without being completely ignored, however: Social policy as a means to generate loyalty towards the state and the armed forces. The SPD, which once again took the initiative, argued that a proper implementation of labor protection legislation could prove a useful and promising tool to reconcile the working class, the nation, and the army.<sup>32</sup> Social Democrat Karl Frohme additionally pointed out that workers were merely granted the right to "go to war and pay the state's blood tax" but not to live a dignified life.<sup>33</sup> Expanding labor protection legislation was for him a question of justice, which had its origin in the introduction of general conscription.

Ultimately, the parties in the Reichstag, except the Social Democrats who felt the legislation did not go far enough, passed the "Workers Protection Act" as an amendment to the Trade Regulation Code on 8 May 1891 (Berlepsch 1987, 159). From that point on, employees in specific industries were forbidden from working on Sundays or holidays. Women and children were banned from night shifts, the former were only allowed to work eleven hours a day. The

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<sup>30</sup> "Adolf Wagner and the Eight-Hour Day," in: Berliner Volksblatt no. 102, 4th May 1890, printed in: Quellensammlung zur Geschichte der deutschen Sozialpolitik, III department, 3rd volume, no. 15, here 51.

<sup>31</sup> Delegate August Bebel, 8th parliamentary term, 1st session (1890/91), 103rd sitting, 18 April 1891, 2419-20.

<sup>32</sup> Delegate Friedrich Schrader, 8th parliamentary term, 1st session (1890/91), 8th sitting, 17 May 1890, 128.

<sup>33</sup> Delegate Karl Frohme, 8th parliamentary term, 1st session (1890/91), 98th sitting, 14 April 1891, 2297. Frohme could rely on statements by Bismarck, who had also stressed, with regard to the introduction of social security, that the state should not only remember the workers when the recruitment of conscripts was on the agenda.

report outlining the legislators' motives stated that the nation's future was dependent on the health of the female sex.<sup>34</sup> Children under the age of 13 were forbidden to work at all; those between the ages of 13 and 14 were only allowed a maximum of six hours per day. Adolescents starting at the age of 16 could work up to ten hours a day. Furthermore, the law increased occupational safety by requiring employers to ensure safe working conditions (Born 1957, 98-101 and Syrup 1957, 91-102).

#### 4.2 The Debate on the German "*Wehrkraft*"

Despite the "new course's" social policy measures, the fear of a degeneration of the German people, and with it the armed forces, did not recede. Moreover, an intense discussion developed on whether the urban or the rural population was the backbone of Germany's military strength and if the ever-advancing industrialization and urbanization of the country were harming the recruits' capabilities. This military strength was subsequently often referred to as "*Wehrkraft*." The term was understood as "the sum of all strengths and means available to the state to defend itself against a hostile attack and to forcefully assert its rights and interests" (Blume 1913, 3). The debate on the "*Wehrkraft*" began with a paper published on 15 January 1891 by Hans Idel, who was influenced by Georg Hansen's work (Hansen 1889). In it, Igel wrote: "The rural population is three times as important for the nation's *Wehrkraft* as the urban population!" (Idel 1891, 135) The anonymous but highly influential paper "Moltke's Legacy" (1892) agreed with Igel's sentiment: At the moment, "the rural population's worth for the *Wehrkraft* is, compared to that of the industrialized cities', at a ratio of 1.1:0.31." Therefore, the countryside was worth "about three or four times as much to the nation's *Wehrkraft* than the city" – a plight, the paper went on, mainly brought about by industrialization (Anonymus 1892, 23).

This debate quickly gained in political importance. After all, "a state's *Wehrkraft* is the first condition for its survival, because all else is dependent on securing peace or the assertion of a state's existence," as the social-liberal politician and supporter of social reform Heinz Potthoff stated (1910, 262). Therefore, it was only natural, he concluded, "that all domestic and foreign policy issues are first and foremost evaluated on the basis of how they affect the people's *Wehrkraft*" (ibid.). Especially the German agriculture lobby saw potential in Idel's and the anonymous paper's arguments and used them to push for protective tariffs, an agriculture topic which remained important throughout the 1890s (Kuczynski 1905; Ferdinand 2005; Hartmann 2011a, 48-57). Countless authors agreed with Idel's views and consequently called for a limitation of

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<sup>34</sup> Draft concerning an amendment to the Trade Code, 6 May 1890, 8th parliamentary term, 1st session (1890/91), 1st appendix volume, attachment 4, 26.

rural migration and support for the agricultural sector. The political science professor and founding member of the “*Verein für Socialpolitik*” (German Economic Association) Lujo Brentano was the first to refute the argument: He stated that, judged by absolute numbers, the industrial population provided significantly more soldiers (Brentano and Kuczynski 1900; Kuczynski 1905; Brentano 1906).

A fierce debate ensued, quickly ending-up in turf battles. Brentano, along with his student Robert René Kuczynski (Kuczynski 1900, 112-3), were among the only ones to demand social policy measures for military reasons (Brentano 1900, 15, 19; Brentano 1901, 30; Brentano 1906, 54). In his eyes, it had been proven that such measures were useful in preserving the German “*Wehrkraft*.” He stated: “Even if military interests are not the key motivation to preserve the health of the people, they are the ones most likely to reach those in power, because the *Wehrkraft* of a nation is dependent upon its health” (Brentano 1906, 95). A few magazines and daily newspapers went as far as to call the industrial population fitter for service than the agricultural workers, crediting this to the positive influence of the labor protection laws (Kuczynski 1900, 65; Potthoff 1910, 268-70). Heinz Potthoff emphasized that social policies deserved the strongest possible support “in the interest of the *Wehrkraft*” (Potthoff 1910, 364). The debate even influenced the Reichstag, which, together with the Chancellor, instructed the Prussian Ministry of War to research the origin of its recruits more thoroughly in 1902.<sup>35</sup>

Representatives of the German military only sporadically participated in this debate (Hartmann 2011b, 44); those who did mostly sided with the agriculture lobby. Nevertheless, some military officials did call for an improvement of labor protection laws. Once again, Wilhelm von Blume, who had retired in 1896 but was still a popular military writer, demonstrated his open-mindedness for social policy issues. Although he also shared the view of the agriculture lobby in his publication “The Foundations of our *Wehrkraft*,”<sup>36</sup> his other statements were surprisingly progressive. He promoted better ventilation systems in factories and opposed night shifts, saying all persons are slaves of their need for sleep. In general, he supported “a proper balance between productivity and recreation” which he saw as “important for humans to flourish” (Blume 1899, 37). Blume was also concerned about child labor:

In the interest of the nation’s ability to defend itself, the assessment on how much time adolescents, who are still in the midst of their physical development, should spend working or resting must be done with special care. They have to be used to a working life, but not be overburdened and especially not

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<sup>35</sup> The surveys were entitled: „Ermittlungen über die Herkunft und die Beschäftigung der beim Heeres-Ergänzungsgeschäfte des Jahres 1902 zur Gestellung gelangten Militärpflichtigen,” Hartmann 2011b, 46.

