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## PRELUDE TO DEMOCRACY: A Study of Proportional Representation and the Heritage of Weimar Germany, 1871-1920

Donald J. Ziegler

*University of Nebraska- Lincoln*

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DONALD J. ZIEGLER

*Prelude to  
Democracy*

new series no. 20

*University of Nebraska Studies*

october 1958

**PRELUDE TO DEMOCRACY**  
**A Study of Proportional Representation**  
**and the Heritage of Weimar Germany,**  
**1871-1920**

**DONALD J. ZIEGLER**

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*To my wife*

## **Preface**

The present study is an expansion of a doctoral dissertation written for the Department of History at the University of Nebraska. It is based upon research conducted in 1953-1954 while the author was a student at the University of Munich under the Fulbright program. It treats election systems as instruments of power, as indicators through their uses and justifications of prevailing social and political conditions and attitudes. It attempts in this manner to reveal from a specialized study of proportional representation during the Second Reich something of the nature of the Weimar heritage.

While aware of his own responsibility for whatever errors the study may contain, the author acknowledges the many contributions, both direct and indirect, of his professors in the Department of History. He is especially indebted to Edgar N. Johnson for an approach to history which emphasizes the goodness and the rationality of man, and to Glenn W. Gray for his method of patient and painstaking search for the truth. His thanks also go to Robert L. Koehl for giving so generously of his time in reading and criticizing the manuscript. To Eugene N. Anderson, now of the University of California, Los Angeles, the author expresses his deep appreciation for the friendly interest with which he directed the research and the writing. Whatever may be the merit of the study as an interpretation of German society and politics stems largely from the stimulus of his ideas.

So profound has been the influence of the Fulbright year abroad upon the author that he should like to acknowledge his indebtedness to those in this country and in Germany who administer the program, and to the people of the United States and their elected representatives in Congress who have so wisely begun and continued this experiment in international understanding.

To the Studies Committee of the University the author extends his thanks for making possible this publication. To the person, finally, who has contributed beyond measure to his life and to his work this study is affectionately dedicated.

Carroll College  
Waukesha, Wisconsin

DJZ



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## **Introduction**

Surprisingly little has been written in critical analysis of German election systems. Herman Finer, Sigmund Neumann, and Carl Friedrich, among others, have dealt for the most part with political parties. James Pollock has written descriptions of election machinery and procedures. Ferdinand Hermens has produced the standard work on proportional representation, one confined in the section on Germany to its alleged role in the disintegration and collapse of the Weimar Republic. With the recent exception of Eugene Anderson's excellent analysis of Prussian politics, however, treatments of election systems have been for the most part unrelated to the context of German society and politics.<sup>1</sup>

The following study deals with an election system undoubtedly the most controversial in German political history. It presents an analysis of proportional representation, or as commonly abbreviated, P. R., from the founding of the Second Reich through the first elections under the Weimar electoral law. Its purpose is to relate the development of P. R. to prevailing social and political conditions and attitudes, and in this manner to shed light on the nature of the Weimar heritage.

Simply stated, P. R. is a technique designed to mirror in the parliament the opinions and wishes of the voters (Chapter 1). Its theoreticians call for representation of voter preferences exactly in accordance with respective numerical strengths; and insofar as all voters theoretically have equal opportunities to achieve repre-

sentation of their particular points of view, the system or technique is alleged to be the most democratic in existence. The idea of P. R. was first expounded in developed form by French Utopians and later incorporated in the programs of Marxian Revisionists throughout Europe. It became attractive to political liberals like John Stuart Mill concerned with the problem of the individual and his survival from the pressures of modern civilization toward "collective mediocrity." It assumed increasing significance to politicians of all persuasions in the conflicts arising out of industrialization between power elites and mass movements, between those who wished to preserve and those who wished to alter or abolish the existing order.

It is this latter context that forms the setting of the present study (Chapter 2). Industrial production during the Second Reich was expanding in phenomenal proportions; agricultural output was dropping off sharply; rural areas were being drained of population as urban centers mushroomed. Tensions mounted with the emergence of new social and political groups to challenge the dominate positions of the old. Conservative agrarians became alarmed by the rising mass of socialist-led workers which threatened their control of the state, while middle-class liberals wavered between conservative antipathies and fears of the socialist movement.

