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in Imperial Germany**



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Voter, Junker, *Landrat*, Priest: The Old Authorities and the New Franchise in Imperial Germany

MARGARET LAVINIA ANDERSON

Precisely in epochs of revolutionary crisis, people anxiously conjure up the spirits of the past to their service and borrow from them names, battle slogans and costumes in order to present the new scene of world history in this time-honored disguise and this borrowed language . . . The beginner who has learnt a new language always translates it back into his mother tongue.

Karl Marx, *The Eighteenth Brumaire of Louis Bonaparte* (1852).

Das Junkertum kann sein Testament machen.

Görlitzer Anzeiger, April 4, 1871,
on the consequences of the new election law.

ON A COLD DAY IN MARCH 1871, THE NEW GERMAN EMPIRE held its first elections based on direct, equal, manhood suffrage—the most progressive franchise in Europe. Although some of the citizens of the short-lived North German Confederation had made use of such a franchise three years earlier, for many Germans this was their first experience with the democratic suffrage. Far more than Disraeli's Reform Bill of 1867, which left approximately two-thirds of the male population of Britain without the vote, Bismarck's revolutionary new franchise was a "leap in the dark." What would happen was anyone's guess.¹

Manhood suffrage in Germany was only one of a concatenation of dramatic European events that, in the words of one observer, shook "the bases of human society . . . to their core." Within the previous five years, two great powers had been brought to their knees, the throne of Hanover and the thousand-year-old Papal State had fallen, a revolutionary Paris commune had (however briefly) seized power, and two new nation-states had been born.² In Germany, the novelty of the franchise contributed to the heightened sense of revolutionary possibilities, acting as a solvent on inherited political assumptions. Attitudes and actions

My thanks to Professors Thomas A. Brady, Jr., James J. Sheehan, and the *AHR*'s anonymous readers for their helpful comments on this essay.

¹ The two-thirds figure is from D. E. Butler and James Cornford, "United Kingdom," in Stein Rokkan and Jean Meyriat, eds., *International Guide to Electoral Statistics*, vol. 1: *National Elections in Western Europe* (The Hague, 1969), 333.

² *Stenographische Berichte über die Verhandlungen des . . . Deutschen Reichstages* (hereafter, *SBDR*), April 22, 1871: 328. The *Görlitzer Anzeiger*, Nr. 1, January 1, 1871, led with a survey of the revolutionary events of the preceding year.



Bavaria: "One more election, and we won't even be able to see the Lord God anymore." (The stickers say "Vote Center.") From *Simplicissimus*, 15, no. 37 (December 11, 1911). Artist: Wilhelm Schultz.

Germans might previously have considered inappropriate (or not considered at all) now appeared imperative. The political culture of Germany may have been more fluid in the late 1860s and early 1870s than at any other time until the upheavals of 1918—perhaps even until 1945.³

³ I have earlier argued for such a fundamental break in continuity for the Catholic population (36 percent), whose voting patterns were realigned in the 1870s in a bloc that held until March 1933.

Although historians have long noted the anomaly of a democratic franchise in a legendarily authoritarian political system, only recently have they attempted to analyze the meaning of democratic elections for German political culture. A more typical strategy has been to suggest that the intimidation of voters on the one hand and their manipulation on the other undermined whatever challenges manhood suffrage might have posed to existing attitudes and structures of authority.⁴ Yet the fact remains that large numbers of Germans took the trouble to go to the polls. Beginning with a respectable turnout of 51 percent in 1871 (a remarkably high figure, considering the number of men still on active military duty because of the French war and thus barred from voting), the German public's commitment to the franchise did not decline but rather grew over time.⁵ By the decade before the war, participation averaged over 80 percent, similar to nineteenth-century American turnouts outside the South and, by U.S. standards today, phenomenal.⁶

During the last decade, the drive to examine politics from below has resulted in an avalanche of valuable contributions to party history, as well as case studies of towns, election districts, and regions, often powerfully influenced by modernization theory, communications theory, and quantitative methods.⁷ But the more

Margaret Lavinia Anderson, *Windthorst: A Political Biography* (Oxford, 1981), 192–98; and “The Kulturkampf and the Course of German History,” *Central European History*, 19 (March 1986): 82–115. Recently, based on a much larger sample and a trajectory extending from the mid-1860s to the 1980s, Karl Rohe has reached the same conclusion. Karl Rohe, *Wahlen und Wählertraditionen in Deutschland* (Frankfurt, 1992).

⁴ The emphasis on intimidation appears frequently in contemporary reporting by oppositional parties. “Manipulation” is associated with the “Bielefeld school” of Hans-Ulrich Wehler and colleagues such as Hans-Jürgen Puhle, work that was especially prominent in the 1970s. Although the starkness of their picture has been attacked, the revisionists themselves sometimes resort to similar concepts. David Blackbourn considers “demagogy” a distinct “mode of politics on the German right before 1914,” especially in “The Politics of Demagogy,” *Populists and Patricians: Essays in Modern German History* (London, 1987), 217–45, esp. 218. One of the first sustained evaluations of the manipulation thesis as applied to voting behavior was Karl Rohe’s “Konfession, Klasse und lokale Gesellschaft als Bestimmungsfaktoren des Wahlverhaltens: Überlegungen und Problematisierungen am Beispiel des historischen Ruhrgebiets,” in Lothar Albertin and Werner Link, eds., *Politische Parteien auf dem Weg zur parlamentarischen Demokratie in Deutschland: Entwicklungslinien bis zur Gegenwart* (Düsseldorf, 1981), 109–26. The 1978 Habilitationsschrift of the political scientist Peter Steinbach, part of which has appeared as *Die Zählung des politischen Massenmarktes: Wahlen und Wahlkämpfe im Bismarckreich im Spiegel der Hauptstadt- und Gesinnungsprese*, 3 vols. (Passau, 1990), also subjects the manipulation argument (in spite of a title that evokes it) to criticism based on a combination of communications theory, press analysis, and good sense.

⁵ Stanley Suval, *Electoral Politics in Wilhelmine Germany* (Chapel Hill, N.C., 1985), takes high voter turnouts (particularly during the decade before 1914) as his starting point and is informed by broad reading in American electoral history. It is an admirable exception to stereotypic views of German political behavior.

⁶ William E. Gienapp, “‘Politics Seem to Enter into Everything’: Political Culture in the North, 1840–1860,” in Stephen E. Maizlish and John J. Kushma, eds., *Essays on American Antebellum Politics, 1840–1860* (Arlington, Tex., 1982), 14–69, is a good introduction to these issues.

⁷ To list the literature of the last two decades relevant to electoral politics would overwhelm this article. Longitudinal studies of particular districts have been appearing regularly since the 1950s. A useful early summary was Klaus Müller, “Das Rheinland als Gegenstand der historischen Wahlsoziologie,” *Annalen des historischen Vereins für den Niederrhein*, 167 (1965): 124–42. A critical review of recent social-scientific developments is Jost Dülffer, “Historische Wahlforschung,” *Neue Politische Literatur*, 2 (1988): 432–40, which concludes that “simple correlations between election results and social or confessional data at high levels of aggregation do not tell us all that much, or what they are made to tell us is, on account of the alleged objectivity of figures, frequently overestimated”; p. 432.

anthropological aspects of elections, the “inside” as well as the “outside” of the story, including the meanings Germans invested in the act of voting, have not received comparable attention. The following essay will neglect the intricate middle level of analysis that would include discussions of the different parties, issues, regions, and individual election campaigns—on which there is already a vast literature. It will look instead at the quotidian experience of voting itself. Although I shall refer to trajectories of political development over the whole course of the German empire (1871–1914), I shall concentrate on the decades of the 1870s and 1880s. There we shall see how universal suffrage, while not changing the structure of power or composition of elites, set in motion a revolution in social attitudes that shook the deference that had governed German social relations for centuries. Let us begin by looking briefly at imperial Germany’s first election, as experienced in three precincts.

THE SUMMONS TO ALL GERMAN MEN TO PARTICIPATE in the new political nation by voting for a Reichstag (parliament) was met with characteristically German attention to duty. In the little town of Liebenswalde, near Potsdam, the commanding officer passed out Conservative ballots to his men and marched them to the polls. In Einbeck, in the former kingdom of Hanover, a constable stationed himself in front of the polling place and confiscated all those ballots that named the legitimist (Guelf) candidate. Shortly thereafter, however, he returned and handed the ballots back, explaining that he had just learned from his superior officer that this was a free election.⁸

In Oberhaid, a Bavarian village near Bamberg, the new legalities also ran up against old certainties. Royal Pastor Keck was disturbed to learn from his parishioners that outsiders—forest wardens, commons keepers, town criers, and postmen—had been coming into the village to campaign on behalf of one Herr Dr. Schmitt, the Liberal candidate. As Pastor Keck told it, he had always been “fundamentally opposed to every kind of election agitation.” But, under the circumstances, he considered it “his duty to suggest to his parish, in a suitable fashion,” the candidate put up by the Patriots—the Bavarian affiliate of the (Catholic) Center Party. Not wanting to proceed on his own, however, the priest sought to coordinate his efforts with Mayor Fösl and the mayor’s deputy, Innkeeper Wagner. But here Keck ran up against unexpected difficulties. The innkeeper, while declaring that “it was all the same to him, et cetera,” allowed as how the Liberal candidate was a pretty solid fellow. The mayor temporized. Since he had been summoned to appear at the county seat the next day in any case, to

A more schematic (and sympathetic) survey, which puts various German schools in the context of French electoral history, is Peter Steinbach’s “Reichstag Elections in the Kaiserreich: The Prospects for Electoral Research in the Interdisciplinary Context,” in Larry Eugene Jones and James N. Retallack, eds., *Elections, Mass Politics, and Social Change in Modern Germany: New Perspectives* (Washington, D.C., 1992), 119–46. Rohe’s *Wahlen und Wählertraditionen in Deutschland* with sixty pages of tables and twenty of bibliography, probably represents the current state of the art.

⁸ SBDR, March 24, March 28, 1871: 11–12, 25.

receive instructions about how to conduct the election, he promised to find out then for whom the village was supposed to vote.⁹

Thwarted in his attempt to produce a united front, the priest determined to take matters into his own hands after all. Election day was also the feast of St. Kunigunde, and at eight in the morning, the entire village, including mayor and innkeeper, assembled for Mass. After the sermon and prayer for the king, Pastor Keck reminded his congregation of the importance of this election and, adopting “a conversational tone”—as the pastor himself described it—he bade them assemble afterward in front of the school, where he would suggest to them “the person who had his confidence” (*Vertrauensmann*). He hoped they would give him this sign of their trust, since he could vouch for his having, during his nine years with the community, given them only good advice. The mayor, who had already begun to distribute Liberal ballots, fumed.

