CHAPTER ONE

Introduction

Many of the current theories about democracy seem to imply that to promote democracy you must first foster democrats... Instead, we should allow for the possibility that circumstances may force, trick, lure, or cajole non-democrats into democratic behavior and that their beliefs may adjust in due course by some process of rationalization or adaptation.

Dankwart Rustow (1970)

In 1882, the Imperial Council (Bundesrat) of the German Empire received a letter from a sixty-year-old schoolteacher, begging it to abolish universal suffrage. Franz Pieczonka, from Mikorzyn in Posnania, recalled the days before 1848, when his peasant neighbors had known nothing of parliaments, were undisturbed by religious and ethnic differences, and lived in peace with their fellow men. The introduction of parliamentary institutions had completely destroyed this tranquillity. Hostile parties were now whipping up mutual hatred among the rural population, and if the war of words that was now part of every election ever spilled over into a war of blood and iron then God help us! Pieczonka begged the Imperial Council not to consider it an impertinence if he suggested a change in Germany’s voting law. Instead of universal suffrage, it should introduce a lottery. The choice of deputies would be no less democratic, he insisted (perhaps recalling the argument of Aristotle), since just as with the ballot, “so too with lotteries, all sorts and conditions of men can play. They win or they lose. But—and this was the point—they don’t pillory and hate each other as a result.”

The schoolmaster’s advice of 1882 shortly after national elections that were an unprecedented disaster for the government was one of the many unsolicited letters that over the years arrived on the desks of Germany’s leaders. Exasperated, obsequious, naive, and sophisticated, again and again they rang changes on the same themes: how to square divisive competition with community, freedom with authority, representation of the many with a voice for the few short, how to negotiate what the political scientist Dankwart Rustow calls “the transition to democracy.” It is the beginning of this process which Germans practiced for a debut that had not yet been announced that is the subject of this book.

1 8 Jan. 1882, BAB-L R1501/14693, Bl. 110.
CHAPTER ONE

Democracy and the Reichstag Franchise

Democracy and its dangers was the theme of the nineteenth century, provoking agitation, speculation, and debate at least since the 1830s. Alexis de Tocqueville’s *La Démocratie en Amérique* (1835, 1840), France’s February revolution in 1848, and Britain’s Reform Bills of 1832 and 1867 are all, in their different ways, landmarks for this preoccupation. Grave misgivings had been expressed even by radicals like John Stuart Mill about “the extreme unfitness [of] the laboring classes . . . for any order of things which would make any considerable demand on either their intellect or their virtue,” and in Britain both extensions of the vote had come only after monster meetings, cabinet changes, and political crises drawn out over two years. Although “more than one member” of Disraeli’s cabinet in 1867 “spent a miserable arithmetical Sunday,” as Asa Briggs put it, “making precise calculations of what the government’s proposals implied” for the future composition of the House of Commons, the Second Reform Bill was denounced by its opponents as a “revolution,” and even its cosponsor, Lord Derby, conceded that it was a “leap in the dark.”

How different across the channel! No popular agitation preceded Bismarck’s far more daring leap to universal male suffrage that same year, and its possible ramifications sparked no extensive public debate. The contrast should not surprise us. Parliament, since time out of mind, had been the stage of the British national drama. Who could play and who could not was bound to be a question of greatest moment. But during the years when Chartism had been making democracy in England a household word, most residents of the German lands had “known nothing of parliaments” — as Schoolmaster Pieczonka, our advocate of the lottery, pointed out. Public interest had been fragmented among guilds, towns, and the corporate estates (*Stände*) of a multitude of provinces and states. Before 1848, statewide consultative assemblies had existed only in Baden, Bavaria, Hessen, and Württemberg. In central and eastern Germany, even these modest bodies were lacking. The year 1848 had indeed marked a caesura: nationally, with the gloriously democratic Frankfurt parliament; locally, with the *Stände* reforming themselves into more or less popular legislatures, and with new parliaments springing up elsewhere. But the glory had been brief. The Frankfurt Assembly, with its democratic suffrage law, disappeared in 1849, and although the state legislatures remained, in the following decade the revived monarchies revised them back into somnolence. By the sixties, with military and political earthquakes rocking Europe, there were other, more pressing, claimants for public attention.

For all these reasons, when the Prussian government submitted an article establishing manhood suffrage to the Constituent Reichstag of the North German Confederation in 1867, its reception was curiously neutral. Only three

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deputies outside of the constitutional commission explicitly supported it, but
only two bothered to oppose it outright. People did not expect much to change.
Bismarck, after all, was its sponsor.

What was the German chancellor thinking of? We shall return to this ques-
tion in our conclusion. For now it suffices to note that his dismal experience
with elections during Prussia’s constitutional conflict had left Bismarck with no
love for a suffrage calibrated by wealth. Believing that modern principles were
gaining ground with public opinion, yet confident that the masses were still
moved by “monarchical needs and instincts,” Bismarck’s hunch was that simple
manhood suffrage would in fact prove “more favorable to the conservative prin-
ciple” than any franchise that favored the well endowed. The gratifying results
of its first test, in the elections of 1867, suggested that his gamble had paid off.
It was left to a Pomeranian nobleman, Alexander von Below, a man whose
consciousness of six centuries of Junker forebears may have sharpened his per-
ception of just what was conservative and what was not, to point out the “law in
Bismarck’s speculation: “It is impossible to win a Battle of Königgrätz before
every election.”