Participants in the ensuing conflicts seized upon P. R. as one means for achieving or maintaining power (Chapters 3, 4, 5). To socialists with voting strengths scattered all over the Reich the adoption of P. R. for all *Landtag* and Reichstag elections seemed to offer the best likelihood of increased representation. To numerical minorities like the middle classes and the agrarians who feared the potential power of socialist majorities among the industrial workers, P. R. became useful both as a protection of their respective minority positions and as a weapon against their opponents. It could be introduced in urban districts where socialist majorities were present, and withheld from others where the socialists were in the minority. It could be adopted for elections to the numerous boards and agencies which had arisen with social and factory legislation to the end of undermining socialist monopolies in the representation of workers' interests. Although hailed by its theoreticians as the most democratic system of election in existence, P. R. was used almost extensively in Germany as an instrument of power against those who had as their ultimate political objective the democratization of the Reich.

The paradox of P. R. in the social and political conflict was

heightened by the profound ignorance of democratic ideas and institutions revealed by the participants (Chapters 6, 7, 8). The idea of popular sovereignty was incomprehensible; responsible government through an elected parliament seemed un-German. Political parties were viewed, not as means for assessing responsibility for public policy, but as organs for asserting minority points of view in the social and political conflict. The mere adoption of P. R. for parliamentary elections in 1918-1919 revealed at once the background of division and conflict and the naiveté of German conceptions of democracy. Supposedly the democratic system of election *par excellence*, P. R. was adopted by the Germans as a natural consequence of republican government. Serious consideration of its possible effects in practice upon political parties and the Reichstag was conspicuously absent. Only with the first elections under P. R. in 1919 and 1920 did the effects and their attendant dangers become manifest with the growing numbers and influence of splinter groups and vested minority interests in the Reichstag.

Lacking the most elemental understanding of democratic ideas and institutions, divided in the power struggle between those who upheld the old regime and those who wished to tear it down, possessing an election system which encouraged division rather than consolidation, rigidity rather than compromise among their political parties, the German people appeared strikingly ill-prepared and ill-equipped to assume the responsibilities of self-government so suddenly thrust upon them by the collapse of Kaiser Wilhelm's Reich. The prelude to Weimar democracy was ominously undemocratic.

## I / Proportional Representation in Europe: A Historical Sketch

THE idea of proportional representation, or P. R., dates at least to the French Revolution.<sup>1</sup> In a speech before the Assembly of Provence in January, 1789, Mirabeau allegedly expressed the metaphor which later became so popular with proportionalists. "A representative body," he stated, "is to the nation what a chart is for the physical configuration of its soil: in all its parts, and as a whole, the representative body should at all times present a reduced picture of the people—their opinions, aspirations, and wishes. . . ."<sup>2</sup> The words reflect one facet of the Revolutionary demand for *égalité*, in this case for an equality among votes, for a reflection in the parliament of all points of view in accordance with their respective strengths among the electorate. Although attempts were made subsequently by the Girondins, notably through Condorcet's draft constitution of 1793, to introduce proportional voting, the idea of electoral *égalité* became obscured in the ensuing tumult of war and revolution.

The idea reappeared during the 1830's in French Utopian circles, where discussions produced an ardent proportionalist in Victor Considerant, Paris mathematician and social reformer.<sup>3</sup> As formulated by Considerant, the argument for P. R. became one of electoral justice, a necessity of including "all opinions, the most absurd ones, the most monstrous ones even," in the parliament "in a number proportional to their strength in the electorate."<sup>4</sup> The requirement of political *égalité* would otherwise be violated.

Not content merely with propagandizing in Paris journals, Considerant journeyed to Switzerland during the 1840's in attempts to persuade assemblies in that country to adopt proportional systems of election. So new and impractical did the idea of P. R. appear to the Swiss, however, that apparently they regarded him

as a crank. With incredulous smiles, even laughter, members of the Geneva Council in 1842 and the National Council in 1846 summarily rejected his proposals without discussion.<sup>5</sup> The idea was as yet too untried, too utopian in nature to attract practical politicians.

