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Der Kampf um die Wahlfreiheit im Kaiserreich: Zur parlamentarischen Wahlprüfung und politischen Realität der Reichstagswahlen 1871-1914 . By Robert Arsenschek. Beiträge zur Geschichte des Parlamentarismus und der politischen Parteien, volume 136. Dü...

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many ended in thralldom to eugenics. The irony of this “convergence” is not lost on Hau, who chooses to end his tale with the defeat of Ungewitter and his supporters in a futile campaign against the Nazis’ program of compulsory vaccination. “Ungewitter’s totalitarian vision of a society that subordinated the rights of individuals to the health of the *Volkskörper* was realized, but it was not his own version of a hygienic utopia,” the author concludes; “Regular physicians, not life reformers, were entrusted with the task of purifying and beautifying the German Volk in the Nazi extermination programs. Such visions proved much more compatible with modern scientific medicine than Ungewitter could have imagined” (206).

Much more could be said about this rich and rewarding book. Combining theoretical frames derived from Pierre Bourdieu, Mikhail Bakhtin, Sander Gilman, and Sheila Faith Weiss with much of the recent work on the German middle classes, Hau applies a sophisticated interpretive lens to a particularly illuminating region of German social and cultural history in the late nineteenth and early twentieth centuries. Much is undoubtedly gained from such an approach, though the emphasis on class distinctions at times also seems to obscure the dynamics of disputes that did not necessarily orbit around *bürgerliche Kultur*. Yet while the categories of social historical analysis at times get in the way, more often they prove extremely effective in revealing the vast amount of interplay across lines of class, race, and gender that Hau has done so much to recover.

KEVIN REPP

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**Der Kampf um die Wahlfreiheit im Kaiserreich: Zur parlamentarischen Wahlprüfung und politischen Realität der Reichstagswahlen 1871–1914.**

By *Robert Arsenschek*. Beiträge zur Geschichte des Parlamentarismus und der politischen Parteien, volume 136. Düsseldorf: Droste Verlag, 2003. Pp. 420. €49.80.

This important book examines the interactions between three sorts of German histories that are rarely, if ever, brought into systematic relationship with one another: the *Alltagsgeschichte* of election campaigns and polling days, the institutional history of the Reichstag as it ruled on disputed outcomes, and the constitutional history of the empire. In exploring these relationships, Robert Arsenschek joins Christoph Schönberger and Hartwin Spenkuch among a new generation of scholars in offering a powerful challenge to recent arguments that the trajectory of German development pointed in increasingly democratic directions.

Although Arsenschek adds interesting material to our picture of the election *Alltag*, the interplay between executive and legislature is the heart of his story. Never have the election policies and behavior of Germany’s various governments been investigated in such breadth and depth. And in demonstrating systematically how national elections were affected by Germany’s federalist structure, Arsenschek breaks new ground. The laws governing associations, assemblies, and police surveillance varied, until 1908, with each state. Similarly varied were the press laws regulating the distribution of printed matter (which included ballots), as well as the definitions of an “immediate state official” and a “recipient of poor relief”—the former was excluded from sitting on election panels; the latter, from voting altogether. Should a man whose children’s school fees were paid out of public funds be disenfranchised in national elections in one state while in another state there *were* no school fees? The vagaries of Germany’s

misprint for Schönberger

**Title in English: The Struggle over Free Elections in Imperial Germany: On Parliamentary Election Scrutiny & Political Reality in Reichstag elections, 1871-1914.**

poor laws—and the readiness of voters to forgo public support, even treatment of tuberculosis, lest they lose their franchise—provide one of the most illuminating, and poignant, sections of the book.

Yet the Reichstag, we learn, could overrule the laws of member states by setting national election norms. Such broad authority was not stated explicitly in the constitution. It flowed, rather, from parliament's power to throw out elections it considered illegitimate. Thus the Reichstag rejected any government authority to shut down an election rally merely because its sponsor was a Social Democrat (1883); it forbade the confiscation of ballots, including Social Democratic ballots (1884); it empowered partisan poll watchers by its liberal interpretation of the requirement that elections be "public"; and it guaranteed voting rights even to workers with no stable residence. Although Arsenschek does not put it quite this way, we see that it was to the Reichstag, and its nonsocialist majorities, that the Social Democrats owed their ability to survive and even expand under the Anti-Socialist Law. In establishing for the first time a clear chronology of the changes in Reichstag norms and procedures (ignored in Julius Hatschek's nonchronological *Kommentar zum Wahlgesetz und zur Wahlordnung im deutschen Kaiserreich* [Berlin and Leipzig, 1920], the only other treatment of this important subject), Arsenschek has performed a signal service to legal and constitutional historians.