The school was also the polling place. As Pastor Keck, followed by his flock, strode over with the Patriot Party’s election proclamation in hand, Mayor Fösl hurried up to him and asked him to step inside; he wanted a word with him. When the priest demurred, the mayor warned him that political discussions in the polling place were illegal. That more was at stake in Oberhaid than simply the choice of a Reichstag deputy became clear when Fösl shouted out that Keck “had cast suspicion on him in church” by claiming to have always given good advice. That, protested the mayor, no slouch at decoding a subtext, “sounded as if *I* had been giving bad advice!”¹⁰

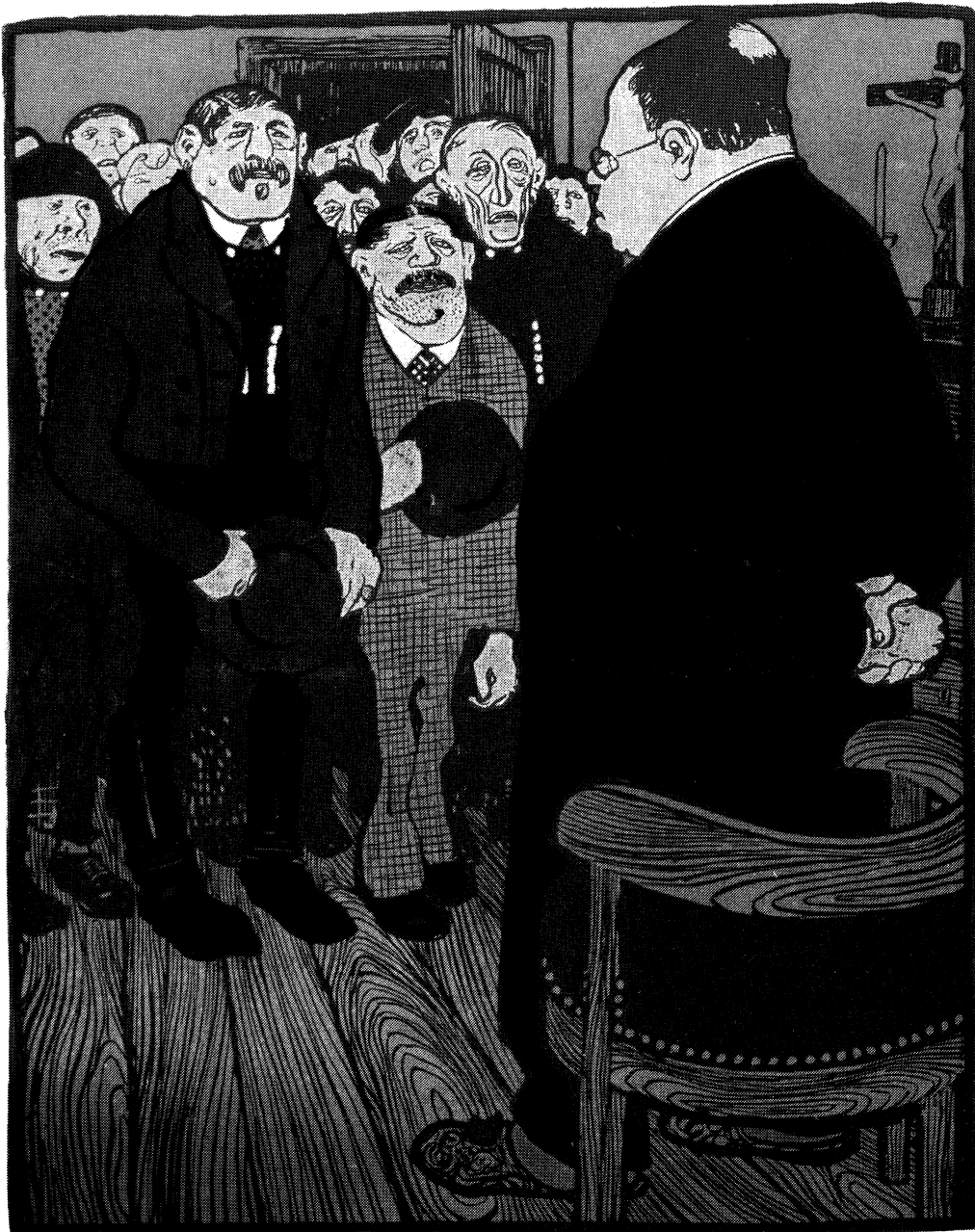
The quarrel quickly became a brawl. The indignant villagers sided with their pastor, forcing the humiliated Fösl, shielded by his daughter (who seems to have had some words of her own with the priest) to retreat into his house. The priest, after remarking on the arrogance of the young lady (“*Naseweisheit*” was his word) and the low cultural level of her father, distributed two hundred ballots for the Patriot Party. The election result, a 125 to 23 victory for the Patriot candidate, Keck considered a “beautiful” vindication of his conduct. But the mayor, who had given a speech and distributed ballots on behalf of the Liberal candidate, lodged a protest with the Reichstag, charging that clerical influence had tainted the election.

ALTHOUGH THE NEW DEMOCRATIC ELECTION LAW had changed the definition of the political nation and summoned all adult males to the polls, no one accustomed to having a say in Germany—not the garrison commander near Potsdam, not the constable in Hanoverian Einbeck, and certainly not the worthies in Bavarian Oberhaid—seemed to expect that the choice of Reichstag deputies would actually be made by the citizens themselves.

Who *would* make that choice and on what basis? A restricted franchise and open balloting, like that of Britain’s, implied that each vote was in some sense a public trust, for which each voter could and should be held accountable by the

⁹ Report of Abteilung (hereafter, Abt.) V, April 3, 1871, SBDR, Anlagen I, Aktenstück Nr. 27: 80–83; SBDR, April 17, 1871: 228–43; quote on 238.

¹⁰ I have changed the third person in Fösl’s recorded testimony to the first.



Agitation: "Dear confessants, I am far from wanting to influence your vote. But I have to tell you this: anyone voting Farmer's League loses his eternal salvation!" From *Simplicissimus*, 3, no. 12 (1898–99): 96. Artist: Bruno Paul.

community.¹¹ Universal suffrage and secret balloting, by contrast, implied at least a potential separation of the individual's interests from those of the state or community and a personal responsibility for political choice. But the contretemps

¹¹ Norman Gash, *Politics in the Age of Peel: A Study in the Technique of Parliamentary Representation, 1830–1850* (New York, 1953).

in these three little towns indicates how very foreign such a conception was to those used to having authority. Perhaps Innkeeper Wagner, who had ventured to praise the Liberal contender as a solid fellow, was expressing a personal preference for a candidate or party or issue, but, if so, he was careful to step back from any suggestion that his choice might be political. We cannot assume even a personal preference in the campaigning of his two neighbors. In the end, Mayor Fösl distributed Liberal ballots; but if he was a man of Liberal inclinations, this preference was unknown to the pastor, who had expected agreement on the Patriots' nominee when he first approached him. Mayor Fösl's own remarks suggest that he saw his village as on the receiving end of instructions from above and his own role as a conveyor of the wishes of the Bavarian state (*Obrigkeit*).

And Pastor Keck, interrogated as a result of the mayor's protest, took indignant pride in denying that he had any personal interest in the election or, indeed, in politics whatsoever. In the past, he had been the delegate of several villages to the electoral college that chose the deputies to the Bavarian state diet, and we may take him at his word that he had been elected without any campaigning on his part, in fact, without even voting himself. In Keck's own view, his repeated, unsolicited selection to represent his villagers in these important decisions was itself proof of his personal—and thus political—disinterest.¹²

Whose interest then did Pastor Keck think he represented, if not his own? The term the priest used to characterize the Patriot candidate to his congregation—his “*Vertrauensmann*”—is revealing. Literally, the word means “the man who has my confidence.” But the meaning most immediate to his listeners would have been the figurative one: “my deputy.” It is clear that Keck believed in his own, broadly representative function in Oberhaid: a function implicit in his dual appointment by both church and crown (he always insisted on his full title, *Royal Pastor Keck*) but based also on his long association with the community as pastor, confirmed by their repeated selection of him as their delegate to elect the district's deputy to the Bavarian diet, and ratified—so he now argued—by the community having voted overwhelmingly for his candidate over the mayor's. Both Keck's behavior (including his mistaken assumption that he would find agreement from the village's other two leaders) and his subsequent testimony reveal his assurance that his intervention in the Oberhaid election was legitimate precisely because he was not offering his individual, private opinion. That would have been “election agitation”—intolerable and illegitimate.

Here are assumptions that had been widespread in Germany for a long time: the implicit pejorative connotation of “agitation” and its association with factional—that is, selfish—interests and the conviction that such interests were contrary to the obligation of a community leader—pastor, civil servant, man of respect—to

¹² The system of indirect balloting in state elections, by obscuring the connection between voter decision and the ultimate party-political composition of the legislature, no doubt muffled the role of “party” on the village level; Bismarck believed, however, that it enhanced the effectiveness of partisan politicking on the outcome of the final election: Bismarck's Memoranda to the Prussian Staatsministerium, December 23, 1864, and May 23, 1866. Bundesarchiv Potsdam (hereafter cited as BA Potsdam), Reichskanzlei Nr. 685, 11–12v, 13–16v, 17–19. Compare Klaus Erich Pollmann, *Parlamentarismus im Norddeutschen Bund, 1867–1870* (Düsseldorf, 1985), 70.

represent the *commonweal*.¹³ Pastor Keck took it for granted that the community was one. He assumed that it expected him to articulate its own interests and convictions. It was not only Germany's civil servants (*Beamtentum*), as Hegel represented them, who laid claims to being the universal class.

Whether the commonweal meant the state, the church, or the village, however, was not a question someone like Royal Pastor Keck could have asked at this point, as these were "wholes" that were themselves not strictly differentiated in the minds of many Germans in 1871. (Keck seems to have been genuinely unaware of his implicitly oppositional stance, although the last two, very heated elections to the Bavarian diet in 1869 had put the Patriot Party in direct conflict with the Bavarian government.) One of the first consequences of the new democratic elections in 1871 was the beginning of the process of differentiation, a process not without explosive possibilities, as the brawl in front of the Oberhaid schoolhouse shows.

But the priest and the mayor, for all their personal rivalry, shared the same view of their political responsibilities, and their view was very different from that implied in the new election law. Although constitutional scholars insisted that voting was not the "right" of an individual but a "responsible public office entrusted to him by the whole,"¹⁴ direct, secret balloting did imply that one's central political decision was indeed a private, individual one. This was a revolutionary assumption. To ground the commonweal on the decisions of individuals, to displace such a highly important public matter as the choice of a national parliament onto the private sphere, implicitly reversed the values traditionally ascribed to public and private activity and, consequently, reversed what was legitimate political influence and what was not. Yet it should not surprise us that the officials and worthies of Oberhaid—like the commander in Liebenwalde and the constable in Einbeck—missed these novel implications and tried instead to fit the new forms into the old categories of their own previous experience. How could it have been otherwise?