Direct, equal, and for “every German” who had reached the age of twenty-
universal suffrage: this was the Frankfurt Assembly’s revolutionary fran-
chise that Bismarck had nailed to Prussia’s banner in his struggle with Austria
over dominion in Central Europe and then wrote into the electoral laws of the
North German Confederation and the German Empire. In its democratic sweep,
the franchise was practically a novum for Europe. Although “every German”
did not, as these words were then understood, include any women, even so
Germany’s precocity can be measured against the dates at which other Euro-
pean states acquired a suffrage similarly broad: Spain, 1890; Norway, 1906;
Austria and Finland, 1907; Sweden, 1909; Italy, 1912; Denmark, 1915; Iceland,
1916; the Netherlands, 1918. Only Greece, since 1844, and France (after earlier trials) since 1852 boasted a voting law as inclusive as Germany’s.

2 Bis. to SM, 23 May 1866, BAB-L R43/685, Bl. 13f, 16v; these lines were cited by Finance
Minister Bodelschwingh in his dissent: ibid., Bl. 18; Prussia’s motion to reform the confederation in
3 Quoted by Below, Wahlrecht, 60.
4 Bis.’s memo to the Prussian Ministry, 23 May 1866, BAP Reichskanzlei 685, Bl. 13±16v.
Background: K. E. Pollmann, Parlamentarismus (1985), 73. Usefully emphasizing the franchise’s role in the “national” project: Andreas Biefang, “Modernit äßernder Willen. Bemerkungen zur Ent-
stehung des demokratischen Wahlrechts des Kaiserreichs,” in Gestaltungskraft des Politischen, ed-
5 The Finnish franchise in 1906 and Danish and Norwegian in 1909 included women, but Denmark
and Norway still had a property requirement. S. Rokkan and J. Meyriat, eds., International Guide to
Denmark’s manhood suffrage in 1849. E.-R. Huber, Verfassungsgeschichte (1963) 3: 862n. 8 gives
6 Switzerland, whose franchise varied according to canton, is only a partial exception. That the
exclusion of women did not automatically follow from the law’s grammatical inéction (”Jeder

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The United States, conventionally considered to have crossed the threshold to democracy in the 1830s, in practice barred those of African descent even after the Civil War had emancipated them. True, the Fifteenth Amendment, enacted only a year before Bismarck’s manhood suffrage and Disraeli’s Second Reform Bill, granted freedmen the vote. But by 1903 the eleven southern states, where most African-Americans lived, had effectively disfranchised them. The numbers of those excluded were not small. In six of these states, they made up more than half of the population; in only one were their numbers below 20 percent. The exclusion persisted until the invalidation of the white primary in 1944 and the passage of the Voting Rights Act in 1965. And it is worth remembering that measures introduced to bar black Americans worked, quite intentionally, to exclude large numbers of the white poor as well. Morgan Kousser estimates that in the south the white males disfranchised ranged from nearly 25 percent in Virginia to nearly 60 percent in Louisiana. In the north, he maintains, large numbers of the foreign-born were also shut out.

Britain, whose democratic long qualified as the master narrative of her nineteenth century, also experienced a major franchise extension in 1867. But this Second Reform Bill, while doubling the electorate, was far from including most of Britain’s adult population within what Gladstone called “the pale of the constitution.” In 1884, the third and last of the great nineteenth-century reform bills expanded voting rights still more, and commentators began to refer to Britain as a democracy (indeed “the most democratic of European nations”). Yet in spite of continuing Liberal efforts to broaden Britain’s franchises (of which there were seven, uncodified and operating concurrently), as late as 1911 only an estimated 59 percent of male adults were able to vote. Moreover, plural franchises, repeatedly protected by a hereditary House of Lords, bestowed up to thirty (some said eighty!) extra votes on 200,000 to 600,000 men. As late as 1910, seventy-eight Conservative seats were attributed to the ability of some German voters to manipulate the electoral system. Deutsche is evident from the appearance of the same phrase in Art. 41 of the constitution of the Weimar Republic. R. Schuster, Verfassungen (1992), 179. The Prussian municipal ordinance of 1808, which proclaimed unmarried women citizens, had felt it necessary to be explicit in excluding “citizens of the female sex” from voting. Reprinted in B. Vogel et al, Wahlen (1971), 318.


2 Kousser, Shaping, esp. chaps. 2 and 3; Louisiana, 49, 60f, 70f; Virginia, 71.

3 This narrative was fundamentally challenged for the decades between 1832 and 1867 as early as 1953 by N. Gash, Politics, and more radically, in a Habermasian, Foucaultian vein, by J. Vernon, who maintains that “English politics became progressively less democratic during this period...” Yet even he describes the debate over the discourse of “popular constitutionalism” as the “master narrative” of England’s nineteenth century Politics (1993), 9f (quotes), 38f, 107, 160, 320, 328f, 338.

4 Briggs, People, 226. Because of the property qualification, the number of eligible voters after the Second Reform Bill is impossible to calculate with certainty.

men to vote more than once. A suffrage as egalitarian as Germany’s was passed only in late 1918. And even that franchise was less democratic, for not only did it exclude until 1928 unmarried women under thirty (included in Germany after 1918), but plural voting, now limited to two per citizen, continued until 1949.