<sup>36</sup> German original title: „*Die Grundlagen unserer Wehrkraft*.”

deprived of sleep. The employment of school-age children should be completely forbidden for ethical reasons and with regard to their physical well-being. (Blume 1899, 38)

Lastly, the retired General demanded that women's labor be restricted, partly for health-related reasons, partly out of paternalist, moral, and conservative ones. He concluded by pointing out that the German Reich had "devoted excellent care to protecting its working class against the harmful exploitation of its physical strength" and ended on a wish: "May those who are appointed to help fill the remaining gaps in our labor protection legislation keep watch over its implementation and not slacken! The country's Wehrkraft greatly benefits from it." (Blume 1899, 38) Blume's unusual study was largely well received. An anonymous critic in the *Militär-Wochenblatt* "highly recommended" the book and conveyed his "sincere gratitude for elaborating on a subject, which is not obvious to all soldiers" to the author (Wellmann 1907, 1535). Blume did not intend to rest on his laurels, but instead kept publishing papers and studies demanding further social policy measures for the sake of maintaining the German "*Wehrkraft*" (Blume 1906, 92-102; Blume 1913, 16, 30).

The retired Captain Georg Bindewald advocated for the agriculture lobby and, just like Blume, firmly believed rural recruits to be superior to those from urban districts. He also recommended the implementation of social policy measures to maintain the urban population's "*Wehrkraft*." Since there was no doubt in his mind that industrial work caused serious health damages, he saw it as essential to "provide the masses working in the city with the necessary protection. This has been achieved by the expansion of labor protection and will continue to be done in a comprehensive manner" (Bindewald 1901, 49). Bindewald was particularly concerned about the working conditions of women in general and those who had recently given birth in particular, because labor market participation would not only harm their own health, but also that of their unborn children. The respective regulations included in the 1891 bill were insufficient in his eyes:

If women who have recently given birth are on leave for four weeks and may only be employed in the following two weeks if they have a medical certificate, why not grant them time to rest before they give birth? Particularly for the descendants' sake this seems especially advisable. (ibid., 52)

Guided by his general rejection of female employment, he also proposed work time restrictions for all women. After advocating for public housing for military reasons, Bindewald concluded that an industrial worker strengthened by labor protection legislation would "come closer to attaining the rural laborer's physical and moral quality, thereby greatly benefitting the army and also the overall development of our German nation" (ibid., 56).

The debate was abating during the run-up to the First World War, when another prominent figure within the military establishment chimed in: Surgeon General Otto von Schjerning. In his "Medical Statistical Observations of the

People and the Army” (*Sanitätsstatistische Betrachtungen über Volk und Heer*”), he judged the fear of the population’s declining fitness for military service to be unsubstantiated but nevertheless welcomed a heightened interest in public health issues.<sup>37</sup> In light of Germany’s higher infant mortality rate compared to other European countries, the military physician called for greater efforts towards improving infant health with a view to increase both the number and the quality of military recruits (Schjerning 1910, 15-20). It is likely that Schjerning thereby summed up the official position of the Prussian army: There is no reason to panic about allegedly declining fit recruits; there is, however, potential leeway for improvements, which should be set in motion.

#### 4.3 The “Child Protection Act” and other Labor Protection Demands

Bindewald’s criticism regarding the amendment to the Trade Regulation Code of 1891 shows that the implemented regulations were not sufficient, and the public perceived this to be a problem. But whereas the retired Captain had focused on the protection of female workers, it was the topic of child labor which once again attracted more and more attention. The highest-ranking military physician of the Bavarian army, Anton von Vogl, reported on repeated complaints coming from the military’s medical examinations commissions. These were, he said, bemoaning the fact that adolescent laborers were used for tasks to which their bodies were not yet suited (Vogl 1905, 14). In fact, the existing laws only regulated child labor in the factories, while adolescents employed in agriculture or doing home-based work were entirely unprotected. A survey initiated by the German teachers on the extent of child labor outside of the industry revealed alarming findings and gave rise to further legislative measures (Thies 1993, 121; Boentert 2007, 276-351).

Although the debates in the Reichstag mainly centered on the impact of child labor on the German youth’s educational attainments (*“Schule statt Arbeit”* – “school not work”), the effects of child labor on the fitness of the recruits was also being discussed, similar to the debate in the run-up to the amendment of the Trade Regulation Code of 1891. Emanuel Wurm, a representative of the SPD, even referred to the military arguments that had led to the Prussian Regu-

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<sup>37</sup> “So far we have sought to show direct evidence from the available numbers of conscripts and the result of recruitment that the claim of a decline in the suitability of German compulsory military service is unfounded, and that the results of the enlistment in Germany do not give rise to cause for concern although some precautionary measures – measures to reduce infant mortality, promotion of school hygiene and personal hygiene in all, especially in secondary schools, and then care for physical exercise and sport in the right way for school-aged people – are required” (Schjerning 1910, 41).

lative of 1839.<sup>38</sup> At the same time, conservatives repeatedly insisted that employing children in agriculture would not harm the German “*Wehrkraft*” but would instead be beneficial to their health and physique.<sup>39</sup> Such statements fit neatly into the general “*Wehrkraft*”-debate.

The so-called “Child Protection Act” was enacted on 3 March 1903. From that point on, the protective regulations no longer exclusively applied to children working in factories, but included all other trades as well. However, agriculture and forestry were exempted, which was a central flaw of the legislation. This did not change until 1960. Another weakness of the law was that it distinguished between one’s own children and the children of others. While the provision protected other children from working too many hours, parents could still put their own children to work long days without having to fear penalties (Boentert 2007, 335-58).