Imperial Germany had no Hatch Act restricting the electioneering of government officials. Only Bismarck—briefly—wanted to remove public officials from political life.¹⁵ Instead, time and time again, political spokesmen, both in the government and in the Reichstag, insisted that holders of public office had the same right to agitate for their views as anyone else. But, they were compelled to add, it was their individual, private opinions only that these men were, in this New Dispensation, allowed to express.¹⁶ The election in Oberhaid was thrown out.

¹³ Compare James J. Sheehan, *German Liberalism in the Nineteenth Century* (Chicago, 1978), 17, 104–05, 150–51, 235.

¹⁴ Ernst-Rudolf Huber, *Deutsche Verfassungsgeschichte seit 1789* (Stuttgart, 1963–), 3: 864. The public aspect of the franchise was argued by theorists as different as Paul Laband, Georg Jellinek, and Julius Hatschek. See Hatschek, *Kommentar zum Wahlgesetz und zur Wahlordnung im deutschen Kaiserreich* (Berlin, 1920, completed in 1914), 184–85.

¹⁵ The debate over this issue was much more vehement than the debate over the franchise itself, as Georg von Below noted, *Das parlamentarische Wahlrecht in Deutschland* (Berlin, 1909), 2.

¹⁶ See the letter of the Regierungs-President of Lublinitz, von Biebahn, to the County Office (*Landratsamt*), Report of Abt. III, November 8, 1871, SBDR, Anlagen II, Aktenstück Nr. 63: 144.

GERMANY'S ELITES—the mayor, the *Landrat*, the Junker, the priest—never thought to allow a plebeian electorate to usurp their traditional roles. Subsequent elections produced even more open attempts at influence by local worthies and more overt interference on the part of government officials than in 1871, a development that some attributed to the spread of “Prussian” conditions. A paternalistic employer might lead his workers to the polls, with music playing. More confrontational ones, such as the directors of the Georg-Marien Hütte and the Osnabrück steelworks in the Fourth Hanoverian district in 1874, posted notices demanding that workers assemble at the plant on election morning and then forced them to listen to speeches warning against opposition voting. Ballots were of course given out in front of the polls. In the Ninth Hanoverian, factory owners simply ordered their staff to vote for their candidate and fired them when they did not.¹⁷ “Things happen in these elections that one would not believe possible in this century and in Germany!” exclaimed one shocked deputy in 1874. Attempts to influence and intimidate the electorate did not diminish over the years. Brett Fairbairn reports that between 1893 and 1898, one in thirty victories was nullified for electoral misconduct.¹⁸ After the 1912 elections, the validity of the outcomes in nearly a quarter of the districts was challenged. Twelve victories were thrown out immediately, and, when war broke out two years later, twenty-eight seats, including those of such luminaries as Ernst Bassermann and Friedrich Naumann, were still under investigation.¹⁹

By all appearances, it should not have been difficult for the German elites to control elections. Contrary to the assumptions in much of the literature, the integrity of the imperial election system was not protected by the secrecy prescribed in the election law.²⁰ “By far the majority of the voters are convinced,” a deputy noted, “that the chairman of the election board . . . in one way or another perceives or learns to whom [they] are giving their votes.”²¹ Little was done in subsequent years to change that conviction. In Hoyerswerda, in the westernmost corner of Lower Silesia, the chairman took the ballot from Stap the plowman, held it up to the light and called out, “This one’s all right!” (*Es stimmt!*) before putting it in the voting urn. When Grösche, the gardener’s son, arrived, another election official, Estate Owner Douglas, took away his ballot, saying, “I just know *that’s* not going to be right” (*Weis’ einmal, der ist nicht richtig*) and thrust

¹⁷ Report of Abt. III, March 25, 1874, SBDR, Anlagen I, Aktenstück Nr. 118: 397–99; SBDR, April 10, 1874: 706–12.

¹⁸ Quote from SBDR, April 10, 1874: 708. Excellent studies of government influence include Hans Fenske, “Der Landrat als Wahlmacher: Eine Fallstudie zu den Reichstagswahlen von 1881,” *Die Verwaltung*, 4 (1979): 433–56; Brett Fairbairn, “Authority and Democracy: Prussian Officials in the German Elections of 1898 and 1903,” *Historical Journal*, 33 (1990): 811–38, statistic on 816.

¹⁹ “Reichstagschluss und Wahl-Prüfungen,” *Berliner Neueste Nachrichten*, May 23, 1914; and untitled articles in the *Vossische Zeitung*, May 13, 1914, and the *Staatsbürger Zeitung*, May 14, 1918, Nr. 112, all in BA Potsdam, Reichsamt des Innern 14653/1, unfoliert. Jürgen Bertram, *Die Wahlen zum Deutschen Reichstag vom Jahre 1912* (Düsseldorf, 1964), 129–38, reports widespread government attempts to influence elections.

²⁰ See, for example, Steinbach, *Zählung*, 1: 33. Suval (*Electoral Politics*, 41–42) and Fairbairn (“Authority and Democracy”), in registering but then discounting election misconduct, may simply be regarding the glass that I consider half empty as half full.

²¹ SBDR, 1869: 199, cited by Pollmann, *Parlamentarismus*, 326, n. 91.

one naming a Conservative in his hand instead.²² In small communities, a man's political position might be known to his neighbors before he even took up a ballot. This was true in the very first election, as shown by the cry in one Upper Bavarian polling place—"And here comes another Pachmayr!" (the Liberal candidate)—when timber dealer Martin Peer walked in the door. That was all it took to make the abashed Peer turn around and go home without voting.²³

Because ballots were not printed centrally but by the candidates themselves, it was always possible to use a slightly different weight of paper, a slightly creamier shade of white, or to put some distinguishing mark on the outside of the ballot as a means of monitoring the votes. In Conzell in 1874, voters who presented ballots for the Liberal candidate were told by the chairman of the election board, "We can't use that ballot," and (pointing to the pastor, hovering in the back of the room) "go on over there to his Reverence and fetch another."²⁴ During the hotly contested race in the Ruhr mining town of Bochum in 1881, Center Party workers stayed up the night before the election, cutting the edges off their candidate's ballots so they would resemble the miniature ones the mine owners were distributing.²⁵ Envelopes to conceal the ballots from prying eyes were finally introduced in 1903, but many complained that these actually made the situation worse. Before, a wary voter could hope that his own ballot paper might get lost among the others tossed in the "urn." The standardized, bulky envelopes encouraged any election chairman worth his salt to use as an "urn" a receptacle, such as a cigar box, small enough to hold them tightly in place. At the end of the polling, the ballots would still be in the order in which they were cast. It was then child's play to correlate the sequence of ballots with the sequence of voters.²⁶ Year after year, on through 1912, violations of secrecy were both charged and proved.²⁷

Even when the ballot was not violated, secrecy was often impossible. Employers found ways to assert political authority over their own workers, even when they could not always change the outcome of the elections. Employers in the Emsland, knowing from experience that they could not defeat the popular Center Party incumbent, Ludwig Windthorst, in the most Catholic district in Germany, hit upon the ploy in 1890 of allowing him to run unopposed—and then required their men to request time off individually if they wanted to vote.²⁸ And when

²² Report of Abt. VI, March 9, 1874, SBDR, Anlagen I, Aktenstück Nr. 61: 238.

²³ Report of Abt. V, April 20, 1871, SBDR, Anlagen II, Aktenstück Nr. 38: 97–99.

²⁴ SBDR, April 11, 1874: 716. Violations were as frequent in Protestant areas (for example, Report of Abt. II, March 19, 1874, SBDR, Anlagen I, Aktenstück Nr. 101: 314–16; SBDR, January 7, 1875: 873); and there was plenty of monitoring by the Left. See Report of Abt. IV, April 5, 1871, SBDR, Anlagen I, Aktenstück Nr. 30: 87.

²⁵ Julius Bachem: *Stenographische Berichte über die Verhandlungen des preussischen Hauses der Abgeordneten*, March 3, 1882: 627.

²⁶ See, for example, the Königsberg scholar, Richard Siegfried, "Die verschweigene Wahlurne," in *George Hirths Annalen des Deutschen Reichs* (Jahrgang 1906): 735–60; also Suval, *Electoral Politics*, 48–50.

²⁷ See the many examples cited in Guido Leser, "Untersuchungen über das Wahlprüfungsrecht des deutschen Reichstags: Zugleich ein Beitrag zur Frage, Parlamentarische oder richterliche Legitimationsprüfung?" (Dissertation, Heidelberg, 1908), 93 n. 2; Justizrat Dr. Johannes Junck to Geheimrat Jungheim, September 21, 1912, BA Potsdam, Reichstag 3346, Bl. 297–98v.

²⁸ H. Ramme [Kamme?] to Forst- und Domäneninspektor Rudolf Clauditz, February 20, 1890, Niedersächsische Staatsarchiv, Osnabrück, Dep 62b, 2379. I am indebted to Dr. Joseph Hamacher of Haselünne in Germany for lending me these documents.

entire mining villages in Hanover's Hameln-Springe that same year unanimously returned the Social Democratic candidate, how could the mining director not know how each man had voted?²⁹

CONSIDERING THE SLENDER CHANCES FOR SECRECY, and especially considering all that has been written since about the effectiveness of Germany's authoritarian institutions, the anti-government results of imperial elections should come as something of a surprise.³⁰ The share of seats belonging to those parties whose victory the government actively promoted began with a modest 57 percent in 1871, a figure that is even less impressive when one remembers that the polling took place the very day after peace was signed in a hugely successful war: that is, after twenty-four hours of euphoric bell ringing, hymn singing, and torch-light parades.³¹ The pro-government share sank more or less continuously to a dismal 25 percent in the thirteenth general election in 1912, the last before World War I.³² Of the three districts mentioned at the beginning of this essay, Oberhaid in Bavaria never returned a candidate favored by the government, Einbeck in Hanover veered back and forth between governmental and oppositional candidates until 1912 and then returned a Social Democrat, and the Potsdam district was a Socialist bastion for the last six elections before the war.