The egalitarianism of the German Empire’s national franchise not only contrasted with the restrictions of other nations, it stood in equally sharp contrast to the various arrangements for electing representatives to the assemblies of her member states. In Prussian Landtag elections, for example, the tax bill in each precinct was divided into thirds, with the voters necessary to make up each third segregated accordingly. Here the biblical injunction that the last shall be first was strictly observed. The multitude of small taxpayers in the third class came forward to vote, orally, under the watchful eyes of the first two; then the thinner ranks of the second; and finally, in splendid isolation, the wealthy few of the first class. Within each class, this order was reversed. The heaviest taxed would be called upon to announce his choice, and others would follow, single file, each in order of his taxpaying importance, until the least of the voting brethren had been accommodated. Thus did elections to the Prussian state legislature visibly replicate the social hierarchy of each precinct. And this was only the first stage of a two-stage process that then required those elected from each class to select their respective district’s deputies. The system endured until the fall of the monarchy in 1918. Small wonder that so many Prussians opted out of this particular ritual of inclusion. The election code for the German national parliament, however, put every male adult who was not a convicted felon, a bankrupt, a soldier or sailor on active duty, a ward of the court, or a charge on public charity on the same footing as the most blue-blooded baron, the most puissant factory owner in the land.

The Reichstag franchise not only ignored all hierarchy, it was also radically individualizing. Although constitutional scholars insisted that voting was not the “right” of an individual, but a “public of one entrusted in him by the whole,”

direct elections with secret balloting implied that a man’s political decision was indeed a private one. This was a revolutionary assumption. To vest the commonweal in the decisions of individuals, to displace matters of state into the private realm, implicitly reversed the values Germans were used to ascribing to public and private activity. It also reversed the direction of legitimate political influence. Open balloting, required in many countries and in most state elec-

\begin{footnotes}

15 Although the 1871 constitution did not say “equal,” equality was implied by the distribution of one deputy for every 100,000 residents. O. Merkt, “Einteilung” (1912), col. 59; F. Naumann, “Ungleiches Wahlrecht” (1903), 580 ±82. Explaining the exclusion of military personnel: W. v. Tschoppe, *Geschichte* (1890), 47f, 52. French soldiers were excluded until 1944±45.

\end{footnotes}
tions in Germany, implied that the act of voting was a public trust, for which each voter could and should be held accountable by the other members of his community.17 Secrecy, on the other hand, implied at least a potential separation of the individual's interests from those of his neighbors. What happened when this egalitarian, individualistic franchise was suddenly injected into a world whose assumptions and structures were still both hierarchical and communal? That is the question the following work will explore.

Did the Franchise Matter?

Historians have not taken the revolutionary implications of Bismarck's franchise as seriously as did Schoolmaster Pieczonka or the Junker Below. Mass enfranchisement is, after all, associated with democracy, and democracy is a term that one rarely encounters in descriptions of Imperial Germany. For the past fifty years teachers have written "No Experience With Democracy" on their blackboards just under Versailles, Inflation, Depression, and Article 48 when listing the causes of the demise of Germany's first parliamentary regime in 1933. Prewar Germany was certainly no democracy. But can it be true that Germans came out of the empire with "no experience" with democratic practices?18 From 1871 until 1893, national elections were scheduled every three years. Only the Scandinavian countries voted so often; in Britain seven years was the legal norm.19 Moreover, unlike Britain, where as late as 1910 approximately 25 percent of the seats in the House of Commons went uncontested, only eight Reichstag candidates were unopposed in 1871, and virtually none thereafter. By 1893 an average of four candidates were competing for every seat.20 Even when a district's "demographics" precluded a victory...
for the Catholic Centrum’s candidates in Protestant districts, for Protestant candidates in Catholic districts, for Polish candidates in German districts, and for Social Democratic candidates in a wide variety of districts. Increasingly the preordained minority party would at least show the flag with a candidate who could hold the victor’s tally down. The hopelessness of his prospects did not mean that this “candidate for the count” (Zählkandidat) considered the contest only a nominal one. 21

The political temperature was kept high by the contests for state assemblies that occurred between national elections and which, in spite of their restricted franchises, were inevitably reflectors of many of the issues and much of the heat of the imperial campaigns. And on five occasions—the regular rhythms determined by the length of the legislature period were interrupted, as the government, dissatisfied with a Reichstag that balked at passing its legislation, took its case to the people. In sum: beginning in 1870, a German living in Bavaria experienced a national or statewide election every two years; in Prussia, every twenty-one months; in Saxony, every fifteen months. 22 Granted, many people were undoubtedly little affected by an exercise that, however egalitarian, could only punctuate quotidian experience. But some towns and even regions became so politicized that their historians have independently described them as existing, even in nonelection years, within a “permanent election campaign.” 23

Does it matter? Skepticism about the significance of these contests need not be confined to those caught in a teleology ending in 1933. The limitations on the scope of the Reichstag, notably in foreign policy; the important powers reserved to the (less democratic) member states; the prerogatives of the crown, the army, and the bureaucracy; the traditional German deference to authority: these are known to every student of comparative politics. Given this context, both liberal contemporaries and later historians have been uneasy about ascribing too much significance to a suffrage whose “bonapartist” purpose they have seen through. For others, the suffrage has denoted simply the emergence of a “political mass market,” a phrase coined at a time when the connotations of

because the victories of W. Wehrenpfennig in the 70s, of L. Windthorst in 1884 and 1890, and of Count J. v. Mirbach in 1887, while lopsided, were not unanimous. Mirbach, for example, got more than 10,000 votes in 7 Gumb., while 69 votes went to the Kaiser, 31 to an unnamed LL, and 69 to “others.” There may have been a few similar cases of which I am unaware. In the Prussian L T, on the other hand, roughly 40% of all seats were uncontested. T. Kühne, “Elezioni” (1993), 68.