The attractions emerged as P. R. came to be widely publicized and discussed throughout Europe. In 1859 the first major publication about proportional elections appeared in England. Written by Thomas Hare, a London barrister, *The Election of Representatives*<sup>6</sup> elaborated a system of election termed by subsequent proportionalists the "single transferable vote." Voters according to the plan could designate preferences among candidates on the ballot by using numbers ("1" for the first choice, "2" for the second, etc.). In the tabulation of results, the first-preference candidates who acquired the necessary quota<sup>7</sup> were declared elected, with votes in excess of that number transferred to the credit of those listed second in preference. The process continued through successive preferences until the total number of seats had been filled.<sup>8</sup>

Response to the Hare plan was immediate and emphatic. In his considerations on *Representative Government*, published in 1861, John Stuart Mill found so many advantages in the plan that he could place it "among the very greatest improvements yet made in the theory and practice of government."<sup>9</sup> The reasons for Mill's unqualified acceptance of proportional or "personal" representation, as he and Hare termed the procedure, were to be found in his views on representative government. Representation and government were for him mutually exclusive, with parliaments regarded as "radically unfit" for the "function of government." The latter were to "watch and control the government," i.e., the ministries, offices, etc., which administered the state. They were to form "the nation's Committee of Grievances, and its Congress of Opinions"; they were "an arena" where "every interest and shade of opinion in the country can have its cause even passionately pleaded."<sup>10</sup> It followed for Mill that one of the most important advantages of Hare's plan of election was its protection of numerical minorities against the "despotic majority." By granting representation to minorities, "distinguished" persons without party affiliations or "local influence" could become elected, thereby raising "the intellectual standard of the House of Commons."<sup>11</sup> The "instructed elite" thus could withstand the "natural tendency of representative government, as of modern civilization . . . towards collective mediocrity."<sup>12</sup>

Mill's enthusiasm for Hare's "personal representation" did not pass unchallenged. In articles published in the *Fortnightly Review* in 1865 and 1867 and in the first edition of his work, *The English Constitution*, published in 1867, Walter Bagehot, a fellow liberal and economist, took sharp issue with the famous utilitarian. As contrasted with Mill's dismissal of the parliament as "radically unfit" for the "function of government," Bagehot found in that institution the mainspring of political action. Governmental policies were formulated and implemented by the majority, criticized by the minority. The parliament might become inadequate, or "radically unfit," to perform these its essential functions, he contended, only if the Hare plan of election were adopted. The abolition of districts envisioned in the plan would encourage the formation of "voluntary constituencies," or groups of like-minded people scattered throughout the country. Each would rule "unflinchingly" the members which it returned to Parliament. The individual M. P. would become "like the minister of a Dissenting congregation: that congregation is collected by a unity of sentiment in doctrine A, and the preacher is to preach doctrine A; if he does not, he is dismissed."<sup>13</sup> The result, Bagehot predicted, would be disastrous for the composition and function of the House of Commons. "Instead of a deliberative assembly of moderate and judicious men, we should have a various compound of all sorts of violence," one which would be "inconsistent with the extrinsic independence as well as with the inherent moderation of a parliament."<sup>14</sup> Injudicious minorities would usurp the will of the majority, and the parliament would become "radically unfit" to perform the "function of government."

The views expressed by Mill and Bagehot have remained the classic statements of the case for and against P. R. As viewed by the proponents, representation is a means of "photographing" the electorate, of reflecting as accurately as possible in the parliament the variegated opinions and desires of the voters. The view has been shared by practical politicians concerned with tactics of survival and gain, and by political and mathematical theorists seeking to protect individual rights and assure electoral "justice." Neither group among the proponents has concerned itself to any appreciable extent with the related and fundamental problem of workability, with the capacity of what they term a "representative" parliament to function effectively. Seemingly without question each has equated proportional representation with efficient and responsible government.<sup>15</sup>

The chief question for the opponents has been: What will be the effects of P. R. upon the capacity of the parliament for action? Will the increased representation under P. R. of minority groups and parties be an aid or deterrent in this regard? Their conclusions have been denunciations of the system as incompatible with the functioning of democratic government, as contributive to the splintering of parties, and consequently to the paralyzation of political initiative and the decay of democratic institutions and procedures. For the opponents P. R. thus becomes in the last analysis a Trojan horse capable of destroying the individual rights which proportionalists so vigorously assert.<sup>16</sup>

Undeterred by Bagehot's objections to P. R., Mill moved an amendment in the House of Commons attaching the Hare plan to the electoral reform bill of 1867. Only by adopting the plan, he contended during debate on the amendment, could the "principle of democracy," i.e., "equal representation," be achieved in England. At a time when political power supposedly was passing to the "most numerous and poorest class," conservatives might well consider seriously a plan by which "no considerable minority could possibly be swamped" at the polls.<sup>17</sup> Subsequent comments by members of the House, however, revealed slight sympathy for the plan. The House might well turn from such useless discussions of "philosophical eccentricities" to "more serious business," suggested one M. P. who concluded rather unkindly, "God help them," if the House ever came to be formed entirely of philosophers.<sup>18</sup> Under pressure from his colleagues, Mill shortly withdrew the amendment, and the House turned to "more serious business." Subsequent attempts by other proportionalists to introduce the Hare plan during the 1870's and 1880's likewise failed to move the opposition.