So the historian is faced with a puzzle. How were the old authorities forced to make room for new voices? How in the bureaucratic *Obrigkeitsstaat*—a state based on authority and hierarchy—did the opposition, or oppositions, succeed in expressing choices so at odds with the powers that be? One answer, of course, is urbanization. What neither Bismarck nor his cronies General Albrecht von Roon and Count Friedrich zu Eulenberg had figured into their calculations in 1867 when they made their wager on democracy was that Germany was about to experience a sudden explosive growth of cities.³³ In the decade between 1880 and 1890, the numbers of German cities with populations over 100,000 increased from fifteen to twenty-six. Supported by the anonymity of the new megalopolis—this argument might run—voters escaped both the meshes of deference and the terrors of officials and employers. Town air makes free. Such cities were simply too large for traditional authorities to control.³⁴

There is much plausibility in this argument. Support for oppositional parties

²⁹ Report of the Commission on Election Scrutiny, June 21, 1890, SBDR, Anlagen I, Aktenstück Nr. 95: 638–42; SBDR, December 3, 1890: 760–66. Otto Hue recounts vividly the “election terrorism” (*Wahlterrorismus*) exercised by mine owners in *Die Bergarbeiter: Historische Darstellung der Bergarbeiter-Verhältnisse von der ältesten bis in die neueste Zeit*, 2 vols. (Stuttgart, 1910–13), 1: 247–48.

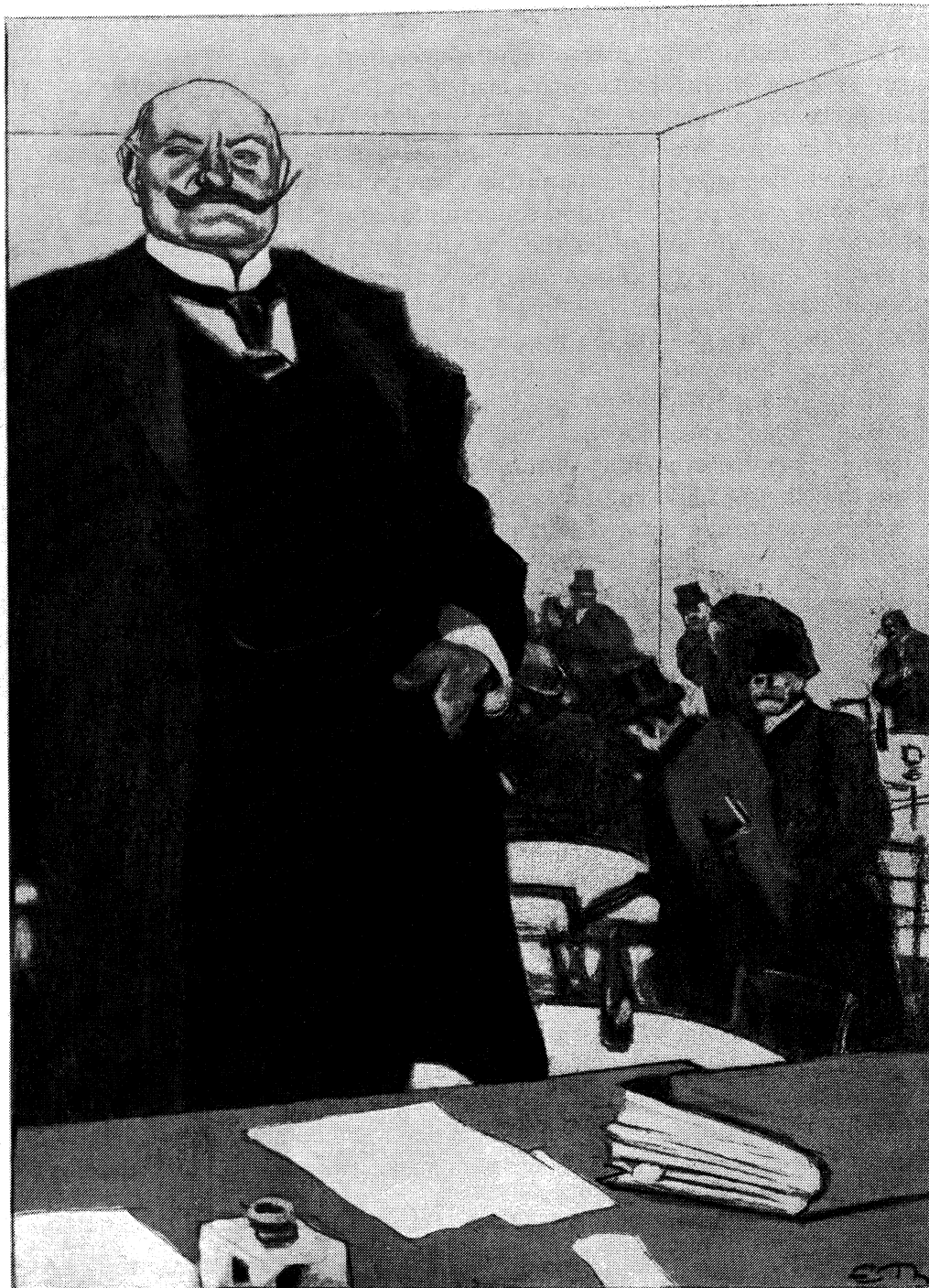
³⁰ Institutionalized authoritarianism is prominent in Hans-Ulrich Wehler's widely used textbook, *The German Empire, 1871–1918* (*Das Deutsche Kaiserreich*, Göttingen, 1973), New York, 1985).

³¹ Numerous notices of local celebrations appear in the *Görlitzer Anzeiger* and the *Hallische Zeitung*, March 3, 4, 5, 1871.

³² These are round figures for seats; the pro-government vote is even lower.

³³ For Bismarck's motives, see Ernst Richard Augst, *Bismarcks Stellung zum parlamentarischen Wahlrecht bis 1871* (Leipzig, 1917); and, more recently, Theodore Hamerow, “The Origins of Mass Politics in Germany 1866–67,” in Imanuel Geiss and Bernd Jürgen Wendt, eds., *Deutschland in der Weltpolitik des 19. und 20. Jahrhunderts: Fritz Fischer zum 65. Geburtstag* (Düsseldorf, 1973): 105–20; and Pollmann, *Parlamentarismus*, 68–79.

³⁴ Steinbach makes a similar argument in *Zähmung*, 1: 35.



The Result: "So, gentlemen, the people have spoken—now it's His Majesty's turn to speak for another five years." From *Simplicissimus*, 16, no. 2 (1911-12): 736. Artist: Eduard Thöny.

correlates positively with the size of cities. Yet urbanization cannot be the whole story. Most Reichstag deputies were not elected by the big cities. A metropolis was in any case not where most Germans made their home. In 1890, after two decades of unprecedented demographic growth, nearly 60 percent of Germany's citizens still lived in towns and villages of fewer than two thousand residents. As late as 1905, after the empire's total population had passed the sixty million mark, well over half of these people lived in communities under five thousand.³⁵ But more important than any statistic is the fact that large urban electorates do not of themselves disable a government determined to control voting; mockeries of free elections were common in New York City in the Gilded Age and, indeed, in many cities today. The urbanization argument contains an unexpressed—and rarely acknowledged—premise: there was a certain level of interference beyond which German authorities would not go. Wholesale destruction of ballots was beyond the pale; violence against voters was inconceivable. That the authorities were unwilling to embark on either of these courses is itself an important observation about the elites of imperial Germany.

Another, more complicated solution to the puzzle of oppositional voting in an authoritarian society has been found in the growth of large, national political parties. Eventually, such parties developed a power locally that might rival the authority of a Junker, mayor, *Landrat*, or priest. The best-known example here is the Social Democratic Party, about which there is a wealth of literature. But Socialist party identity was built up and legitimated by a web of nonpolitical social relationships, which took time to evolve.³⁶ Moreover, to cite the legitimacy of parties as rival authorities to notables and officials as an explanation for the successful expression of political opposition begs the question being raised here, for party development itself presupposes an openness in the system that is precisely what needs to be discovered.

Consequently, in what follows I shall examine not the party development of the future—the 1880s and beyond—nor indeed any of Germany's new developments and arrangements. Rather, I will look at those features of the traditional order, already within German culture, that provided the early handholds, the rough crevices in the smooth system of authority, which allowed some groups of voters as early as the 1870s to gain a purchase on the wall of *Obrigkeit*. Two such handholds were rules and religion. The election in Oberhaid showed how local authorities—Mayor Fösl and Royal Pastor Keck—responded to a new institution with old expectations, based on traditional deferential politics. We shall now look at some of the new voices that succeeded in making themselves heard by using old habits, assumptions, and attitudes.

GERMANS TALK ABOUT A “Rechtssinn,” a “sense of justice,” but I wish to call attention to the more specific—and for that reason perhaps more powerful—“Gesetzssinn,”

³⁵ *Statistisches Jahrbuch für das Deutsche Reich* (Berlin, 1893), 1; *ibid.* (Berlin, 1908), 6.

³⁶ Brilliantly described by Paul Göhre, *Drei Monate Fabrikarbeiter und Handwerksbursche* (Leipzig, 1891); in English as *Three Months in a Workshop: A Practical Study*, A. B. Carr, trans. (London, 1895), 97, 104, 106–07, 193–94.

a sense that written laws (at least their letter) and regulations should be obeyed. This aspect of German political culture goes back very far. Winfried Schulze has noted a tradition of the "judicialization of social conflict" in the eighteenth century, even at the village level, as a peculiarly German phenomenon.³⁷

If there were such a "Gesetzsin" in electoral politics, we would expect to see it first of all in the behavior of officials. And we do, as early as the election of 1871. In the town of Moers near Düsseldorf, for example, an alert police officer, Rohkoch, noticed that the chairman of the election board, van Laak, was late for the start of the elections, thus depriving the board of the legally stipulated quorum. He immediately filed a charge against Chairman van Laak with Mayor van Laak. Unfortunately, Chairman van Laak and Mayor van Laak were one and the same. No matter. Officer Rohkoch knew where authority, and hence where duty, lay.³⁸ It lay not in persons but in the rules themselves. Officer Rohkoch's civic courage was not a function of any liberal self-assurance in his rights as a citizen but a function of his faith in authority: the authority of the written regulation and the authority of his own job to enforce it.

Such a faith in written rules manifested itself in a number of other ways. For example, although the Reichstag, when deliberating on the new voting regulations, decided that the public interest required that civil servants not be allowed to sit on local election boards, the deputies continued to entrust state officials with the countywide tallying of returns. Their anxiety about civil servants was clearly limited to the danger of improper "influence" on the voters.³⁹ That the government might also influence an election by a dishonest count, demonstrated by contemporary practice in Italy and Spain (and as late as the May 1989 municipal elections in the German Democratic Republic), was evidently inconceivable.

The conviction that rules must be obeyed, something often cited as a fatal weakness in the German political character, making Germany vulnerable to authoritarianism, could have unexpected subversive consequences.⁴⁰ The law required, for instance, that the election codes be put on display in each polling place. Voters studied these documents carefully in order to find ways to counteract the intimidating authority, both tacit and overt, of officials, notables, and "bread lords." Because it cost nothing in Germany for a citizen to lodge an election protest, many did. Unlike Britain, where such challenges were a private legal matter and, even after reforms in 1868, cost the plaintiff a minimum of £1,000, in Germany the Reichstag itself, upon receiving a petition that established

³⁷ Winfried Schulze, "Peasant Resistance and Politicization in Eighteenth-Century Germany," paper delivered at the American Historical Association annual meeting, December 1987; and Schulze, *Bäuerliche Widerstand und feudale Herrschaft in der frühen Neuzeit* (Stuttgart-Bad Cannstatt, 1980), 141.