In validating elections, the Reichstag could require a government investigation and stipulate the kinds of evidence needed—in one case, causing the interrogation of more than a thousand witnesses. Press reports of misconduct might occasionally spur a government to initiate an investigation on its own, but government responses to parliament's demands, perceived as encroachments on the executive, were often grudging. The Reichstag's sovereignty over elections had to be asserted and defended again and again; it was always, Arsenschek notes, a "Grundrecht im Werden" (46). Its powers could easily lapse through disuse, as happened after 1893 to its authority to demand the reprimand (*Rüge*) of errant officials.

Since in elections (and only in elections) the Reichstag was sovereign, its success or failure in insuring their integrity is symptomatic, Arsenschek argues, of the German parliament's capacity to govern more generally. These two linked narratives, the voters' story and the Reichstag's story, do not lead him to sanguine conclusions. In the constituencies, the "battle for voting freedom" ended, if I understand him correctly, in stalemate. And in the Reichstag, after three decades of vigorously expanding voting rights, the legislature's role as election watchdog (and thus its claim to being the protagonist in a larger story of parliamentization) became "more and more a farce." By 1910, partisanship and spinelessness spelled the "final bankruptcy of parliamentary election scrutiny" (166–67).

"Bankruptcy" seems harsh. In political life, procedures never have the neutrality of traffic lights. And is fairness in handling election scrutinies a useful barometer of movement toward a "parliamentary" regime? In 1877–78 the French Chamber of Deputies threw out the elections of 102 representatives (more than the imperial Reichstag did during its entire existence). Every unseated deputy was an opponent of the Republican majority. The House of Commons, despairing of impartial judgments, finally delegated jurisdiction over disputed elections to a court. The same solution recommended itself to Germany's best legal minds, but a court would hardly have abstracted decisions from party conflict—as any American knows.

A genuinely secret ballot was the only neutral way to protect voters from improper influence, but the fact that in 1903 the government finally acceded to Reichstag demands for ballot envelopes and voting booths (safeguards France got only in 1914) does not brighten the picture for Arsenschek. Proponents soon realized that without

roomy, standardized ballot boxes, ballot envelopes actually facilitated the tracking of voters' choices. Even the fact that the reform took place at all does not, for Arsenschek, reflect any positive change in the empire's power structure, for he believes it was a gift to the Center Party in return for its vote for Chancellor Bernhard von Bülow's tariff the previous year. Assuming Arsenschek is right, should a concession to the Reichstag's largest party, one demanded by a parliamentary majority for ten years, one the chancellor pressed on resisting Prussian ministers by invoking that same majority, be seen (as I have argued) as a sign of the Reichstag's growing power or merely another case of mutual back-scratching ("do ut des"), the kind of "cattle-trade" (375) that, according to some theories, stabilizes an undemocratic status quo? Arsenschek makes a forceful case for the latter position. I myself think that when something looks like a duck, walks like a duck, and quacks like a duck, then it probably is a duck.

To plot institutional trends within a welter of individual, quasi-legal judgments needs a *longue durée*. Given a span of only forty-four years, it is inevitable that scholars will differ over which dots to connect and which to ignore as blips. Arsenschek's sunny picture of the 1880s, when parliament fulfilled its responsibilities to the electorate, must overlook the Kartell Reichstag of 1887–90, whose unblushingly partisan Election Commission didn't even bother to commit its decisions to writing, abandoning two decades of precedent in favor of oral summaries read by a deputy distinguished only for his inaudibility. And Arsenschek's *Glanzzeit* for the Election Commission begins the very year, 1893, that it ceased to require governments to reprimand peccant officials.

The shape of a story is also determined by when an author decides to end it. Most of the time Arsenschek chooses 1912, making much of government resistance to the standardized ballot boxes that would have put teeth into the reform of 1903. In 1912 the empire did indeed experience its last election. But while we know this, Bethmann Hollweg's government—which in June 1913 suddenly gave in and required standardized ballot boxes—did not. Does not this concession suggest that the fight for free elections in Imperial Germany had at last been won? The empire bequeathed many unresolved issues to Weimar democracy, but the ability of voters to express their choices through their ballots was not among them.

Arsenschek's pessimistic take on the empire's constitutional development is founded in part on assumptions, shared by most historians in the Federal Republic, that sovereignty in a democracy must be located squarely in parliament. Hence the regime question is always posed as a question of "parliamentization." For those of us living in systems in which sovereignty is dispersed and powers "separated," a legislature's will to cooperate need not always be spineless, for without cooperation no one is sovereign for long. And the fact that many conflicts are less between executive and legislature than within the legislature itself seems not inimical to democracy but an inevitable part of it.

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**"Krieg im Frieden": Die Führung der k.u.k. Armee und die Grossmachtpolitik**

**Österreichs-Ungarns, 1906–1914.** By *Günther Kronenbitter*. Studien zur Internationalen Geschichte, volume 13. Edited by *Wilfried Loth* et al. Munich: R. Oldenbourg Verlag, 2003. Pp. 579. €79.80.

This truly formidable compendium, running to over a quarter of a million words, with a bibliography of some six hundred scholarly works, includes a wealth of telling (and often very substantial) quotations both from published sources and from a vast array