Although P. R. movements achieved some success in the English-speaking countries of the world,<sup>19</sup> the principal gains were in Europe. There, despite the influence of Hare and Mill, parliaments invariably adopted list systems rather than the single transferable vote plan. Instead of one ballot containing the names of all the candidates, voters were presented with several lists of candidates submitted by the various parties. The act of voting hence became essentially a choice among the lists, with seats being assigned among the latter in proportion to the number of votes polled. The "personal" representation of Hare and Mill became "party" representation on the Continent.

Switzerland took the lead in the P. R. movement in Europe.



A national organization, the Association Reformiste, appeared as early as 1865, being founded, according to a report issued by the Association the following year, for the purpose of studying "the works of Mr. Hare."<sup>20</sup> Members of the Association soon became convinced, however, that the Hare plan was "too bold and too foreign to our customs," presumably due to its personal rather than party or group basis. They began shortly thereafter to advocate a list system of representation patterned after one which the French Utopian, Considerant, had vainly tried to persuade the Swiss to accept more than thirty years previously.<sup>21</sup> Despite the propagandizing efforts of the Association, however, P. R. was not adopted in Switzerland for several decades. Beginning with Ticino in 1889, the system then spread to eight other cantons by the outbreak of the first world war, and finally was adopted in 1918 for elections to the National Council, the lower house of the federal parliament.

List systems of election soon began to appear in other European countries. Serbia, which already had adopted one for local bodies in 1888, extended it in 1899 for the election of most members of its national parliament. Belgium did likewise the same year. Other countries in Europe to adopt list systems for national elections prior to the war were Finland (1906), Sweden (1909), Portugal (1911), and Bulgaria (1911).<sup>22</sup> Denmark (1915) and the Netherlands (1917) shortly followed suit. Despite the pressure of an organized group of deputies within the French Chamber of Deputies dating from the turn of the century, a proportional system using lists was not adopted in that country until 1919.

Germany shared in the general movement toward P. R. in Europe. Articles stimulated by the writings of Hare and Mill began to appear during the early 1860's in South German journals.<sup>23</sup> Although the Hare plan was debated in the assemblies of Frankfurt, Baden, and Württemberg during the same decade,<sup>24</sup> the adoption of proportional systems in Germany did not begin until after 1900. Then began a period of experimentation in various municipal, state, and federal bodies which led to the extension of P. R. in 1918 for elections to the Reichstag. The National Assembly of 1919-1920 and subsequent Reichstags during the Weimar Republic were elected under P. R.

Numerous variations among list systems emerged with the development of P. R. on the Continent. The first canton in Switzerland to use P. R. departed from the Hare plan by using lists, yet adopted a similar method of allocating seats. Districts were retained, rather than abolished (as Hare desired), and a so-called

“simple quota” was established by dividing the number of deputies for each district into the total number of votes cast. Seats were allocated among the lists by dividing the resultant quota into the respective vote totals. A quota of 50,000, for example, would accord one seat to the party list with 50,000 or more votes, two to the one with 100,000 or more votes.

Politicians were plagued, however, by mathematical complications. What could be done with the votes for each list which were not used in the allocation of seats? Assuming a seat quota of 50,000, a party list with 60,000 had 10,000 leftover, unutilized, wasted votes. If the number of such votes for all party lists exceeded the quota, then the allocation procedure failed even to allot all the necessary seats in a given district. Not only votes, but also seats might remain. With some misgivings about the matter of mathematical justice, proportionalists for a time merely distributed the leftover seats among the lists with the largest vote totals. Eventually they began to add one numeral to the divisor, i.e., to the number of deputies to be elected, a procedure which decreased the quota and hence the likelihood of leftover seats.