Following the Child Protection Act, no significant labor protection laws that referred to all branches of trade were enacted up until 1914. The topic remained on the agenda, however. Especially Arthur von Posadowsky-Wehner, the state secretary of the interior, perpetually advocated for the further expansion of labor protection until his resignation in 1907. During a 1905 debate on the government’s budget and the introduction of a legal maximum of working hours, Posadowsky-Wehner pointed to the findings summarized in the survey on the origins of Germany’s recruits. For him, the evidence clearly illustrated the harm the industry was inflicting on people born in the city, as only 53.3 percent of them were declared fit for service whilst the numbers for those born in the countryside had been at 58.75 percent. Since the difference was not as great as expected, Posadowsky-Wehner concluded that “the measures we implement for the welfare and protection of factory workers also help to maintain and strengthen our urban population’s military abilities.”<sup>40</sup> The next day Otto Mugdan, a delegate of the social-liberal Free-minded People’s Party (“*Freisinnige Volkspartei*”), agreed wholeheartedly with the State Secretary’s sentiments. As the size of the industrial workforce was constantly increasing, he saw

no other option than an expansion of the social reforms, an improvement of the labor protection laws, for the simple reason that, should these not come to place, [...] our working population will be weakened and suffering, causing our nation’s *Wehrkraft* to be lesser than we all would wish it to be.<sup>41</sup>

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<sup>38</sup> Delegate Wurm, 10th parliamentary term, 2nd session (1900/03), 172nd sitting, 23 April 1902, 5006-7.

<sup>39</sup> Delegate Graf von Bernstorff and Delegate Gamp, 10th parliamentary term, 2nd session (1900/03), 173rd sitting, 24 April 1902, 5028, 5041-2.

<sup>40</sup> Posadowsky-Wehner, 11th parliamentary term, 1st session (1903/05), 153rd sitting, 2 March 1905, 4941.

<sup>41</sup> Delegate Dr. Mugdan, 11th parliamentary term, 1st session (1903/05), 154th sitting, 3 March 1905, 4959.

In March 1907, it was again Posadowsky-Wehner who, in the course of a budget debate, emphasized the significance of labor protection for the military. He rejected the notion that regulations protecting the life, health, and morality of workers were ideologically veiled and unrealistic. Knowing the Prussian Minister of War Karl von Einem to be on his side, the State Secretary quoted him on the floor:

Given the likely progressing industrialization of the nation and considering that we cannot expect a mass migration into the cities and a renewal of urban blood to the extent we have seen in the last decades, the government's measures to improve the living conditions of the industrial population, such as the improvement of health and living conditions, reduction of child mortality, advanced education of the youth, fight against alcohol abuse etc., grow more important for the replacement of our soldiers. I therefore would like to use this opportunity and humbly appeal to His Serene Highness to lend His benevolent interest to the matter of maintaining our Wehrkraft, when it comes to these social policy tasks, provided that they fall into His jurisdiction.<sup>42</sup>

A month later, Einem himself picked up on the issue again, saying that of course everything necessary was being done in the interest of the young recruits' health.<sup>43</sup> Apart from this statement, the Prussian Ministry of War and with it all the other military authorities refrained from demanding improved labor protection measures, earning them plenty of reproach from politicians. Although the Prussian Ministry of War made sure that the factory inspectors regularly informed it about the conditions in Prussian factories by sending their special reports,<sup>44</sup> it hardly ever acted upon them.

#### 4.4 The Mining Industry: A Special Case in Social Policy

In terms of welfare legislation, the mining industry was a special case. Coal was the most important source of energy and because Germany's war strategies relied on swiftly transporting troops by railway, the mining industry was especially militarily significant. This meant that the Prussian government was particularly sensitive to strikes in the coal and steel industry and therefore more obliging to meet social policy demands. "Overall, the Prussian welfare legislation pertaining to the mining industry was by far more advanced than the Reich's social policy," writes historian Karl Erich Born (Born 2001, 74; Kirchhoff 1958, 16, 40-4). That the special regulations for miners were also militarily motivated is corroborated by Wilhelm II's behavior during the 1889 miner's

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<sup>42</sup> Letter from Einem to Posadowsky-Wehner, quoted in: State Secretary Posadowsky-Wehner, 12th parliamentary term, 1st session (1907/09), 9th sitting, 4 March 1907, 216.

<sup>43</sup> Minister of War Einem, 12th parliamentary term, 1st session (1907/09), 37th sitting, 24 April 1907, 1083-4.

<sup>44</sup> Letter from the Prussian War Ministry to the Reich's Department of the Interior, 18 April 1905, BArch, R 1501/106462, Bl. 34.

strike in the Ruhr region, which came at a point in time when tensions between the Reich and Russia were running high (Kirchhoff 1958, 48-95). Contrary to Bismarck's advice, the German Emperor endorsed concessions and demanded that the "strike must be speedily brought to an end, because its consequences are far too threatening. If it immobilizes our fleet and makes railway operations impossible, a shortage of coal will strip us of our military capabilities."<sup>45</sup> To fend off the imminent "national calamity," Wilhelm II even endorsed wage increases (Kirchhoff 1958, 56). Bismarck did not share the Kaiser's concerns. In his memoirs, he portrays Wilhelm's statement as having been even more drastic:

If no coal is produced, our navy is defenseless, we are unable to mobilize the army if coal shortages prevent the build-up of troops by train, we are in such a precarious situation that he would immediately declare war, if he were Russia. (Bismarck 1932, 495; Hahn 1924, 48-52)

In consequence, an amendment to the Mining Act ("*Berggesetznovelle*") was enacted in 1892. It heightened state supervision in the mines so that employers could no longer easily bypass the labor protection provisions. It also made work regulations mandatory and limited the employers' right to impose contractual penalties (Kirchhoff 1958, 106-7).