21 Thus Field Marshal Helmuth v. Moltke felt it necessary to explain his refusal to allow his name to be put up against the Z’s undefeatable Windthorst by citing his commitment to Memel-Heydekrug. “Aus der Provinz,” Lingen, clipping (probably the Lingen’sches Wochenblatt) from 30 Jan. 1887. SAO Dep. 62b.


both "market" and "mass" were more pejorative than they are today. The success of Germany’s political parties was often owed, we are told, to "demagogy" which is most definitely not the same as democracy. A whole literature has accepted the premise of Germany’s baleful "unsimultaneity" - industrial precocity coupled with "tardy" political development; while the declining fortunes of German liberalism (equated with the fortunes of the liberal parties) and even the continued strength of authoritarian institutions have been connected to a premature introduction of the mass franchise. One sometimes gets the impression that manhood suffrage was yet one more barrier to the development of democracy in Germany.

More common, however, has been the conviction that the suffrage was irrelevant because the Reichstag was only a fig leaf for absolutism, in Karl Liebknecht’s famous phrase. Historians who believe that, have understandably been less curious about the fig leaf than what they suspected was underneath. In my own view, the relegation of the Reichstag to "parliamentary trappings" is misleading. As a legislature, the Reichstag was powerful. It could always defeat government bills and did. And contrary to an old canard that is still current, it could indeed initiate legislation, as a look at Article 23 of the Constitution as well as at the history of national legislation from the Jesuit Law in 1872 to the Lex Bassermann-Erzberger of 1913 easily demonstrates. Nevertheless, it is true that the legislature neither chose the government nor could depose it. It enjoyed no organic connection to the executive, whose function was to serve the crown, a task constitutionally "incompatible," as the phrase went, with a seat and vote in parliament, whose function was to represent the people. Although ministers could and did speak in the Reichstag at will. The German system, like the American, was based on a separation of powers for as

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24 Coined by H. Rosenberg, Depression (1976), 137, the term reflected the distrust of democracy when exercised by Germans that was common among Rosenberg's contemporaries. It has now become embedded in German historiography. P. Steinbach invokes the concept, even while he defends the significance of elections against such critics as Claus Offe. Zänung (1990) 1: 55f.


28 Quoted in Carr, History, 120. V. Berghahn, Germany (1993), 25f, quotes approvingly Liebknecht’s characterization of the political system as "a princely insurance company against democracy."

29 The phrase is from Mommsen, who is of two minds, but likens Germany’s system to tsarist Russia. "Compromise," 37.

30 E.g., Berghahn, Germany, 21; Sperber, Voters, 2.

31 Schuster, Verfassungen (1992), 145. Such bills were designated Initiativanträge.
Germans called it: "dualism." Unlike its American counterpart, however, Germany’s executive was not elected. And when the executive branch "floats free of any institutional connection to the voting public, how can elections enforce that responsiveness to the popular will to which representative government classically aspires?

Underlying much of the dismissal of the German franchise has been an assumption that real democracy consists of sovereign parliaments funnelling the wishes of elected majorities into policy outputs. Yet this assumption is based on the so-called Westminster model that, among industrial societies, existed in its pure form only in New Zealand which itself altered it in November 1993. In practice, a variety of quite ordinary institutional arrangements have worked just as effectively as Prussian-German "crypto-absolutism" to deny elected majorities the exercise of undiluted sovereignty. These include written constitutions that bind the hands of a majority, supreme courts appointed (not elected) for life that overrule them, federalism in which majorities in one body cancel majorities in another, and multiparty systems that require compromises that could never win a majority on a referendum, to name only a few. Since elections do not offer unambiguous policy choices, even voters on the winning side can rarely be assured of the policy "outcomes" they desire. Other historians may be as surprised as I to learn that "in fact there is a vigorous debate among political scientists about whether elections in democracies make any real difference to the substance of public policy." This is not a debate my book will engage; my point is only that it seems clear that no special unreality can be claimed for the elections in Imperial Germany.

Those who doubt, however, that in the absence of parliamentary government, German elections had anything to do with power should ask themselves why the parties and especially the government put so much energy into winning them? Why, in the decade before the war, were Social Democrats crowding the streets of Berlin to demand this same Reichstag franchise for Prussia’s state parliament whose majority, after all, also lacked the authority to choose the executive?

We might also ask what, even on the most minimal interpretation, do popular elections do? Not the least of an election’s functions is to legitimate the political system that makes the election itself possible. Elections do this in part through the folderol associated with them—the speeches, the rallies, the leaflets, the public attention generally: rituals that some have likened, in the expense in time, money, and pomp, to medieval coronations. Elections also legiti-

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mate the system by enlisting the active participation of the political nation. Knowing this, governments go to considerable lengths to secure high turnouts. With heavy participation, even contests that are lost by the group in power help to legitimate the procedures, the political community, and the boundaries of the state. Thus the massive Catholic boycott of the 1983 referendum in Northern Ireland on whether to remain in the United Kingdom more than matched the significance of the 99 percent yes-vote of the remaining electorate. Conversely, German Catholics, in feeding the polls to defeat Bismarck’s government during the Kulturkampf of the 1870s, affirmed the constitution he had given Germany and began their own integration into an empire whose boundaries, by excluding Austria, had turned them into a permanent minority. Later on, Social Democrats, in the very act of piling up oppositional tallies in contest after contest, were bestowing legitimacy on the Reichstag they claimed to scorn.

This story is well known to historians under the rubric “negative integration.” But the cunning of history works in more than one direction. While imperial elections undoubtedly legitimated the institutions of the empire—quite contrary to the intentions of millions of voters who voiced not approval but dissent with their ballots—the same elections also legitimated the opposition. For it is the unique achievement of competitive elections, as we shall see in chapter 9, that they build into the very mechanism that legitimates the state the message that opposition too is legitimate, that “there is more than one side to every political issue.” In this way, elections help support and sustain a plural polity.