³⁸ Report of Abteilung VI on the Seventh Düsseldorf (Moers-Rees) election district, SBDR, Anlagen II, Aktenstück Nr. 10: 16; SBDR, March 31, 1871: 77.

³⁹ Hatschek, *Kommentar*, 170-79.

⁴⁰ Reinhart Koselleck has demonstrated this *Paradox des Gesetzwerkes*, the ability of the written law to subvert the claims of the traditional social order that (some would say) it is supposed to protect, for an earlier period in "Staat und Gesellschaft in Preussen 1815-1848," in Werner Conze, ed., *Staat und Gesellschaft im deutschen Vormärz 1815-1848* (Stuttgart, 1970), 79-112; and especially in Reinhart Koselleck, *Preussen zwischen Reform und Revolution: Allgemeines Landrecht, Verwaltung und soziale Bewegung von 1791 bis 1848* (Stuttgart, 1967).

a prima facie case of malfeasance, could require the state to conduct an investigation.⁴¹ Then it would review the evidence and make a decision.

At first, these plebeian challengers framed their election protests too loosely, without names and dates, and found them almost invariably dismissed for insufficient evidence. But they quickly learned from their mistakes. Moreover, they took great advantage of Paragraph 9 of the election law, which provided that election proceedings be open to the public. Catholic priests were the first to stand guard at polling sites, ready to protect their interests by reporting the first infraction or sign of improper influence.⁴² By 1874, in the Saxon city of Crimmitschau and in Berlin, Socialist partisans were taking up these positions as well. Polish Party members in Thorn set up a relay system, and whenever one of their own number left the polling place, another sat down to monitor the election in his stead.

Such efforts did not always meet with success. In the Neumünster precinct in Berlin, the election board chased away Socialist poll-watchers with fire hoses. In Thorn, the election officials summoned constables to throw Polish Party activists out, and they eventually shut the polls down before many voters had the opportunity to cast their ballots. On the flimsiest of excuses, both Polish and Socialist poll-watchers might be jailed for weeks.⁴³

Those with something to lose tried to interpret the offending Paragraph 9 about public elections as narrowly as possible, in hopes of driving these unwelcome sentries away. They insisted that the word "public" should apply only to eligible voters. When that did not end the surveillance, they tried to restrict "the public" to the more vulnerable local voters, arguing that only those actually empowered to vote in that particular precinct should be admitted inside its polling place: an obvious effort to exclude less dependent outsiders.⁴⁴ Although it took decades for the "public" to be defined as broadly as oppositional forces demanded, by the early 1890s, both the Reichstag and the courts had begun consistently to rule in their favor.⁴⁵ In 1892, these decisions were made universal through a ministerial decree.⁴⁶ Eventually, election officials were denied the authority to demand that someone desiring entry prove first that he was an eligible voter, a German citizen, or even an adult. Rather, the burden of proof was

⁴¹ For Britain, Gash, *Politics in the Age of Peel*, 113, 133–34; William B. Gwyn, *Democracy and the Cost of Politics in Britain* (London, 1962), 83–92; Cornelius O'Leary, *The Elimination of Corrupt Practices in British Elections, 1868–1911* (Oxford, 1962), esp. 47.

⁴² Report of Abt. V, April 20, 1871, SBDR, Anlagen II, Aktenstück Nr. 38: 94–95, 98–99.

⁴³ Testimony of Otto Reimer, Lassallean, and Dr. Anton von Donimirski, Polish Party: SBDR, April 10, 1874: 696, 710.

⁴⁴ Reimer: SBDR, April 10, 1874: 697.

⁴⁵ Strafsenat des Königlichen Kammergerichts zu Berlin, November 3, 1890, BA Potsdam, Reichstag Nr. 3343, Bl. 176–80v; SBDR, March 18, 1892: 4841; SBDR, 1890–92, Anlagen, Aktenstücke Nrs. 169, 184, and 707; SBDR, 1894, Anlagen, Aktenstück Nr. 217: 1147; SBDR, May 1, 1900: 5174; Hatschek, *Kommentar*, 172.

⁴⁶ Ministerial Erlass of July 18, 1892, cited as a warning in *Die Ungültigkeit von Reichstagsmandaten und deren Verhütung: Rathgeber bei der Abhaltung von Wahl-Versammlungen und Wahlen für den Reichstag*, published by the Wahlverein der Deutschen Conservativen für seine Mitglieder (Berlin, n.d. [1897]), 28. Enforcement can be traced in Memorandum of June 13, 1892, and in Hanic (of the Interior Ministry) to the Imperial Chancellor, July 11, 1892, BA Potsdam, Reichsamt des Innern, Nr. 14668, Bl. 11, 14.

put on the official to show why that person should not be admitted.⁴⁷ By the time of the Weimar Republic, “party checkers” were even given officially designated space in polling places, a sign not just of the legitimacy but of the hegemony of “party” in German political life.⁴⁸

The efficacy of policing the polls did not depend on the Reichstag throwing out an election result upon every credible charge of impropriety. In most cases, for reasons both technical and political, it allowed elections to stand. The deputies’ response to misconduct was often what can only be called philosophical; as one member put it, if they overturned every election in which there were problems, there would be no deputies in parliament.⁴⁹ The Reichstag was always loath to invalidate an election when the influence charged was exercised privately, which protected most employers. The deputies were tougher with Catholic priests and civil servants. But, in any given instance, their ruling was unpredictable, as one high imperial official, at the end of a sixty-four-page analysis of more than ten years of Reichstag scrutinies, concluded despairingly.⁵⁰ Yet, regardless of the outcome of the challenge, the mere presence of oppositional poll-watchers gave courage to citizens of their own persuasion. It also established a system of counter pressures on the voter that was often the mirror image of the pressures traditionally exerted from “above.”

Critics deplored this development as “election terrorism” (*Wahlterrorismus*).⁵¹ Terrorism of a sort it may have been; but, in the gentler nineteenth century, terror was induced by a combination of moral authority, social conformity, and, in later decades, the threat of boycott.⁵² At worst, the silent surveillance of partisan monitors set limits on blatant intimidation and prevented local election officials from rigging the count. At best, with two powerful forces forming the gauntlet as he walked up to the election urn, the German voter gained some space for himself. Thus the election rules themselves, but particularly the legitimacy traditionally accorded to rules, ultimately even by those in authority, provided a mechanism by which the edifice of official and notable control over elections could be, and was, subverted.

Of course, those German authorities, high and low, who felt that the security of

⁴⁷ SBDR, June 13, 1890: 319; SBDR, 1890, Anlagen, Aktenstück Nr. 286: 2. Bundesrat amendments to the election code in 1903 that would have prohibited voters from hovering around the polling place after they had voted never passed the Reichstag: “Entwurf einer Bekanntmachung betreffend Abänderung des Wahlreglements vom 28. Mai 1870,” *Reichstags-Wahlrecht, Wahlverfahren, Wahlprüfungen: Zusammenstellung der sämtlichen gesetzlichen Bestimmungen hierüber, nebst den Grundsätzen der Wahlprüfungskommission betreffs der Gültigkeit und Ungültigkeit von Wahlen u.A.m.* (Berlin, 1903).

⁴⁸ The purpose of Weimar party representatives was not to ensure honesty but to make lists of delinquent voters, who could then be fetched. In England, poll-watchers were forced to stand outside. James Kerr Pollock, *German Election Administration* (New York, 1934), 34.

⁴⁹ SBDR, April 11, 1874: 718; see also Edward Banks, SBDR, April 10, 1874: 691.

⁵⁰ Report by Regierungsrat Heinrich von Poschinger, February 1879, BA Potsdam, Reichsamt des Innern, Nr. 14450.

⁵¹ Wilhelm Löwe-Calbe: SBDR, April 11, 1874: 718; Göhre, *Drei Monate Fabrikarbeiter*. Social Democratic “terrorism” led some conservatives to support a secret ballot for Prussian state elections. Below, *Das parlamentarische Wahlrecht*, 155, 156 n. 129, 167; D. [Delbrück], “Preussische Wahlreform,” *Preussische Jahrbücher*, 130, Heft 1 (Oktober bis Dezember 1907): 188–91, esp. 191; Pollmann, *Parlamentarismus*, 85, n. 96, 171, n. 110.

⁵² Charges against Social Democrats by the Left Liberals appeared in the *Frankfurter Zeitung* 1908, Nr. 174. Underlying Suval’s argument that Wilhelmine elections were basically free is a very positive view of “affirming communities” that tends to wink at community pressures against dissent.

the country rested in their hands, studied the rules as well. Such was the case with Herr Drewelow, chairman of the election board in a precinct in Marienwerder, bustling to inform his *Landrat*, the Prussian state's chief officer in the county, "on oath" that he had deliberately failed to set out the list of voters in his precinct the week preceding the election, as the law required, "so that, if necessary, the election could be declared invalid." Because the election in Drewelow's district had just been won by the very unwelcome Polish Party, the conscientious Drewelow clearly expected congratulations for his careful dereliction of duty.⁵³

Chicanery like this was never lacking. A lengthy survey of election practices by the Reichstag's Standing Committee on Election Oversight at the close of the century revealed that the manner and frequency of election misconduct had not changed significantly since the introduction of democratic suffrage.⁵⁴ But the stipulation that the Reichstag itself validate every election and review every alleged infraction provided an invaluable forum, both for the articulation of oppositional interpretations and eventually for their prevalence. Gradually, a body of case law developed that expanded the space for political opposition.

THE CAREFUL STUDY AND EXPLOITATION OF THE RULES was a less effective means of self-assertion, however, as one moved east. The eastern population was less literate, often Polish speaking, and economically more dependent; it was harder to inform voters about the rules and harder yet to convince them to trust them. East of the Elbe, the old authorities proved less willing to allow their traditional prerogatives to be inhibited by newfangled regulations. It took a different kind of handhold to scale the walls of *Obrigkeit*. That purchase might be provided by religion. Take, for example, the campaign in Pless-Rybnik, which, precisely because the political use of religion excited such an uproar, has left a lengthy paper trail in its wake.⁵⁵

In 1871, a well-known incumbent was defeated by an outsider and complete unknown: Father Eduard Müller, mission-vicar in Berlin, whose party, the Center, had been formed to protect Catholic interests in the new German empire. For Liberals, Progressives, and Conservatives, it was axiomatic that a man without a local reputation could never have succeeded but for the influence of unworthy clerical pressures. During the debate on the challenge to this election, the deputies waxed indignant at the temerity of Father Müller's supporters in campaigning on the platform that the church was in danger from rising anticlericalism, when Müller's opponent, a Free Conservative, was himself a Catholic. Even greater umbrage was expressed on hearing that Müller's supporters had made an issue of their candidate's asceticism, depicting him "approximately the way Upper Silesians would like to conceive of their saints, as a man who . . . lives a kind of hermit's life in anachronistic simplicity." Those in the Reichstag chamber snick-

⁵³ SBDR, April 11, 1874: 736–67.