In 1905, the miners in the Ruhr region were on strike once again. They demanded improved working conditions, just as they had done in 1889. Of the 224,000 employees, 195,000 were on strike. The German government was alarmed in light of growing international tensions. From a military perspective, coal production could not be allowed to come to a halt. A revolution had erupted in the Russian Tsarist Empire and the German army's leadership as well as the Kaiser were worried it might spill over into the Reich (Fricke 1955, 116). At the same time, Germany was in a dispute with France over the future of Morocco (Born 1957, 184-8; Grawe 2017, 121-206). In such a precarious situation, a strike could have disastrous consequences.

Even though the Prussian government had not intended to introduce an additional Mining Act, it had no choice in light of the military and economic situation of the country. Chancellor of the Reich Bernhard von Bülow had advocated for concessions early on and called the strike a national "calamity." When the strike continued well into January, the government of the Reich interfered in Prussia's state affairs. In a speech to the Reichstag, State Secretary Posadowsky-Wehner threatened to enact a National Mining Act, which would deprive the Prussian government of its jurisdiction in the field of mining.<sup>46</sup> The Mining Acts and the social conditions in the mines had become a matter of

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<sup>45</sup> Minutes of the state ministerial conference, 12 May 1889, BAArch, R 1501/115002, Bl. 38-43. See also Grebe 1938, 91-2.

<sup>46</sup> Speech by Posadowsky-Wehner, 11th parliamentary term, 1st session (1903/05), 131st sitting, 1 February 1905, 4198-9; see also Bueck (1905), 12-4.

national politics (Kirchhoff 1958, 148). Succumbing to the pressure, the Prussian minister of trade increased efforts to get a new Mining Act passed by the Prussian legislature.

The new Mining Act was adopted on 14 July 1905. Miners were now prohibited from working more than 8.5 hours if temperatures exceeded 22 degrees Celsius and a maximum of six hours at temperatures of more than 28 degrees. Furthermore, transporting personnel in mines was only allowed to take up to 30 minutes; longer durations would be deducted from the laborers' working hours. Further improvements were related to Worker's committees. For the first time, the occupational representation of the workers' interests was now prescribed by law (Kirchhoff 1958, 151-159). The Prussian government was an opponent of a maximum working day and merely considered implementing a "sanitary" maximum working day.

The social-liberal politician and witness of the strike Georg Gothein observed:

However, it saw itself forced to implement the latter, not only because of the many ill absentees but also because of the complaints from military authorities, who were worried about increasingly unfavorable recruitment figures and the degeneration of the local population. (Gothein 1905, 197)

The 1905 amendment to the Mining Act, which primarily resulted from military motives, was ultimately the peak of public social policy preceding 1914. "No other law before or after 1914 so thoroughly accommodated the wishes of the workers of a maximum working day, participation in wage determinations, the penal system and company welfare benefits" (Teuteberg 1961, 438).

Compared to other European states, the German Empire entered the First World War with a fairly progressive set of labor protection laws. Although workers and Social Democrats still felt that many provisions were inadequate, quite a few improvements had been made to protect male and female laborers from the dangers of their profession since Bismarck's resignation. Despite the fact that most of Germany's military leadership refrained from demanding stricter regulations, military motives and needs did play a significant role in their implementation. Rather than coming from the army or navy, the politicians were often the ones expressing their concerns about Germany's dwindling "*Wehrkraft*" and its ability to compete with other nations. Military considerations made up not the main reasons but nonetheless important ones for better labor standards, especially in the areas of child and female labor and mining.

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## 5. Labor Protection and Legislation during the First World War

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Opinions differ on the impact the First World War had on social policy. Some argue the war was “the great pacemaker of social policy” (Preller 1978, 85), others saw it mainly as the cause of destitution and death, enriched with “a sprinkle of social oil”<sup>47</sup> at best. Both assessments are correct, if one differentiates between the long-term effects and the short-term impact of war. What additionally muddies the waters is that during the war, not all fields of welfare developed consistently. Social rights in the field of labor protection were heavily restricted at the onset of the war, but the initiative of some military actors paved the way for an important change of course. The main reason for it was that the war had taken a completely different turn than most people had expected.

In the beginning, there was a general euphoria at the prospect of armed conflict. The unanimous passing of the emergency laws on 4 August 1914, which the Reichstag had agreed on without any need for discussion, can be seen as a direct product of this patriotic fervor that had taken the country by storm. One of these laws concerned the labor protection provisions for women, children, and adolescents: During the war, authorities were now able to grant exceptions from the existing labor protection laws.<sup>48</sup> This seemed to be tolerable as everyone was still counting on a short and victorious military campaign, after which labor unions were hoping for reforms in appreciation for their cooperation (Mai 1997). In practice however, firms used these exceptions upon request extensively.<sup>49</sup> The war and draft also reduced the number of factory inspectors by 40 percent (Zahn 1916, 22).

Ironically, improvements in working conditions were primarily triggered by a shortage of raw materials and were not the result of socio-policy initiatives.

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<sup>47</sup> For example, trade unionist and later minister of labor Alexander Schlicke (quoted from Feldman 1985, 282).

<sup>48</sup> Gesetz, betreffend Ausnahmen von Beschäftigungsbeschränkungen gewerblicher Arbeiter, RGBl 1914, 333-4.

<sup>49</sup> The deputy Alwin Brandes (SPD) noted in the Reichstag in early August 1916 that “the administrative authorities [...] have almost always approved such applications of firms.” Reichstag – 29. Sitzung, Freitag, den 14. Januar 1916, 629. (Minutes of the German Reichstag, 29th session, Friday, 14 January 1916, 629). Even Chancellor Georg Michaelis conceded in a letter from August 11, 1917 that “the repeated worries expressed in the Reichstag and the press concerning the deficient labor protection of female workers and juveniles are warranted, because the authorities of several districts granted far-reaching exemptions from labor protection regulations for female workers and juveniles to an extent that comes close to a suspension” (Anlage 3 zum Zweiten Teilbericht des 16. Ausschusses für Bevölkerungspolitik, betreffend Schutz für Mutter und Kind, Reichstag – Aktenstück 1087, Band 322, no 1087).

Examples include the ban on baking between 7 pm and 7 am,<sup>50</sup> the ban on painting houses, walls, and fences with white lead,<sup>51</sup> the provision passed on the 12 December 1916 regulating the opening hours of stores and restaurants,<sup>52</sup> and the restrictions on Sunday trading and on the working hours (1915) in spinning and weaving mills (Zahn 1916, 22).