But this ironic tale of unintended consequences is not, of course, the whole story of what popular elections “do.” At least as important for a polity as the existence of rituals of legitimation is the form those rituals take. Coronations are rituals that embody the unity of a society at a spectacular and transcendent level. In traditional cultures—England before the First Reform Bill, for example—elections often proceeded in a similarly acclamative mode, as a celebration of the community that was to be represented. When German villages chose their notables to go to Frankfurt in 1848, with no campaigning necessary, we see something of the same thing. But election rituals cease to resemble coronation rituals precisely as they become “democratic”—that is, not just popular, but competitive. Then elections make visible the divisions within the polity, thematize them, and reinforce them. Here is what so distressed our schoolmaster, Franz Pieczonka. Competitive elections are, to cite William James’s memorable phrase, the “moral equivalent” of civil war. They express a society’s inevitable hostilities, even as they begin to channel them into nonviolent paths. In so doing, they need not refer to anything beyond themselves; that is, they may be, at least in part, a “game.” But they are a zero-sum game. They are about

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34 Harrop/Miller, *Elections*, 259.
36 Harrop/Miller, *Elections*, 261.
INTRODUCTION

winning and losing: that is, about power. When we ponder the meaning of elections for participants, we should always keep this in mind.

SOURCES FOR THIS STUDY

*Literaturkenntnis schützt vor Neuentdeckungen.* No one is more conscious of the truth of Hermann Heimpel’s *mot* than I. There is virtually no work on any aspect of the Kaiserreich that could not contribute something to our understanding of Germany’s transition to democracy, and a lifetime would not be enough to do justice to all of them. This project has been able to build upon a wealth of existing scholarship: on the histories of parties and interest groups; on longitudinal analyses of elections in towns, in districts, in regions, and in press coverage; on case studies of particular campaigns; on the social and economic variables behind voting behavior. Even so, I believe that my work departs from that of my colleagues in several important ways.

First, with the exception of statistical studies, relatively little election scholarship attempts to encompass the entire political spectrum or to take in the German Empire, temporally and geographically, as a whole.\(^3^7\) Second, no study of this scope that I know so consciously locates its story in the world of contemporary “franchise regimes.”\(^3^8\) For this reason I hope it may interest political scientists, historical sociologists, and legal scholars, as well as those historians whose specialty lies outside Germany. Comparative history is never pursued as often as our colleagues in the social sciences would like, not least because historians are rarely able to isolate all of the variables necessary to produce the conclusiveness we all desire.\(^3^9\) I cannot claim to be a comparative historian in any rigorous sense, but I do recognize a strong familial resemblance in the aspirations, activities, and political institutions of what we have come to know as “the West.” The fact that ordinary historians are unable to be systematic should not bar us from being every bit as alert to these family resemblances as were our subjects themselves.\(^4^0\) Throughout this study it is

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\(^{3^7}\) Two distinguished exceptions are K. Rohe’s superb *Wahlen* (1992), whose temporal scope is even broader than mine, and J. Sperber’s *Voters*, which synthesizes the results of ecological regressions with a mastery of the literature. An excellent work that I would like to think is most like my own, Kühne’s *Dreiklassenwahlrecht*, although full of insights about national politics, treats the very different Prussian franchise, and concentrates on the Wilhelmine period.

\(^{3^8}\) A notable exception is E. Bendikat, *Wahlkämpfe* (1988), which pursues comparative history more systematically than I, but for a five-year period. Suval’s *Politics* is also attentive to comparisons, but barely touches the Bismarckian era and focuses on only three of Germany’s 397 districts.


\(^{4^0}\) E.g., the British Report on the Practice Prevailing in Certain European Countries in Contests for Election to Representative Legislative Assemblies. . . . (1881). Hereafter cited as Granville Sur-
my hope that the reader will be made aware of these parallels and of the differences.  

Third, my account exploits a body of material that is usually overlooked in election scholarship. These are the election scrutinies (Wahlprüfungen): the petitions charging misconduct, the depositions of witnesses taken in response, and the deliberations of Reichstag committees charged with evaluating them. They add a significant dimension to the picture provided by government files, the press, memoirs, and the commentary of legal scholars (to which the letters and postcards of voters like Pieczonka provide a plebeian obbligato); and they have proven especially valuable for the Reich’s first two decades, when other sources are less full. The testimonies in these scrutinies are diffuse, full of incoherencies, mixed together with the whole who-struck-John of life itself. They resist topical organization at the same time that their very concreteness tempts us to a certainty historians are rarely granted. It is a temptation I have tried to resist. For the humble are also partisans, and even when they are not, we need to be aware that their witness has often been extracted under circumstances likely to reward the disingenuous and punish the candid. Nevertheless for all their difficulties, the scrutinies are our best source for how elections were actually experienced. They provide the acid that can pick out those homely figures—farmers and brewers, miners and mayors, constables and priests—that are otherwise invisible in the electoral landscape. The practices of these men, we shall see, were often no less authoritarian than the opinions of Franz Pieczonka and Alexander von Below. They introduce us to electoral democracy with a human face—warts and all.