⁵⁴ Bericht der Wahlprüfungs-Kommission über die Ergebnisse der Wahlprüfungen in der neunten Legislaturperiode von 1893 bis 1898," in *Reichstags-Wahlgesetz vom 31. Mai 1869 und Wahlreglement . . .* (Munich, 1907), 77–86.

⁵⁵ Documentation, and a geographically broader discussion of the use of Catholicism, can be found in my article, "Kulturkampf and the Course of German History," cited above.

ered to hear that Müller had been lauded as someone who “in the greatest poverty [subsisted] in a dark little room, in the greatest cold has no clothes to put on, and if someone takes pity on him and gives him an old fur, he gives it to the poor. He has no bed, no stove in the room, goes hungry, and dispenses with all human necessities. Already he is a half-saint.”⁵⁶

Liberals and Conservatives alike professed dismay at the depths of ignorance that voters must have possessed to respond to a campaign framed around appeals to such medieval values. But all their high-minded clucking avoided mentioning the obvious: Father Müller’s life of poverty made a striking contrast to the life of the losing candidate. That unhappy Free Conservative, touted on the Reichstag floor as an incumbent and as himself a distinguished Catholic, was best known locally as the owner of vast estates, both in the election district, where he resided in Castle Rauden, and in the neighboring counties of Gleiwitz, Rosenberg, and Ratibor. The defeated incumbent was Victor Moritz Karl, the duke of Ratibor, the prince of Corvey and prince zu Hohenlohe-Waldenburg-Schillingsfürst, general of the cavalry, brother to Prince Chlodwig zu Hohenlohe-Schillingsfürst (lately minister-president of Bavaria and future chancellor of the empire), and, as *Standesherr* of one of the oldest families in Germany, a man equal in rank to the king.

Shivering priest, glittering duke: the contrast in wealth and status mirrored the great social distances within Upper Silesia itself. Upper Silesia was the land of the super rich. The very term “Prussian magnate,” as Theodor Fontane would later observe, implied “Silesian.”⁵⁷ Farming the estates and working the mines of these lords of creation was the poorest population anywhere in Germany. The principality of Pless, which together with the county of Rybnik made up the disputed election district, was the most impoverished constituency of them all. These facts, too, the Reichstag’s indignant majority passed over in silence.

Consequently, the deputies left unmentioned where the poison in the rhetoric of poverty actually lay: in its invitation to the voters to see themselves reflected in the Center Party champion. A candidate who shared a life of poverty, even if he was a priest and a Berliner, was a man with whom they could “identify.” To encourage a man to support someone with whom he can identify over a well-born rival may indeed be demagogic; it is also an inevitable feature of democratic politics and a deeply subversive one. Once the criterion for public office shifts from superiority over the voter to identification with him, the foundation of a politics of deference disappears.

But the significance of the duke’s defeat by the lowliest of Berlin priests is not exhausted by referring to the onset of a new politics of identification. The duke of Ratibor had also been the candidate of the prince of Pless, the man who virtually owned Pless County (half the election district), together with its coal mines, its timber, and most of its land. He also controlled its police power.⁵⁸ In

⁵⁶ Report of Abt. III, November 12, 1871, SBDR, Anlagen II, Aktenstück Nr. 69: 164–69. More coherent and more ludicrous versions, respectively, are in the *Hallische Zeitung*, 4th Beilage zu No. 103, May 3, 1871, and in the *Görlitzer Anzeiger*, Nr. 103, May 3, 1871.

⁵⁷ Theodor Fontane, *Der Stechlin* ([1898] Zurich, 1975), 169.

⁵⁸ Hans Heinrich XI, Fürst von Pless, Graf von Hochberg, Freiherr zu Fürstenstein, Oberjäger-

1871, the prince had mobilized his entire domainial “interest”—some hundred foresters, his pit foremen, his constabulary—all on the duke of Ratibor’s behalf. His constables had gone up and down the streets with drums, making sure everyone knew who the prince’s favorite was. His other officials had the finer task of “working” the district with promises—of cash infusions to the widows’ fund, for example—and threats—such as an end to wood-gathering rights. To no avail. The prince’s man was defeated.

Father Müller’s victory in Pless-Rybnik was a straw in the Upper Silesian wind. In that first national election, ten of the eleven other election districts in the region returned conspicuous representatives of the power structure, all belonging to the two Conservative parties: seven counts, two princes, and one cabinet minister. But, by the next election, in 1874, all but one of the twelve districts in this heavily Catholic prefecture had become strongholds of the oppositional Center Party. Five of these seats, moreover, had been taken by someone with a lower rank than the previous incumbent, three by commoners. By 1893, all of the Center’s seats in Upper Silesia were held by commoners.

These were not “confessional” victories in the usual sense, for they were not provoked by religious rivalry. Seven of the Conservative magnates who were replaced by Center Party deputies shared the victors’ Catholicism. Nevertheless, it was religion—its rhetoric and its leadership—that provided for Catholic underdogs in Upper Silesia the emancipatory tool kit that rules might supply in other milieus: a knife to cut the existing vertical lines of authority and the thread to weave horizontal lines of solidarity. Not least, religion, like rules, provided voters with civic courage, the gumption—of which Germans are traditionally said to be in such short supply—to stand up for one’s rights, human and civil, against authority.

But, if these election contests in Upper Silesia were really a struggle for “social emancipation,” as one Center Party deputy was pleased to put it, why choose a religious idiom, the “rights” of the church, as the means of expressing it?⁵⁹ The first answer would be that it was natural. Traditional Christian *topoi*, the virtues of poverty and humility, provided a ready-made vehicle for the self-assertion of cotters and coal miners vis-à-vis the regnant rich and wellborn. It was natural for the language of Christ to precede the language of class. A second answer would be to concede that the humble of Pless-Rybnik might well have preferred to challenge their betters in the language of social democracy or of Polish nationalism—the population of the district was overwhelmingly Polish speaking.⁶⁰ Although the Center Party’s eventual losses in Upper Silesia to five Polish Nationalists may imply that possibility, the Nationalist breakthrough occurred only in 1903 and with the slenderest of victories, which suggests that these seats were lost by the policies of nationalist Germans (those of the Center as well as those of the government) as much as they were won by the blandishments of nationalist

meister, owner and resident of the Fürstentum Pless. Paul Weber, *Die Polen in Oberschlesien: Eine Statistische Untersuchung* (Berlin, 1913), 22.

⁵⁹ Center spokesman: SBDR, November 22, 1871: 437.

⁶⁰ In 1867, 86.6 percent and 92.7 percent of the residents of Pless and Rybnik counties, respectively, were Polish speakers. Weber, *Die Polen*, 8–9.

Poles.⁶¹ As a practical alternative to Father Müller, however, the election of a National (Polish) Democrat or a Social Democrat in Upper Silesia would have been next to impossible in the first decades of the empire. In the rural East, how could such candidates have reached the population? Open-air meetings required police permission until the reform of the Association Law in 1908. Any tavern that provided rooms for indoor politicking mortgaged its future to police harassment.⁶² A combination of No Trespassing signs and watchdogs quarantined the villagers on rural estates.⁶³ Given that ballots had to be obtained from the candidates themselves or from their agents, it was often physically impossible for a poor man to vote for anyone but the squire's choice.

But not if the clergy intervened. The parish priest, however suspect he might be to the government and the Junkers, had unlimited access to the population that neither watchdogs nor No Trespassing signs could deny. It was no accident that when the Polish National Democrats finally did wrest five seats from the Center in Upper Silesia, three of them were taken by priests.⁶⁴

WHEN IT DEBATED THE CHALLENGE TO THE PLESS-RYBNIK ELECTION, the Reichstag interpreted the result as a victory for the "clerical" program of the Center Party, which in some general sense it was. But party organization was almost nonexistent in Upper Silesia in 1871. Local conflicts were far more important than national programs and issues to the Pless-Rybnik election. Paradoxically, however, the election could reflect local conflicts precisely because it was national and universal. Archimedes said to King Hieron, "Give me a place to stand, and I will move the earth." The national democratic election process established that Archimedean point outside the local universe and provided a lever to break open the closed system that was the village, the county, and even, in some cases still, the town, and release the previously submerged conflicts and desires of their inhabitants.⁶⁵ It did this in three ways.

On the most limited level, as in the village of Oberhaid, democratic elections could reveal and set into motion competing deferential worlds: in this case, that of the Bavarian state (represented indirectly by its agitating postmen, forest wardens, and commons keepers, and more directly by Mayor Fösl) versus that of the shepherd of a previously rather isolated local flock: Pastor Keck. As long as

⁶¹ August Hermann Leugers-Scherzberg, *Felix Porsch, 1853–1930: Politik für katholische Interessen in Kaiserreich und Republik* (Mainz, 1990), chaps. 5–8.

⁶² See the complaint of cabinetmakers Otto Huth, Karl Kleemann, and Julius Longer to the Reichstag, May 1990, that of the 300 villages and ten towns in their district (Seventh Merseburg), they could hold meetings in only five places. BA Potsdam, Reichstag, Nr. 3343, Bl. 199–200v.

⁶³ Helmuth von Gerlach, *Vom Rechts bis Links* (Zurich, 1937), 32–33, 156, 161; *Die Ungiltigkeit*, 10 n. 2.

⁶⁴ Ilse Schwidetzky, *Die polnische Wahlbewegung in Oberschlesien* (Breslau, 1934), 78–79. That ethnicity was less powerful than confession in determining a constituency's ability to shake off Conservative domination is suggested by the fact that the Center's sweep in Upper Silesia in 1874 included four districts whose Polish-speaking population was 10 percent or less, while the one remaining holdout after 1877, the First Oppeln (which left the Conservative camp only once during the empire), contained a population well over 50 percent Polish but with a sizable Protestant minority (40 percent in 1895).

⁶⁵ Krefeld is an example of the latter. See my "Kulturkampf."

these two deferential worlds had overlapped—or could be thought to overlap—their differences had been invisible and they had reinforced each other. Incipient oppositional forces had little room to develop.⁶⁶ But even allegedly passive Germans will take advantage of the space created when worlds collide.

Second, and more obvious, these elections told voters that they were part of a larger process. Voters saw themselves, not least because of the outsiders who came in both to campaign and to patrol the polling places, as empowered by connections—of law, of confession, of class—that reached far beyond their own, relatively powerless, lives. It is true that, by and large, elections offered horizontal in exchange for vertical solidarities: they did not usher in the heyday of the free-floating individualistic voter—if such a person even existed in the nineteenth and early twentieth centuries.