Mathematicians soon held out new and ever-more-complicated solutions to the problem of achieving proportionality. Most important in terms of longevity was one constructed by the Belgian, Victor d’Hondt.<sup>25</sup> As illustrated by the following example from a hypothetical election, the vote totals of each list are divided by the numerals 1, 2, 3, 4, etc.:

<i>Divisor</i>	<i>Conservative</i>	<i>Progressive</i>	<i>Radical</i>	<i>Independent</i>
1	151,000 (1)	83,000 (2)	34,000	32,000
2	75,500 (3)	41,500 (5)		
3	50,333⅓ (4)			
4	37,750			

Seats are allotted among the lists with the largest quotients. Assuming five seats to be distributed in the above example, the Conservatives would receive three and the Progressives two.

Still another problem for the proportionalists concerned the allocation of seats among candidates within the party lists. Should the seats be allotted among those at the top of the list or ticket? Or should the voter be allowed some choice in the matter? The most common solution in Germany was the “closed” list system which denied voters choices among individual candidates. Seats allotted to the ticket were distributed according to the sequence in which candidates had been placed by the nominating party. For the politicians this was “party” representation *par excellence*. An

element of Hare's "personal" representation was introduced by the so-called "open" lists. Voters according to the plan were permitted to express one or more preferences among candidates on the ticket, the most popular ones receiving the seats allotted to the ticket. As refined in some Swiss cantons, voters even could distribute their choices among candidates drawn from several tickets.

Such were the principal variations among Continental list systems of election. Each was subjected to innumerable refinements by mathematicians, jurists, and others possessing talents for abstraction. New ones of astounding complexity appeared as a consequence. So extensive was the experimentation that a British parliamentary commission on electoral systems could report the probable existence by 1910 of three hundred different systems of proportional representation.<sup>26</sup>

Subsequent experimentation throughout Europe and other parts of the world, including the United States, increased both the number and the complexity of proportional systems of election. Italy, Austria, Poland, Latvia, Lithuania, Estonia, Greece, Yugoslavia, Czechoslovakia, Ireland, Norway, Finland, and even Luxembourg adopted P. R. for national elections between the two world wars. Perhaps the ultimate in complexity was achieved by the Germans in the Weimar electoral law. Not only districts, but even groups of districts, and finally a general clearing house or "Reich list" provided successive stages for the utilization of leftover votes. Clearly the parliament was to reflect as precisely as possible the wishes of the electorate, with its capacity to govern a secondary, indeed, an academic consideration.

Much the wiser from their tragic Weimar experience with self-government, West Germans following the second world war consequently reassessed their positions on representation and parliamentary government. The resulting election law was a compromise between the proponents of Mill and Bagehot, between those who viewed representation as an end in itself, that of reflecting in the parliament all shades of opinion among the voters, and those who viewed it as a means to the end of responsible and efficient government. Each voter is empowered by the law to cast two ballots, one for an individual candidate in his district, one for a party list of the *Land* in which he resides. Candidates in the first instance are elected by majority vote, those in the second from the party lists according to the proportion of votes received by the list throughout the *Land*. Majority elections in the districts favor large parties capable of assuming and wielding political power, with the con-

sequent contribution to governmental stability. Proportional elections in the *Laender* afford representation to small parties and hence facilitate the expression of minority points of view. "Personal" representation obtains in the districts, "party" representation in the *Laender*.

The West German law poses one solution to a fundamental problem of modern government: the relation of individual rights to the collective good, of the minority viewpoint to the majority will. Formulated for the first time with reference to P. R. by Mill and Bagehot, the problem has been one of general concern for political philosophers from Locke to Rousseau through the political liberals of the nineteenth and twentieth centuries. It has assumed increasing significance with the far-reaching changes in society which have accompanied industrialization. Agrarian minorities have sought to maintain positions of power against rising industrial majorities, which in turn have attempted to obtain power comparable to their growing numerical as well as economic importance. It is in the context of this struggle of minority versus majority, of power elites versus mass movements that the present study seeks to analyze the development of P. R. in Germany during the years 1871-1920.

INDUSTRIALIZATION during the Second Reich fostered conditions which were highly conducive to the development of P. R. Stimulated by the achievement of political unification, the economy was transformed as coal and iron production spiraled to new and unprecedented heights and major though less spectacular advances took place in the textiles, chemical and electro-technical industries, transportation, banking, and finance. Radical alterations of the social picture occurred with the ensuing growth and shift of population.<sup>1</sup> Despite an over-all gain of more than sixteen million persons in the Reich between 1871 and 1914, the number of rural dwellers remained almost stationary as the urban share of the population increased from slightly more than one-third in 1871 to almost two-thirds in 1914.<sup>2</sup> Conflicts followed as urban groups arose to challenge the traditional domination of German society and politics by the agrarians. In the Reichstag and in the *Landtage* each among the competing groups sought means to extend its representation and to divide and weaken the opposition. Each found in P. R. an electoral technique easily adaptable to such ends.