There were also several advances in the tariff system (Sinzheimer 1920). Unexpectedly, the war did not erode existing wage agreements. Under pressure from the military, some militarily relevant branches of home-working even saw an expansion of the tariff system (Reidegeld 2006, 313-4). For example, in 1915 a national collective labor agreement for the industry, which was supplying the military, was settled and a decree from the Commander in Chief *in den Marken* made a wage agreement binding.<sup>53</sup> In the textile and heavy industries however, wage agreements were largely rejected, although by 1916 and again following a military initiative, arbitration boards had been set up across the country (Preller 1978, 38 and 72-3).

With the war ongoing and the allied naval blockade barring goods from reaching central Europe, supply problems increased dramatically in nearly all economic sectors. In 1916, dwindling food supplies, wages, and price increases caused the first strikes in the arms industry. These protests forced the authorities to make concrete concessions to the trade unions (Feldman 1985, 111-2). At the end of June 1916, the government complied with a longstanding demand of the labor movement and eliminated a legal passage which defined trade unions as political organizations<sup>54</sup> and de facto limited their officially guaranteed right of freedom of association.

The plans of the new Supreme Army Command ("*Oberste Heeresleitung*," OHL) under Paul von Hindenburg and Erich Ludendorff that had been installed at the end of August 1916 went in a different direction. Both men were now trying to win the war at any price and therefore launched the so-called Hindenburg Programme with a view to mobilize all possible resources for the ongoing war effort. Meanwhile, the widespread enlistment of the Reich's male population caused an immense shortage of labor, which would last until the end of the war.<sup>55</sup> The entire labor force's potential was to be fully concentrated on the

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<sup>50</sup> § 9 RGBI 1915, 8.

<sup>51</sup> RGBI 1915; 671.

<sup>52</sup> RGBI 1916, 1355.

<sup>53</sup> Specifically, any deviations from the wages set by the *Kriegsbekleidungsamt* were penalized (Zahn 1916, 24, FN 16).

<sup>54</sup> Gesetz zur Änderung des Vereinsgesetzes vom 19. April 1908 (RGL 1916, 635). Previously it was not allowed for workers under the age of 18 to join political associations (and therefore unions). An even greater obstacle against the full right of association was § 153 of the Trade Code (Schmidt 1915, 28).

<sup>55</sup> After a sudden increase in 1914, the unemployment rate returned to its pre-war level in spring 1915 (Zahn 1916, 218).

munitions industry, because adolescents, women, prisoners of war, and foreign workers no longer sufficed to reach the ambitious production goals the OHL had set. Only a few days after it took office, the OHL advocated for the reinstatement of work on Sundays.<sup>56</sup> The OHL also strongly rejected any efforts to revoke the labor protection exceptions enacted in 1914.<sup>57</sup> Apart from increasing the output of the munitions industry, these measures were also meant to mobilize additional soldiers for the frontline. To enforce these goals, the OHL proposed the introduction of compulsory labor (for women and men), measures for mobilizing additional soldiers,<sup>58</sup> and the creation of a military-controlled central authority for the management of the country's raw materials, workforce and food supply (Feldman 1985, 150-1). At first, the government was skeptical and not much inclined to realize these demands,<sup>59</sup> but later subscribed to some of the OHL's suggestions. In November 1916, the War Department ("*Kriegsamt*") under Lieutenant General Wilhelm Groener was established. Its task was to be a central coordination office for the acquisition of raw materials, weapons, and laborers. Groener was also the one who presented the "Law on the Patriotic Auxiliary Service" ("*Gesetz über den vaterländischen Hilfsdienst*," HDG)<sup>60</sup> in the Reichstag, which was adopted with a clear majority in early December 1916. It obligated every German man aged between 17 and 60 to work in military-related sectors, thereby limiting the workers' autonomy and occupational free movement. A change of employment had to be approved by the employer or, in the case of deferred conscripts, by the military authorities. Because of the change in public opinion and the devastating supply situation, the enforcement of such a rigid system of compulsory labor required concessions to the trade unions to secure the loyalty of the masses and peace on the home front. This clearly illustrates a quid-pro-quo logic: There was general conscription but "trade unions had no say in terms of working conditions" (Feldman 1985, 175). The military was also interested in averting strikes in the war economy. While the OHL mainly proposed repressive measures (but also fought for a sufficient food supply for the workers in the munitions industry), Bethmann Hollweg (Mai 1997, 98) and Groener (Feldman 1985, 177) were both convinced that the war could not be won without the trade unions' and

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<sup>56</sup> Letter of the Chief of the Army's General Staff to the Minister of War, 31 August, 1916, printed in: Ludendorff 1922, 64.

<sup>57</sup> Letter of the Chief of the Army's General Staff to the Reich Chancellor, 7 October, 1916, printed in: Ludendorff 1922, 77.

<sup>58</sup> In a letter to the Reich Chancellor from September 13, 1916, the OHL demanded, among other things, the mobilization of unfit conscripts suffering from curable diseases. For that purpose the OHL proposed health cures and demanded to "protect the urban youth from health-damaging influences. This measure at the same time enhances public health." See Ludendorff 1922, 66.

<sup>59</sup> In a letter to the Chief of the Army's General Staff from 30 September, 1916, Bethmann Hollweg strictly opposed a labor obligation for women. See Ludendorff 1922, 70-6.