The Plan of This Book

Several decades ago the political scientist Dankwart Rustow, frustrated by his discipline’s preoccupation with what makes democracies survive, began to refocus attention on how traditional or authoritarian societies make the transit to

\footnote{I am aware that my pragmatism about comparisons would not satisfy such rigorists as Stanley Lieberson, “Small N’s and Big Conclusions: An Examination of the Reasoning in Comparative Studies Based on a Small Number of Cases,” Social Forces 70/2 (Dec. 1991): 307±20.}

\footnote{Notable exceptions to the neglect of the Wahlprüfungen are Pollmann, Parlamentarismus; B. Fairbairn, “Authority vs. Democracy” (1990) and Democracy (1997); and Kuhn, Dreiklassenwahlrecht, many of whose discoveries for LT elections in Prussia might justifiably be applied to RT elections for the whole empire. Suval’s treatment of the scrutinies was perfunctory, since his premise was that the elections were not only honest, but free. Politics, 4, 11, 40±42, 51, 244. Misconduct is less apt to be overlooked in works that analyze the elections of particular regions. One of the best is H. Hiery’s Reichstagswahlen (1986), which takes the step of problematizing freedom and coercion.}

\footnote{On some occasions the culture of election protests encouraged false witness: e.g., 3 Danzig, AnlDR (1882/83, 5/II, Bd. 5) DS 80: 338±49. While ordinary citizens were usually put under oath, the RT often felt it insulting to require an oath from an accused official. 14 Württ. (Ulm) AnlDR (1881/82, 5/II, Bd. 2) DS 113: 422, 2 Saxe-Weimar, AnlDR (1893/94, 9/II, Bd.2) DS 165: 910.}
INTRODUCTION

democracy in the first place. His influential essay marked an important shift away from functionalist analyses of economic and social structures and toward putting history (and contingency) back into the picture. Though described by supporters as a "theory," what Rustow offered his colleagues was not a formula enabling prediction, but the merest outline of a narrative, a roomy plot summary, beguiling in its simplicity, that turns out to describe our own story remarkably well. It requires as its starting point neither an egalitarian social structure nor democratic attitudes (tolerance, civility, agreement on procedures, a consensus on fundamentals), since a civic culture, he argued, is an effect, rather than a cause, of democracy. Rustow's narrative consisted of four parts: one precondition and three "phases." (1) The precondition is a state whose boundaries the majority of the people accept. (2) The engine that pushes a country down a path that may lead to democracy is a "hot family feud": a protracted, inconclusive conflict between two or more well-entrenched forces, neither of which is able to defeat the other, over an issue that has "profound meaning" to both. It is no hindrance that at least one (and maybe both) of these sides are not democrats (if they were, there would be no incentive to develop procedures for dealing with conflict), nor that the struggle produces stalemate. It is the intensity and persistence of the conflict or conflicts that promote the tactical compromises, the horse-trading, the reluctantly tolerated procedural expedients so crucial to the practice of democracy. (3) At some point, however (and here is the element of contingency), political leaders must consciously decide to accept the existence of diversity and to "institutionalize some crucial aspect of democratic procedure." Although whether they do so wholesale (as happened in Sweden in 1907) or on the installment plan (as in Britain, over the course of centuries) is a matter of indifference. Neither does it matter that the struggle continues after such decisions are made. In democracies, procedures regulate, but do not end, the right. (4) Finally there is the all-important "habituation" to open political conflict that makes the hard decisions of the leadership grudgingly palatable to followers. People who would much rather have won outright become practiced at living with unwelcome compromises, and competition rewards those who support the procedures that make competition possible, producing what Rustow calls a "Darwinian selectivity in favor of convinced democrats.

The Rustowian narrative, which I came upon after completing this manuscript, helps put Germany's story into perspective. It turns some of the very features that have led us to dismiss the imperial period as at best irrelevant to later democrats, at worst, a heavy burden, on their head: the fact that German electoral politics began within the framework of a very well policed state; the existence of intractable struggles over culture and class; the empire's "chronic

44 Narrative is my term. Rustow calls it a "dynamic" or "genetic" model, and refers to "phases." M. S. Fish terms it a "path-dependent" theory. "Crisis" (1996), quote: 145; see also 141–45, 159. 45 "Transitions," quotes: 342, 355. 46 Ibid., 358. For problems of consent that democratic elections do not solve: R. Rose, "Choice" (1978), 196±212.
crisis\(^a\) (in the view of some) in the nineties, its \(^b\)stalemate\(^a\) (in the view of others) thereafter. These features are not, nota bene, transformed into evidence that the Kaisserreich was a democracy. It was not. But instead of being seen as roadblocks, they can be recognized as signposts marking an (always reversible) journey. In the work that follows I shall on occasion refer back to the Rustowian narrative, since its central story that people learn democracy only by practicing is my own.

Rustow opened his own argument by claiming that "history . . . is far too important a topic to be left just to historians."\(^{47}\) I heartily agree, but would add: and politics is too important to be left to political scientists. In recent years the theoretical literature on democratization has tended to divide, if I may oversimplify a bit, between what has been called the "new institutionalism" and approaches that put the spotlight on culture, mentality, experience.\(^{48}\) In the latter, causality "ows, at least implicitly, from society to politics, and institutions are little more than the arena in which politics takes place. For institutionalists, on the other hand, the rules of the game are active agents in effecting political outcomes, especially when, as proponents have recently stressed, they provide incentives for actors to abide by them.\(^{49}\) The following study can contribute to the institutionalist-culturalist debate, not only by giving the "social scienti\(c\) mind," as Clifford Geertz has called it, "bodied stuff on which to feed,"\(^{50}\) but also by situating both components, institutions and culture, in time, and showing more precisely how they interact.

My study is divided into three parts. Part One, "The Framework" (chapters 1±3) outlines the legal, international, and local contexts in which German voting took place. Part Two, "Fields of Force" (chapters 4 ±7), analyzes the coercive pressures that were brought to bear upon a voter's choice. Part Three, "Degrees of Freedom" (chapters 8 ±11) examines the ways in which these local webs of power were perforated by other forces, including those from below. In broadest terms, Parts One and Two are concerned with the Old, and Part Three, with the New; but political Germany's most visible novelty, mobilization, makes its \(\odot\)rst appearance in chapter 4, while the analysis in chapter 6 (on rural.