Opposition to the old regime in Germany was centered in the rising socialist movement. Each year, each decade witnessed slow but steady increases of socialist strength in the Reichstag and in state and local assemblies. Although founded by Marxists like August Bebel and Wilhelm Liebknecht, the movement very early reflected the peaceful revisionist sentiment of other leaders, notably Ferdinand Lassalle. From the first political organization of workers, the German Workingmen's Association founded in 1863, through the Social Democratic Labor Party of 1869, the Socialist Labor Party of 1875, and the Social Democratic Party of 1891, the platforms called for peaceful means to achieve the ends of democratization and socialization of the state. Conservative agrarians were

nonetheless horrified by the implications of the socialist movement for their positions of power. As landowners they were disturbed by the attack on private property; and as members of the conservative elite which controlled the state they looked askance at socialist intentions to democratize government in Germany.

The chief conservative bulwark against the socialist movement was the dominant position of Prussia within the Reich. The former's king and the latter's emperor were the same person. The chancellor of the Reich was Prussia's prime minister, and as such, headed his state's delegation to Germany's upper chamber, the Bundesrat, and also presided over that body. Within the latter, Prussia controlled the two-thirds majority necessary for any amendment to the constitution. State secretaries for the Reich also were members of the Prussian state government. Neither they nor the chancellor were responsible to the popularly elected body, the Reichstag. Both held office at the pleasure of the emperor-king.

Despite Prussian domination of the federal government, however, conservatives found much to fear in the latter's parliamentary features. Although neither the chancellor nor his ministers were responsible to the Reichstag, the latter might impose important checks on the actions of the government. It could initiate legislation, and block or amend bills presented by the government. Most disturbing to the Prussian conservatives was the Reichstag's electoral law. Following the inclusion of Alsace-Lorraine in 1873, three hundred ninety-seven districts were apportioned on the approximate basis of one representative for each one hundred thousand inhabitants.<sup>3</sup> A majority of the votes cast was required for election.<sup>4</sup> The right to vote was not contingent upon tax payments or the possession of property. All German men who had completed their twenty-fifth year of age were enfranchised. No distinctions were made among votes, each being theoretically equal to all others in the election of deputies. Voters chose their representatives directly, not through designated electors, and they cast their ballots in secrecy.

The provisions were striking when compared with those of the law regulating elections to the Prussian Lower House. Although every Prussian male twenty-five years of age could vote, the suffrage was not equal, direct, nor secret. Voters were divided into three classes according to the amount of taxes paid. The members of each class selected by public voting one-third of the electors. The latter then met in each district for the selection of usually two, frequently one, and in some cases as many as four deputies. Since

selection was by absolute majority, electors from the first two classes could combine to outvote those in the third.<sup>5</sup>

The electoral law for the Reichstag accorded political expression to the emerging socialist movement in Germany; therein lay its significance for the Prussian conservatives. Workers were free in the privacy of the voting booth to elect socialists without fear of reprisals from their employers. The tremendous increases in population which had gone to swell the movement were not deprived of political significance in the Reich as they were in Prussia by restricting the overwhelming majority of the voters to a fraction of representation in the Reichstag. Although urban areas where socialist voting strengths were concentrated eventually became grossly underrepresented as a consequence of population growths and the lack of redistricting, the composition of the Reichstag nevertheless reflected, if imperfectly, the surge of the movement. From one of the smallest among Germany's political parties at the founding of the Reich, the Social Democrats by 1912 had become the Reichstag's largest single party.

Conservative fear of the socialist movement was shared by Germany's industrialists. Although most employers in comparatively small enterprises eventually came to terms with both socialist and nonsocialist trade unions and recognized the value of collective bargaining in harmonizing relations with employees, representatives of heavy industry for the most part reacted violently against any suggestions of altering the subordinate position of the workers in industry. The head of the Krupp munition works in Essen, for example, asserted his intentions to remain "master in his own house," and stubbornly refused to deal with trade union leaders. Baron von Stumm, who controlled a huge iron and steel empire in the Saar, declared his dislike of "artificial creations" like trade unions between himself and his employees, even forbidding the latter to read certain newspapers on threat of dismissal.<sup>6</sup> The common ownership and control of all productive enterprises advocated by Social Democrats was a frightening prospect for employers in small and light industries. For individuals like von Stumm and Krupp, who wielded such tremendous economic power, the prospect was anathema.