Third, and just as important, the elections gave voters a safe vocabulary with which to articulate their own community relationships. The election lexicon was often limited to the merest slogans—“the church is in danger”; “Father Müller sleeps in the cold.” Rarely did this vocabulary give back a precise reflection of the local conflicts it expressed. The struggle in Pless-Rybnik bore only the most distant relation to the values of asceticism or even to the constitutional needs of the Catholic church. But, as the Pless-Rybnik example shows, it is for this very reason—its inaccuracy as a mirror—that campaign rhetoric served to legitimate and therefore bring out into the open conflicts, even class conflicts, that might otherwise have remained submerged—or been expressed inarticulately or violently.⁶⁷ A man might feel secure commending his candidate for the pious virtues of poverty and simplicity even if such a commendation was patently a jibe not only at his opponent but at the entire local power structure. The voter’s sense of safety, his sense that election rhetoric somehow did not “count,” might well be illusory—as the prince of Pless’s swift retribution after the 1871 election demonstrated. (He cut off the villagers’ poor relief.) But, by then, the break with deference had been accomplished.

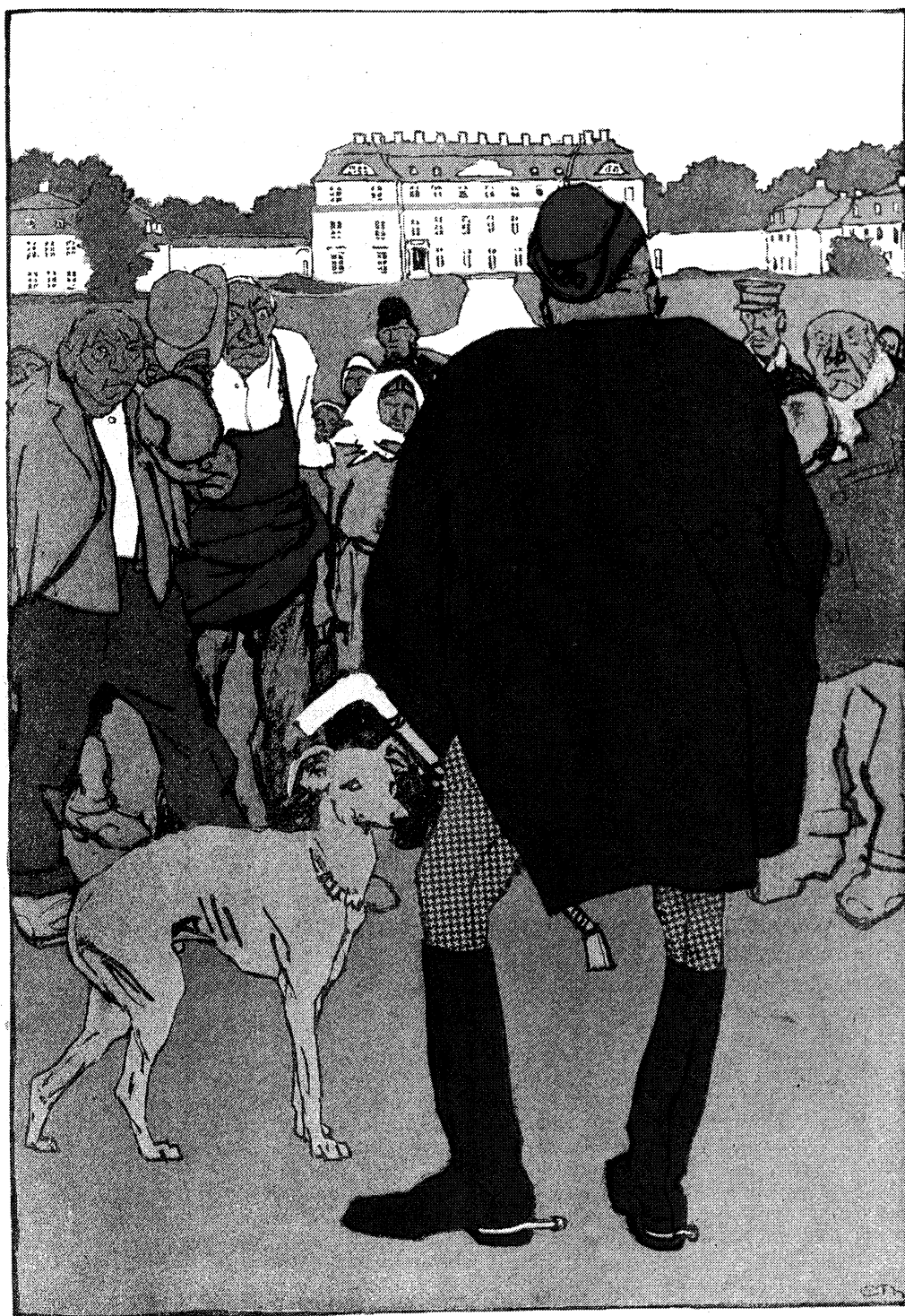
It should not be surprising that the words Germans used in their elections were taken from established idioms, for the beginner, as Marx noted, “who has learnt a new language . . . translates it back into his mother tongue.”⁶⁸ Nor should we wonder that those oppositional voters who pored over the fine print in the election codes and then called on the institutions of the state to enforce them seemed to be conjuring up the “spirits of the past to their service.” But that they saw and seized the opportunities to do so is evidence that, in the wake of the domestic and international earthquakes of the late 1860s and early 1870s, Germany’s political culture was in considerable flux.

This fluidity is difficult to reconcile with the standard narrative of German

⁶⁶ Which may explain why Protestant pastors, representing the majority and drawn from the same social classes as other notables, never became the independent political forces that Catholic priests did.

⁶⁷ That Upper Silesia was a tinderbox was demonstrated the summer after the election, when rioting among the miners in nearby Königshütte brought the imposition of martial law for more than eight weeks. See *Görlitzer Anzeiger*, Nrs. 149–52, 154–55, 163, 168, 189, 195, 204, extending from June 29 to September 1, 1871.

⁶⁸ *The Eighteenth Brumaire of Louis Bonaparte* (1852), in *Karl Marx and Friedrich Engels, Selected Works in One Volume* (New York, 1969), 97.



East Elbia: "There was *one* Liberal vote cast. From today on, the schoolmaster gets no more potatoes." From *Simplicissimus*, 16, no. 2 (1911-12): 715. Artist: Eduard Thöny.

history. That narrative selects for emphasis certain features of “traditional” Germany (including disparagement of politics and deference toward authority) and traces their persistence past the founding of the empire, past World War I, and on to at least 1945.⁶⁹ Although important aspects have come under considerable attack in recent years, the hold of the narrative itself remains strong, especially in Germany.⁷⁰ Yet, while the behavior of Germans at election time confirms the outlines of the traditional story with which we have become so familiar, it gives that story a different content. Germans frequently did see themselves as apolitical—even as they were expressing a passionate interest in the outcomes of their political choices. Their disinterest in politics is enshrined in their writings and public statements—those of Pastor Keck’s, for example. Their interest, on the other hand, is demonstrated by their watchfulness at the polls, as I have suggested above, and by their enthusiasm for voting.

High turnouts can be taken as a marker gene for political mobilization. If we look at national averages, we see an increase in every decade after the introduction of the new franchise. But averages mask the fact that mobilization was far from uniform across regions and social groups. We need to visualize the spread of political mobilization not as advancing waves of invading infantrymen but as parachutists, dropping behind the lines—to borrow a metaphor from Sidney Pollard’s account of industrialization.⁷¹ This view of mobilization allows us to see different sets of Germans becoming politically active at different times. Catholics, a good third of the population, entered the political process as a group in the 1870s under the pressure of liberal and government attacks—the *Kulturkampf*. Their turnouts in 1874 averaged over 70 percent and reached 90 percent in some areas. For Social Democrats, the breakthrough came sometime between 1887 and the election of March 1890, while the Socialist Law was still in effect, when their share of the vote increased 95 percent: a jump unequaled by themselves or any other party at any other period in the empire.⁷² These two examples of sharp discontinuous change suggest what we already intuitively know: that political identities are not formed by such continuous and relatively universal processes as urbanization and growth but dialectically, that is, in opposition.

Furthermore, a look at Germans as a whole reveals that the most significant

⁶⁹ The classic formulation was the sociologist Ralf Dahrendorf’s *Society and Democracy in Germany* ([German, 1965], New York, 1967), an ingathering of concepts that had been put forward over several decades by German, North American, and British scholars emphasizing Germany’s long-term divergence from “Western” patterns (a divergence subsequently given the convenient label *Sonderweg*—peculiar path). After Dahrendorf, the most prominent proponents of negative “continuities” in German history have probably been Fritz Fischer and Hans-Ulrich Wehler.

⁷⁰ The most massive onslaught is David Blackbourn and Geoff Eley’s brilliant *Mythen deutscher Geschichtsschreibung: Die gescheiterte bürgerliche Revolution von 1848* (Frankfurt am Main, 1980). A slightly toned-down version was published in New York in 1984 as *The Peculiarities of German History*.

⁷¹ Sidney Pollard, *The Peaceful Conquest: The Industrialization of Europe, 1760–1970* (New York, 1981).

⁷² I am discounting the SPD’s increase from 1871 to 1874—from 3.2 percent to 6.8 percent—as too small to constitute a breakthrough. Percentages have been calculated from the data in Gerhard A. Ritter and Merith Niehuss, *Wahlgeschichtliches Arbeitsbuch: Materialien zur Statistik des Kaiserreichs 1871–1918* (Munich, 1980), 38–42, 100. See also Johannes Schauff, *Das Wahlverhalten der deutschen Katholiken im Kaiserreich und in der Weimarer Republik: Untersuchungen aus dem Jahre 1928* (1928; Mainz, 1975).

break in continuity occurred not, as is sometimes asserted, during the 1890s but during the 1870s, whose last election registered a 24 percent increase in turnout over the first.⁷³ If the plebiscitary election of 1887 is excluded (and it is clearly an outlier, since its totals were not reached again for another twenty years), the biggest sustained jump in national participation in any one election then occurred between 1871 and 1874—an increase of 19.6 percent in a three-year period: yet another sign of the turbulent atmosphere at the empire's founding.