\(^{47}\) "Transitions," 347.

\(^{48}\) There are, of course, many ways of slicing this theoretical cake, and some might substitute "social" for "cultural," as more inclusive. The stimulating essay by J. G. March and J. P. Olsen, "Institutionalism" (1984), 738, 741, for example, develops quite complex categories and puts "culture" in all of them. Clearer, because it divides the variables into conflict structures and institutions: Kalte\(\uml{e}\)ner/Ni\(\ddot{u}\)en, Wahlforschung, 27±29. German political science, which earlier emphasized institutionalist components, has recently discovered culture. See T. K\(\ddot{e}\)hne, "Wahlrecht-Wahlverhalten-Wahlkultur" (1993), a magisterial survey of the historical and social scienti\(c\) literature, which refers (482) to this "paradigm change." R. D. Putnam, in his discussions of "social capital," has given the Tocquevillian cultural argument its most in\(\uml{e}\)ntial recent embodiment. Making (1993); idem, "Bowling," 65 ±78.

\(^{49}\) Here as elsewhere, I am indebted to numerous conversations with M. Kreuzer, whose Institutions (2000) demonstrates these ideas with more rigor and detail, and who introduced me to Rustow and to A. Przeworski's in\(\uml{e}\)ntial Democracy (1991), with its game-theoretical perspective.

\(^{50}\) Geertz, "Thick Description: Toward an Interpretative Theory of Culture," in The Interpretation of Cultures (New York, 1973), 3±30; esp. 23.
east Elbia) presents a picture of authority, unsoftened by signs of solidarity, that lasted as long as the empire itself.

Within these broad headings, each chapter is topical and each (with few exceptions) covers the entire chronology of the Reich. Chapters 4 and 5, on the Catholic clergy, introduce us to what was in fact the empire’s first “hot family feud”: the “battle for culture.” Here we see the complex connections between anxieties over the franchise, Kulturkampf legislation, and mass mobilization. We also examine the by-no-means democratic clergy, and the reciprocal relationship between representations of the priest and those of the “people” enfranchised by the new law. Chapters 6 and 7, on bread lords, look first at the changing power (real and imagined) of the “Junker,” and then at other kinds of employers. In spotlighting the extraordinary lengths to which bread lords in town and country would go in order to control the votes of their dependents, regardless of any effect on national outcomes, we become aware of their perception of the franchise as something whose very existence diminished their previously seamless authority. We can also see why the possibility of voting was seized by subordinates with such fervor, as if the mere act of casting a ballot were itself an emancipation.

But emancipation—the overcoming of deference and the construction of dissent—is not the whole story, or else practicing democracy would be simply a whiggish version of one of the more usual Sonderweg narratives. Although as an account of elections, our center of gravity naturally lies in the constituencies, and while I do not pretend to tackle the complicated question of regime, no adequate account of developing democratic practices can avoid a look at the strategies and responses of power holders at the national level. Consequently, in chapter 8 we move briefly away from the precincts and into Berlin, where Rustow’s “conscious decision” took place. This decision was embodied, first, in the deputies’ decade-long struggle to guarantee the secrecy of the ballot, and second, in the government’s reluctant collaboration with them in 1903. Forced by the Reichstag, the government’s reversal suggests that a shift in the balance of power between the executive and legislative branch was beginning to take place. It suggests too that the function of elections was expanding: from emancipation to arbitration. Both developments presuppose, however, that enough freedom already existed in the constituencies to have created the Reichstag’s clamorous majorities in the first place.

In the succeeding chapters I try to locate just where these degrees of freedom lay. They lay in the structural conditions of the late empire (discussed in the rest of chapter 8), especially in economic opportunities and increasing material security. These provided the necessary but by no means sufficient conditions for the voter’s dissent. A degree of freedom also lay, as we shall see in chapters 9 and 10, in shared cultural norms—especially an ingrained legalism—that dissenters repeatedly invoked; as well as in those very traditional weapons of the community, such as ostracism and boycott, upon which modern parties could build. By chapter 11 we are entirely in the “modern” world, looking at the power of organization and money in political campaigns. The need for funds
proved to be a major spur to party development, yet it raised questions as it does today about who and what was actually being empowered when an electorate becomes so large that only those disposing of tremendous resources can reach it.

The state, whose self-confidence and legitimacy was both the guarantor of the public peace on which competitive elections always depend, and in Germany the main obstacle to moving to a fully parliamentary regime, appears in the background throughout these chapters. Of all forms of election misconduct, the contemporary consensus was broadest in condemning electioneering on the part of its officials. The possibilities and limits of state influence are treated systematically, however, only as part of the Conclusion (chapter 12). The absence of a fuller treatment may be a shortcoming least because it wrongly implies that the only important changes were those from below and that the transformation of substructures obviated significant alterations in the powerful superstructures of the state. But others have taken up this theme, and as Dale van Kley has written in another context: enough is enough.

This book will not attempt to trace and explain the patterns of election victory and defeat who voted for whom and why. For these questions we already have a considerable literature, much of it statistical. My aim, rather, is to examine how Germans experienced their new franchise, to understand what practicing electoral politics in a democratic key meant in the half century preceding Germany’s first parliamentary government.