<sup>60</sup> RGBl 1916, 1333.

laborers' support. After long and tough negotiations concerning the Auxiliary Service Act, the government caved in to some of the labor movement's demands: it established elected blue and white collar worker committees in military-related plants with 50 or more employees, as well as arbitration boards. If an employer denied an auxiliary's request for a job change, the case could be brought before an arbitration board, which was able to revoke the employer's decision if the employee could give an important reason for the plea. According to § 9 HDG, one such important reason was "a reasonable improvement of working conditions." Moreover, the age, family circumstances, place of residence, health, and previous employment of workers subject to auxiliary service should be considered. Finally, § 8 HDG stipulated to examine "whether the prospective salary is sufficient to guarantee a decent livelihood for the employee and his family." These concessions were a sort of "safety valve"<sup>61</sup> (Sinzheimer 1920, 37) and had a pacifying effect in the hinterland, because the Auxiliary Service Act marked the first time the state had officially recognized the trade unions. This is why the law is seen as "the war's most important social policy legislation" (Preller 1978, 41), a "turning point in Germany's social history" (Feldman 1985, 205) and as "an achievement of corporatism, and even a revolution of German social policy" (Herbert 2017, 146). The Prussian Minister of the Interior Friedrich Wilhelm von Loebell had already stated during the consultations of the draft that the Auxiliary Service Act was the first law in parliamentary history to "cause such far-reaching changes in the existing socio-political conditions [...]. It would be unthinkable to accept such a law during times of peace." Minister of State Karl Helfferich even went so far as to say: "Social democrats, Poles, Alsatians and labor secretaries made this law."<sup>62</sup> Many ministers in this session were convinced that the law would also leave its mark on the social order during peacetime. In fact, the Auxiliary Service Act not only paved the way for the labor movement's integration into the state, but also predetermined industrial relations and social legislation (especially the Works Councils' Act, "*Betriebsrätegesetz*") during the post-war period. However, the law ultimately failed to fulfil the Hindenburg Program's ambitious goals, and Hindenburg himself, ten months after the law's enactment, was quite disillusioned: "The law gave the workers considerable rights, but did not impose obligations."<sup>63</sup>

In light of the high losses and an ever-more disastrous supply situation caused by the long-lasting war, the military leadership began to show an in-

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<sup>61</sup> Groener also emphasized the "safety-valve" function of these bodies, see Feldman 1985, 180.

<sup>62</sup> Auszug aus dem Protokoll der Sitzung des preußischen Staatsministeriums, Beratung über das Ergebnis der zweiten Lesung des Hilfsdienstgesetzes im Reichstag, printed in: Deist 1970, 526-36, here 527, 531.

<sup>63</sup> Letter of the Chief of the Army's General Staff to the Reich Chancellor, 9 September, 1917, printed in: Ludendorff (1922, 91).

creased interest in demographic policy. Initially, Germany's war strategy relied on an aggressive, rapidly moving campaign. The so-called Schlieffen plan was meant to end the conflict quickly and was mostly derived from the experience of the Franco-Prussian War (Groener 1920). Soon, this notion turned out illusive. In fact, modern machinery and trench warfare lead to dramatic human casualties and the mass destruction of ordnance. Germany ran out of manpower in the course of the war as nearly 14 million, almost 85% of all men of military age (Herbert 2017, 136), had been drafted. In a letter addressed to the minister of war,<sup>64</sup> the OHL complained that the enemy seemed to have an "inexhaustible amount of human material" while "our human supply is limited." At the OHL's suggestion, the Surgeon General of the Army Otto von Schjerning compiled a memorandum on population policy,<sup>65</sup> which Ludendorff forwarded to the Chancellor of the Reich and Minister of War in September 1917. Von Schjerning had, as mentioned above, already published on this topic before the war (von Schjerning 1910). However, influenced by the experience of mass warfare, he drew rather different and, from a social policy perspective, extraordinary conclusions. In the beginning of the memorandum, Von Schjerning stated that the power and welfare of a nation depends on the size and strength of its population and conceded that only the war made the relevance of these factors clear. Subsequently he bemoaned the decline in birth rates, high infant mortality, and the large number of war casualties. He predicted that this would raise a serious problem, as demographic policy is an issue of international standing and power. Russia's population would continue to grow; while the situation in France should "teach us a serious lesson" (see Dörr 2020, in this issue). Therefore, he concluded, "the multiplication of our population should be the most important goal of peace as well as war efforts" (von Schjerning 1910, 218). Schjerning then promoted dozens of measures for the "restoration and improvement of the German people's strength and Wehrkraft" (ibid., 224), including measures to curb the spread of venereal diseases, abortions, and the dissemination of contraceptives. Social policy measures proposed included subsidies and cheap loans for household formation and improvements for working married couples (concerning hiring and promotion opportunities), but also regarding pensions. Furthermore, he advocated for tax reliefs for married couples and higher taxes for unmarried people. Schjerning warned about the disastrous housing situation in urban areas, saying it would lead to problems with public hygiene, child poverty, and high child mortality rates. He recommended an improvement of urban living conditions through town planning measures (constructing playgrounds, limiting the number of tenements in favor

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<sup>64</sup> Letter from 31 August 1916 (Ludendorff 1922, 63)

<sup>65</sup> „Denkschrift der Obersten Heeresleitung über die deutsche Volks- und Wehrkraft," BArch-Militärarchiv PH 3/446, 1-52. A slightly shortened version is printed in: Ludendorff (1922, 214-244). All page numbers refer to the latter version.

of small housing estates), but also approved of the distribution of land and taking over of settling territory (through war). Concerning labor protection, he supported extending the existing labor protection provisions in factories for adolescents to the age of 18 (ibid., 227). He additionally suggested enhanced protection for pregnant women and females in professions, which “require a man’s strength.” To combat the high child mortality rates, Schjerning advocated for improved infant nutrition and care, more “maternity establishments,” a midwifery law, and premiums for breastfeeding. Child protection measures included an expansion of nurseries and kindergartens (following the progressive principles of Johann Heinrich Pestalozzi and Friedrich Fröbel!), wide-scale medical examinations in schools, a stronger emphasis on sports lessons, and an improvement of the schools’ sanitary conditions. He suggested that children and ill persons should be offered milk, while higher taxes should be imposed on tobacco and alcohol to limit the adolescents’ consumption. Schjerning devoted many pages of his memorandum to measures reducing the financial burdens of families. These included a (private) maternity and parental insurance, tax reliefs for families which should increase progressively with the number of children, and school fee deductions for families with many children. This should be funded through higher taxes on childless adults and their bequeathments.