Germans were “political” not only on election day. To a startling degree, they entered into the activities of political parties. Activists will always be a minority in any population, but already by the 1880s a larger proportion of Düsseldorf's electorate were members of a political party than in that same city a hundred years later.⁷⁴ Like voter turnout, the propensity toward activism was uneven across regions and groups. But, by 1912, the political scientist Ludwig Bergsträsser was marveling at the “great sacrifices in time and money” that the modern German political party, “that strictly centralized, extraordinarily active giant organism,” was demanding and receiving from its adherents.⁷⁵

Far from being the heel-clickers often depicted in the literature (not least in their own literature), these politicized Germans used their voting choices to express a critical view of their rulers and of their society.⁷⁶ Their critical outlook is revealed not only by the larger pattern of their electoral behavior: their support for the oppositional Social Democratic, Center, and Left Liberal parties. It is continuously visible also on the micro level, in the precinct.⁷⁷ But Germans made their political choices in a world hedged about with controls. The Socialist Law

⁷³ That the 1890s were a watershed in politicization has been repeatedly postulated by Geoff Eley, most boldly in “Notable Politics, the Crisis of German Liberalism, and the Electoral Transition of the 1890s,” in Konrad H. Jarausch and Larry Eugene Jones, *In Search of a Liberal Germany: Studies in the History of German Liberalism from 1789 to the Present* (New York, 1990), 187–216. The 1890s are an odd place to discover a “striking upsurge of popular mobilization” (192), “measured simply by the expansion of the electorate . . . including rising rates of participation” (196), when “the masses dramatically entered politics” (210), registering “a fundamental change in the scale and intensity of political life, in the levels of popular participation . . . articulated in and around the electoral process” (211). For the 1890s saw the smallest average increase in voting participation of any decade in the empire: 9 percent over the average for the 1880s. Participation actually declined from 1890 to 1898. In the three Hessian districts Eley singles out as emblematic of rural mobilization, turnouts were likewise dramatically lower in 1898 than in 1893 and 1890. See Fritz Specht and Paul Schwabe, *Die Reichstagswahlen 1867–1907* (Berlin, 1908), 260–61, 264. Admittedly, nothing as prosaic as turnout statistics will refute the evanescent claim that politics had been “reconstituted” (211, 212), that the “political temperature” rose (200), that the decade was a “vital moment” between “two distinct electoral ‘systems’” (193). But, as with those other watersheds in Germany history that were once fashionable, 1866 and 1879, this “absolutely crucial turning point” (202) proves to have been crucial mainly for those perennial protagonists of the German narrative—the Liberals.

⁷⁴ Schlossmacher, *Düsseldorf im Bismarckreich: Politik und Wahlen, Parteien und Vereine* (Düsseldorf, 1985), 253.

⁷⁵ “Zur Geschichte der Parteipolitischen Agitation und Organisation in Deutschland,” in *Vergangenheit und Gegenwart: Zeitschrift für den Geschichts-Unterricht und Staatsbürgerliche Erziehung in allen Schulgattungen*, 1912, Heft 4: 241–53, quote on 252–53.

⁷⁶ For heel-clickers, see Heinrich Mann's *Der Untertan* ([1918], in English: *Man of Straw*, London, 1946).

⁷⁷ See the petition of dissenting Essen coal miners, written in awkward, ungrammatical language, about the confiscation of their ballots, admittedly too few to affect the outcome of the election: Report of the Committee on Election Oversight, SBDR, March 4, 1891, Anlagen I, Aktenstück Nr. 335: 2181. These men were *not* Social Democrats—whose protests were considerably more skilled.

(1878–1890) is the example most prominent in the literature, although its practical efficacy has been rather overrated.⁷⁸ More revealing were the constant intrusions of bureaucratic authority into every aspect of life—which began long before the anti-Socialist legislation and continued long after.⁷⁹ Every German had to register with the police upon taking up even temporary residence in a town. The authorities had to be notified twenty-four hours in advance of every public meeting so that the police could come and take notes. German literature, from Theodor Fontane's *Der Stechlin* (1898) to Paul Göhre's account of his labors in Chemnitz (1891), is full of references, satirical as well as complaisant, to the ubiquity of the policeman, especially, but not only, at election time.⁸⁰ German district presidents spent a large part of their time relaying detailed police reports to their superiors. Their correspondence is reminiscent of a CIA station chief operating in a foreign country. In perhaps no other state in Europe were the authorities so well informed of every activity of their citizens everywhere. Everything was "kontrolliert." Although not yet the blanket surveillance ("flächendeckende Überwachung") to which the State Security Ministry of the unlamented East German Republic so recently aspired, in a literal sense, imperial Germany was a police state.

But the word "kontrolliert" in German means "monitored," not "controlled." Imperial Germany was also a state of laws and rules, rules that not only the police but even the ministries eventually had to obey. A public opinion insistent on the letter of the law could put significant limits on what the government could get away with. In 1895, for example, public outrage at police raids against the Berlin Social Democratic Party resulted in the dismissal of a cabinet minister—a man appointed by the kaiser for his determination to get tough with the Socialists.⁸¹

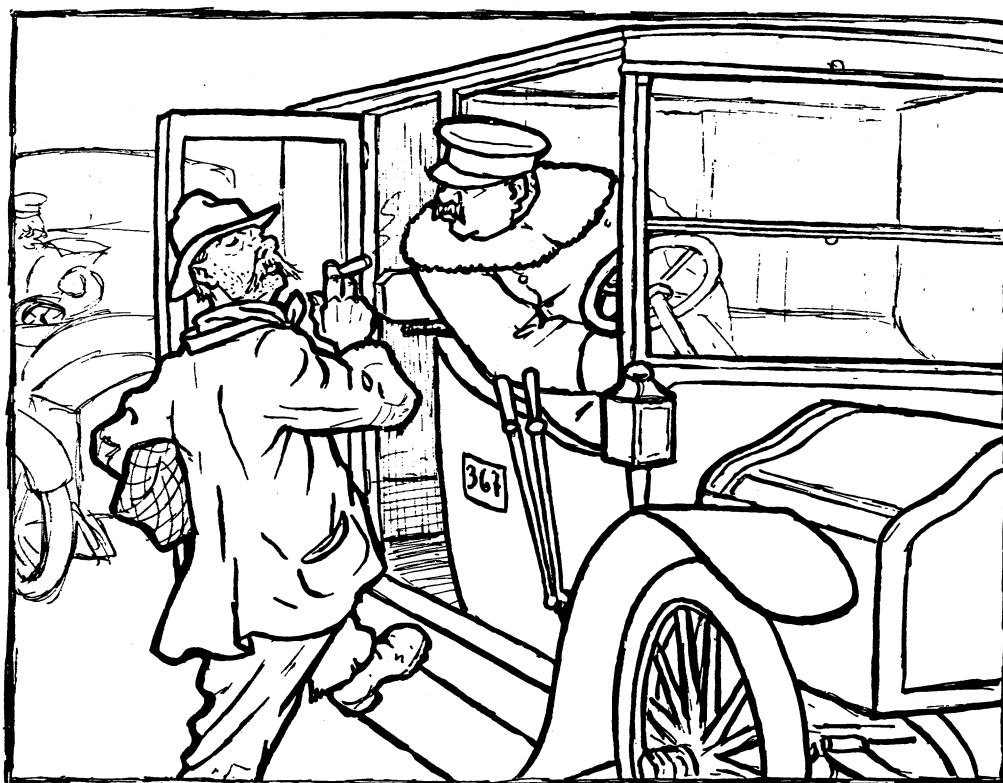
No less revealing than the *causes célèbres* in which the imperial authorities faced their most radical critics were the small, uncelebrated instances of individuals demanding a hearing from mighty institutions and, within admittedly narrow limits, holding autocratic feet to the fire. The case of the Mecklenburg gardener, August Brandt, is one example. Having moved from Klein-Grabow to Güstrow shortly before the hotly contested election of 1878, Brandt was shocked to find that, when he returned to his old village on election day, the estate owner, Behn, in his capacity as mayor, had struck Brandt's name from the voting rolls. Prevented from casting his ballot, the furious gardener challenged the validity of the election. Nowhere was the social inferiority of a gardener to an estate

⁷⁸ Klaus Tenfelde, *Sozialgeschichte der Bergarbeiterschaft an der Ruhr im 19. Jahrhundert*, 2d edn. (Bonn, 1981), 531 n. 199.

⁷⁹ See reports on repression and harassment of Socialists in 1871 in Brunswick (*Hallische Zeitung*, 1. Beilage zu Nr. 104, May 4, 1871), in Glauchau (Saxony), and in Berlin (*Görlitzer Anzeiger*, Nr. 160, July 12, 1871: 1443).

⁸⁰ Fontane, *Der Stechlin*, 228–30, 262; Göhre, *Drei Monate Fabrikarbeiter*, 100.

⁸¹ Eleanor L. Turk, "The Berlin Socialist Trials of 1896: An Examination of Civil Liberty in Wilhelmine Germany," *Central European History*, 19 (December 1986): 323–42; esp. 328; for similar scandals during the earlier period, see Vernon Lidtke, *The Outlawed Party* (Princeton, N.J., 1966), 242–44, 273–74; Fairbairn uncovers cabinet-level deliberations to make a similar argument in "Authority and Democracy," 827.



The Day after the Election: "All *right*, look who's here, Herr Chauffeur! Now you're driving me, and the others gotta go by foot. The Future State begins today." From *Simplicissimus*, 16, no. 2 (1911-12): 735. Artist: Thomas Theodor Heine.

owner—and an official—clearer and more punishing than in the semi-feudal Mecklenburgs. But the Reichstag, after reviewing the complaint, found for the gardener and instructed that Behn be officially censured by his state government for his high-handed behavior. The government of the grand duchy of Mecklenburg-Schwerin, after poring over the reports of its own informants as well as the election codes, declined to execute the desired rebuke and through its foreign office informed the Imperial Chancellery of its noncompliance. Thereupon, the bureaucrat in charge, Otto von Bismarck (with what gnashing of teeth we may well imagine) brought the grand duchy to heel by threatening to refuse to defend their aberrant legal interpretation before parliament. The grand duchy was forced to retreat. Although its own legal misgivings had not been entirely removed, it said, "nevertheless under the given circumstances" it would issue the prescribed rebuke. Thus, after being the subject of deliberations by the Reichstag's Standing Committee on Election Oversight and by its 397-member plenum, as well as of extensive correspondence between the president of the Reichstag, the imperial chancellor of the empire, and the government of Mecklenburg-Schwerin extending over four months, August Brandt was granted satisfaction.⁸²

⁸² The correspondence, extending from October 7, 1878, until February 6, 1879, can be found in

One is reminded of Michael Kohlhaas, the sixteenth-century horse dealer whose determination to obtain justice forced him to the attention of the royal courts of Saxony, Brandenburg, and eventually of the Holy Roman Empire but with much less happy results. German history does have its peculiar, even "national," continuities. Like the national continuities of every country, they operated in an ever-changing field of force that could produce outcomes capable of startling and chastening those with secure expectations.

BA Potsdam in the records of the Reichsamt des Innern, Specialia, Reichstag Nr. 2, Adhibendum 4, volume 14702, Bl. 1, 3-7, 9.