The discussion will unfold slowly. One of my objects in telling so many stories is not only to convey the quotidian experience of electoral politics (Rustow’s “habituation”), but also to convince the reader that here were attitudes and behavior common across regions, across decades, across political parties: ways of responding that we can justifiably call, not just Prussian or Saxon or Bavarian, but German. At the same time, it will become clear that the reference group for Germans, and not only those constitutional lawyers, bureaucrats, and Reichstag deputies most continually occupied with politics, was their fellow Europeans. Far from thinking that they constituted some historical anomaly, some exceptional case, Germans measured their own legality against


I have avoided defining democracy for I feel that here, at least, Nietzsche got it right: "All concepts that sum up an entire process semiotically elude definition; definable is only that which has no history."\footnote{Zur Genealogie der Moral in \textit{Sämtliche Werke. Kritische Studienausgabe} (Munich, 1988) 5: 317.} The problem is not only democracy's multiplicity of referents: to social classes and social structures, to constitutions and procedures, to attitudes and norms. The problem is also that, with its powerfully normative penumbra, democracy belongs to a class that the philosopher W. B. Gallie once identified as "essentially contested concepts," concepts whose definition and usage will always be subject to disputes that are both genuine and fundamentally unresolvable.\footnote{Essentially Contested Concepts," \textit{Proceedings of the Aristotelian Society}, New Series, 56 (1955±56): 167±98, esp. 171f; on democracy: 183±87.} No contemporary would have described the Kaiserreich as a democracy; but men could, and did, describe some of its practices and attitudes as democratic, and many of its politicians (usually pejoratively) as democrats.\footnote{Fairbairn's title, \textit{Democracy in the Undemocratic State} (1997), brilliantly captures this difficulty.} In the idiom of the nineteenth century, "democratic" often meant simply plebeian, and "democracy," plebeian enfranchisement.

Are there connections between plebeian enfranchisement and our own, modern democracy? Although the whole thrust of this work suggests that there are, I am aware that "modern" is a concept as treacherous as "democracy" itself. E. L. Jones has warned historians of the Industrial Revolution against their tendency toward "a mild form of anachronism," in which the modern economy is the \textit{explanandum}, but the \textit{explanans} (e.g., canals and cotton) usually leads to an "implicit terminus" around 1907 rather than to the electronics, plastics, and hypermarkets of today.\footnote{\textit{Growth Recurring. Economic Change in World History} (Oxford and New York, 1988), 180.} The reverse warning should apply to political historians. We must continually remind ourselves that the modern democracy to which imperial German practice might be compared is not that of the late twentieth, but the late nineteenth, century. And \textit{that} democracy is no more like the democracy of our own time and (American) place\footnote{\textit{Democracy in the Undemocratic State} (1997), brilliantly captures this difficulty.} with its weak parties, low turnouts, freelance consultants, and millionaire candidates\footnote{\textit{Democracy in the Undemocratic State} (1997), brilliantly captures this difficulty.} than the "modern" smokestack is like the computer chip.

In the study that follows we shall find some things that do remind us of our
own kind of democracy: dirty tricks, certainly, and the longing for a politics, or at least a public life, beyond conflict. But we shall also find things that don’t: rapid mobilization and mass participation though unevenly across the population; strong parties with considerable grassroots vitality, but with curiously disposable candidates.69 Although the picture includes harbingers of the Weimar Republic’s later weaknesses, it includes relatively few signs of the violence, radicalism, and charismatic forms of leadership that would bring, in the early 1930s, parliamentary democracy down.

More generally, we shall see Germans rapidly transforming a segmentary, authoritarian, and communal culture that professed to abhor partisanship of any kind into a nationalized, participatory, public culture, one in which partisan loyalties organized expectations and structured much of public life. We shall see how they created institutions, such as the “discussion speaker,”6 that both stimulated and channeled conflict in the political Alltag. We shall see how a “legalistic culture,” as one scholar has described it,60 bore fruit in genuinely competitive elections—which some consider the root and others the defining feature of democracy.61

In the late 1880s, an American radical remarked that he had “always been in favor of the idea that the workers should go to the ballot box even if it only be for practice, as they do in Germany....”62 The man was invoking, of course, the first of the several meanings of “practice”: “to work at repeatedly, so as to become proficient.”63 Practicing democracy, like practicing the piano, involves inevitable, repeated failure. Unlike those practicing the piano, however, beginners at democracy have no tutors who can impart preexisting knowledge nor even a prescribed piece to play. Democracy is no single melody, but a mix of possible conventions and rules. The story of Germans practicing at democracy will sound whiggish to some readers and outrageous to others as we are to the Central European narrative that begins in authority and coercion and culminates, not in democracy, but in dictatorship and collapse. What about caesarism, bonapartism, manipulation, demagoguery, the subaltern-mentality, and all those other forces repeatedly invoked as so many pathologies in the German body politic? In the following chapters we shall certainly catch glimpses of the usual suspects, if we do not exactly round them up. But at the outset let us recall that such phenomena are not themselves the negations of democracy, but among its many possible children—children no less natural for being unwanted. Like Liberalism and like Socialism, Democracy in practice has more than its share of ambiguities, ambiguities that its champions may dismiss as

69 By the 1880s a larger proportion of the Düsseldorf’s electorate belonged to a political party than in the 1980s. N. Schloßmacher, Düsseldorf (1985), 253.
61 D. Nohlen, Wahlrecht, 18.
mere exceptions "in practice," but ones to which its contemporary critics were never blind.

Practice, contrary to what we tell our children, does not make perfect. Democracy knows no virtuosi. I acknowledge that Imperial Germany did prewar England, America, and France did not enjoy full democracy (although each did not for different, and interesting, reasons). But if we do not ask democracy to be responsible for too much, we can recognize that Bismarck’s democratic franchise, however improbable its Minerva-like birth, did not preclude democratization, but encouraged it. Democracy in practice, like any skill, could improve only with practice.