This military agenda corresponded with the Reichstag’s aspirations,<sup>66</sup> which were, however, ultimately unsuccessful due to lacking financial resources.<sup>67</sup> Instead, war propaganda in the last two years of the conflict was intensified. The Russian Revolution in 1917 and the 1918 January strike in Germany further escalated the situation. The October Revolution not only accelerated the radicalization of the labor movement, but also exemplified that workers’ rights could also be obtained by means of violence. Ludendorff (1922, 271) was aware that the “mood at the front and at home is interdependent” and developed guidelines for a patriotic education in the armed forces in early July 1917,<sup>68</sup> to strengthen the army’s fighting ability. While Ludendorff was concentrating on patriotic indoctrination, strengthening the people’s obedience to

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<sup>66</sup> Cf. the speeches delivered by H. Wolkenbuhr and A. Brandes (SPD) in the Reichstag who, in light of the war-related population losses, proposed a reform agenda in social policy (Reichstag – 29th session, January 14, 1916, 617-9, 629-31). The catholic social policy expert Franz Hitze (*Zentrum*) noted with regard to the decline in the birth rate: “We all agree: this is a question of the future of our German nation, our national existence, the preservation of our *Wehrkraft*, and also of our economic position in the world” (Reichsrat – 51th session, May 20, 1170). For concrete measures to improve labor protection motivated by population policy, see Zweiter Teilbericht des 16. Ausschusses für Bevölkerungspolitik, betreffend Schutz für Mutter und Kind (Reichstag – Aktenstück 1087).

<sup>67</sup> Already the OHL memorandum on population policy (Ludendorff 1922, 240) points to the necessity to enact a tax reform after the war.

<sup>68</sup> Guidelines for the patriotic instruction in the armed forces, printed in: Ludendorff (1922, 271-9).

authority, praising military victories, and conjuring up the dangers and consequences a defeat would entail, “especially for the German worker” (ibid., 272), several military authorities referred to the Reich’s social and educational policy achievements to generate mass loyalty and strengthen morale. For example, a 1917 decree of the Deputy General Command of the XIX. Army Corps reads:

General information about all the enacted welfare legislation is to be presented. The millions, which social insurance has so far paid and is still paying to the workers, are to be spoken of. It is especially important to emphasize that the Reich’s subsidies to social insurance are extraordinarily high. Here it has to be highlighted that Germany’s accomplishments for its workers are unparalleled in the world.<sup>69</sup>

This “patriotic instruction” was also meant to call attention to aristocratic Prussia’s great cultural achievements in education, arts and social welfare, which would have been impossible “with a political regime such as France’s, England’s or America’s” (Deist 1970, 874, Footnote 8).<sup>70</sup> To contain socialist agitation within the navy, Prince Heinrich of Prussia, the Emperor’s brother and Commander-in-Chief of the Baltic Fleet, suggested that older officers “instruct and enlighten” the crew. In doing so, Prince Heinrich asked that they touch upon the following subjects: “up-ward mobility from Germany’s lowest class is possible,” “continuous great care of Prussian Kings for the lower classes” and finally “welfare system and insurance (pension, accidents, disability).”<sup>71</sup>

This notion of a “social kingship” (Adler 1897, 13), which strongly informed early German social policy and was shared by Chancellor Bethmann Hollweg, did resonate with some factions of the labor movement. The trade unionist August Winning for example wrote

The homeland was no longer merely the three-class franchise system, the administration’s petty chicanery, the gruff constable, the ruthless businessman, the reactionary Junker, – it also grew to become the social insurance system, elementary school, the sanatorium, the wage agreement. (Winning 1917, 34)

For bourgeois social reformers, the social achievements of the Reich were even a reason for victory in the World War:

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<sup>69</sup> Excerpt of the guidelines for the patriotic instruction in the armed forces in the domain of the Deputy General Command of the XIX. Army Corps, December 15, 1917, printed in: Deist (1970, 889-94, here 892).

<sup>70</sup> For other references related to social policy see Deist (1970, 323-5, 345, 939).

<sup>71</sup> Order issued by the Commander-in-Chief of the Baltic Fleet to the commanders of the subordinated combat units. Measures against socialist agitation (September 4, 1917), printed in: Deist (1970, 1042-3). This document is interesting because General von Eichhorn already in 1907 relied with his “instructions in social policy matters” (“*sozialpolitischer Unterricht*”) on a similar approach to generate mass compliance. However, this instruction in social policy matters for officers was forbidden by an imperial decree in January 1910 (Höhn 1969, 287-93).

What lifts our field-grey soldier above the brave Muschik [meaning Russian soldiers] and the brave mercenary [British soldiers] is the marvelous feeling of social solidarity, which is built on the trinity of general conscription, compulsory education and social legislation, a complementary, comprehensive organization of the people, as it can be found nowhere else. (Potthoff 1915, 7)

The liberal social reformer Potthoff (1915) even stated, “with our general conscription [...] we have implemented the strongest aspect of socialism imaginable” (35). Economist Waldemar Zimmermann (1915) wrote: “German social policy is one of the factors, which has contributed to the gigantic and victorious mobilization of the German Nation just as much, as the general staff, the Reichsbank and the railway have” (11). In 1915, Friedrich Zahn, a statistician and an expert on social policy, ascribed the early victories of the German army to the preceding “social armament,” meaning the Germany’s social insurance (Zahn 1915, 98), while the president of the Imperial Insurance Department (*Reichsversicherungsamt*) even regarded “workers’ insurance a source of German readiness for war” (Kaufmann 1914). He additionally wrote:

Not for nothing did Germany, the toughest military power on earth, also led the way in terms of the achievements in peacetime. Not for nothing were the concepts of freedom of conscience, compulsory education and the state’s care for the economically weak first enshrined in legislation in the homeland of general conscription. [...] In this crucial time, the values we have created through our social care for the physical and mental health of the nation and its inner strength have become apparent. (Kaufmann 1915, 6)

The battle of Königgrätz was famously won by the German schoolmaster. Now, the German education and social policy are triumphing. (ibid., 20, see also Grawe, in this issue)

These writings are remarkable since social reformers and practitioners of welfare policy have now, in the context of industrialized mass warfare, begun to recognize the military value of social policy and have understood its part in “social armament.” Modern warfare is a people’s war (“*Volkskrieg*”), which “will ultimately be decided by the prowess, the physical and moral strength of the broader masses” (Zimmermann 1915, 7). The worker’s insurance, Zahn said, had for decades contributed to “recovering the health of the masses,” the “curing of the sick and wounded,” “combatting causes for illness, accident and disability,” and “educating the insured and their relatives on sanitary issues.” “Any workforce gained or maintained with these measures heightened our organic national capital and either directly or indirectly positively influenced our *Wehrkraft*” (Zahn 1915, 98). Additionally, Zimmermann argued, the welfare legislation improved the protection of “our young offspring, the people’s strongest source of *Wehrkraft*” (Zimmermann 1915, 18) and Zahn felt it had produced a “numerically strong army” (Zahn 1917, 75). In their mind, the welfare legislation did not only improve the people’s physical strength and *Wehrkraft*, but also the “psychological and moral quality” of the troops (Zahn 1915, 100) and the “political and legal rank in society” as well as the loyalty

“of the German worker” (Zimmermann 1915, 29). The resulting “greater bonds of all classes with the state” (ibid., 11) would increase the people’s willingness to fight:

The last generation of German workers has, through the blessings of national, municipal and cooperative social policy, discovered that also a worker can live a life worth living in the Reich [...] The German laborer, who enjoys the benefits of social policy, knows he has much to lose, when the black, white and red border posts are shattered. (ibid., 29)

For all of these reasons, social policy is “prophylactic welfare for the German people” and a “powerful aide in preparing the German people for war” (ibid., 16-7, 34). “We should be very grateful to our social policy for the physical and numerical, the psychological and moral quality of our Wehrkraft” (Zahn 1916, 6).

In the last years of the war, this point of view gained importance among the political and military elites and inspired the aforementioned military propaganda as well as the OHL’s pronatalist memorandum, which picks up just about all of Zahn’s (1916) proposals. However, no concrete measures were taken. In consequence, social policy evolved to finally become the “key problem” in 1918 (Preller 1978, 48). The government no longer had anything substantial to counteract this development. Implementing a “compensatory social policy” (Herbert 2017), which would have been necessary to stabilize the hinterland, required not only resources, which were lacking, but also political consensus. Groener, too, retrospectively speculated that perhaps a co-operation between the monarchy and the labor movement as well as social reforms might have been able to prevent the “collapse of the people’s physical strength,” but the “monarchy missed its chance” (Groener 19120, 63-4). Political concessions made to the labor movement therefore were of a more symbolic nature, but nevertheless had considerable long-term effects. At the end of May 1918, the § 153 of the Trade Regulation Code (RGI 1918, 423) was revoked, meaning the trade unions now had de facto the full right of association. Two further institutional changes are remarkable. Firstly, by highest order on the 4<sup>th</sup> of October 1918 (RGI 1918, 136), the German Emperor Wilhelm II established the National Labor Bureau (“*Reichsarbeitsamt*”), which pooled all social policy responsibilities of the National Economic Bureau (“*Reichswirtschaftsamt*”). It was assigned to a secretary of state (Gustav Bauer, SPD), who was directly subordinated to the new Chancellor of the Reich Max von Baden. This bureau was the predecessor of the *Reichsarbeitsministerium*, Germany’s very first ministry for social affairs, which was established in March 1919 and from this point onward was responsible for all issues pertaining to social policy. Secondly, in the context of demobilization planning and growing fears of a possible revolution (Paster 2014, 427-30), employers and trade unions moved closer together again. Only the danger of a revolutionary upheaval broke the heavy industry’s resistance and paved the way for the 1918 Stinnes-Legien Agree-

ment, which would come to permanently shape the industrial relations in Germany.

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## 6. Conclusion

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Lieutenant General von Horn's report on the state of the Landwehr marked the beginning of Germany's labor protection legislation. Despite this impulse originating in the military, military concerns did not play a decisive role in the lengthy legislative process leading up to the 1839 Prussian regulative. Apart from the additional provisions imposed on the work of children and adolescents in 1853, the era of Bismarck yielded no further progress in labor protection for three reasons. Firstly, labor protection legislation was strongly opposed by industrial and commercial interests which feared a competitive disadvantage for the German economy vis-à-vis Britain. Secondly, Otto von Bismarck, a determined opponent of any such legislation, was in an almost omnipotent political position from 1862 until 1890. And thirdly, the interest groups and political parties, who were interested in some sort of labor protection measures, could not agree on any joint initiatives.

Despite this policy stalemate, military motives for social reforms gained in importance over the course of time. The main causes for this development were the rapidly advancing industrialization and the resulting dramatic social upheaval. After Bismarck's dismissal, labor protection was expanded for, among other things, military reasons. However, concerns about the German Wehrkraft were mainly raised by politicians from all camps. The military itself, which traditionally abstained from an active role in domestic politics, did, at least most of the time, not participate in these debates. There were also very different opinions within the army, represented by the Generals von Blume on the one hand and Colmar von der Goltz on the other. Overall, up until the First World War, the military's general interest in social policy issues was fairly limited. Moreover, in light of the favorable demographic situation, pronatalist policies were considered of little importance. In the 19th century, the (Prussian) military was always more than capable of recruiting a sufficient number of soldiers, also because the wars of the 19th century were not yet fought on the basis of massive millions-strong armies. Soldiers, who were seen as unfit for military service due to work-related accidents, occupational diseases, physical degeneration, or having worked as children and adolescents, could easily be replaced because of high birth rates. Moreover, the military victories in the German Campaign of 1813-14 and the German Wars of Unification 1864-71 gave military actors no reason to press for social or population policies.

The First World War with its new conduct of warfare changed all this dramatically. The Schlieffen Plan's failure, the long-lasting industrialized war of the masses with its millions-strong armies and heavy losses, and the totalization

of warfare with its devastating effects on the economy and civil society not only illustrated the military relevance of social policy, but eventually created enormous needs for social protection. The staggering losses generated by the horrors of war and the now also in Germany perceivable process of demographic transition put a pronatalist population policy on the political agenda. The military became an important player in domestic policy and it was military actors who pushed social policy reforms to stabilize the home front. It contributed to the trade unions' recognition through the Auxiliary Service Act and the implementation of wage agreements in some sectors. However, all of these efforts were purely militarily motivated and most of all served the purpose of maintaining the warfare machinery. Despite this, the "military social policy" (Abelshausen 1987, 15) enacted during the Great War was decisive in laying the institutional foundations for the expansion of the welfare state in the Weimar Republic.

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# Historical Social Research

## Historische Sozialforschung

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