Antisocialist feeling also permeated large sections of the middle classes in Germany. As reported by one observer, "the Rhenish shopkeeper, the Black Forest clockmaker, the Pomeranian peasant farmer,—all have shuddered alike at the growing power and influence of Social Democracy and regarded almost any means as

holy that would tend to defeat its ultimate success.”<sup>7</sup> A deep gulf separated the socialists from the “respectable” elements of German society. They were abhorred for their advanced views on marriage and the family and the position of women in society, for their attacks on religion and the monarchy, for their internationalism and consequent opposition to narrow patriotism. The socialists themselves widened the gap by developing during the decade of Bismarck’s antisocialist legislation and passing on to the new generation an almost castelike attitude of hostility toward all other groups in society.<sup>8</sup>

Middle-class feeling against the socialists was modified only gradually toward the end of the Second Reich. When food prices rose to unprecedented heights during the first decade of the century, members of the consuming public, both middle class and proletarian, became aware of a common enemy, the agrarian-industrialist alliance which enforced high import duties on foodstuffs. Left-liberals like Friedrich Naumann, leader of the Progressive party, began to inveigh against the conservative agrarian domination of Germany, calling openly for an alliance of the middle classes with socialist working groups.<sup>9</sup>

Under the influence of revisionists within their own party, socialists also began to move towards a *modus vivendi* with the middle classes. The new approach was illustrated by an assertion of the Bavarian leader, Georg von Vollmar, that “the German working classes would have better promise of success, if, in addition to the three millions whom we number, three millions more in the *Bourgeois* camp might be counted ready to ally themselves with labour in a work of resolute political and social reform.”<sup>10</sup> A gradual softening of mutual antipathies was to be seen in an increasing cooperation between the socialists and left-liberal groups like Naumann’s Progressives. The cooperation took the form of electoral alliances in second or runoff elections to the Reichstag and the mutual support of common social and political objectives within the Reichstag and various state legislatures.

The *rapprochement* heightened the significance of the suffrage for the agrarians and the industrialists. Entrenched in Prussia by the three-class voting system, the agrarians could easily thwart parliamentary reforms demanded by the socialists and left-liberals. In the Reichstag, however, they were handicapped as a numerical minority by the presence of universal manhood suffrage, and maintained political power chiefly due to that body’s political incompetence. The danger of the socialist-left-liberal *rapprochement* be-



came apparent as the Reichstag gradually began to check and influence policy decisions by the chancellor and his ministers, to move slowly and hesitantly toward parliamentary government after the English model. Control of the state by a coalition opposed to the conservative elite appeared imminent. Proposals to abolish or at least to restrict the workings of universal manhood suffrage began to pour from conservative pens. Parliaments of experts, representation by occupation, proportional representation, and complex combinations of these and other plans were offered in the attempt to diminish or abolish the Reichstag's competence or potential competence in the direction of national affairs.

Suffrage reform also became an important issue within the various federal states. Despite efforts by property-owning groups to bar industrial workers from a voice in local affairs, socialist penetration of municipal government had increased with each decade. The representation of socialists on the city council in Berlin, for example, rose from five (out of one hundred forty-four seats) in 1884 to sixteen in 1895 to forty-five by the outbreak of the war. Permanent majorities were acquired on the councils of some cities and towns smaller than Berlin.<sup>11</sup> Socialist deputies also began to appear in increasing numbers in state legislatures, particularly in South Germany, where there were fewer restrictions on the suffrage than in Prussia. Even the latter's three-class system of voting could not completely deprive them of representation; by 1913 there were ten socialists in the Lower House. Property-holding or tax-payment qualifications for voting consequently were raised in several places. Proportional representation was introduced in urban areas where socialist voting strengths were concentrated, hence assuring representation to minority groups at the latter's expense. With these and related manipulations of the suffrage, nonsocialist groups sought to preserve political power.

The course of suffrage reform in Germany clearly reflects the significance of election systems in modern societies.<sup>12</sup> As popularly elected assemblies and councils played larger roles in both local and national affairs, the suffrage became as never before a means of achieving or maintaining political power. Liberals fought to maintain property qualifications and other restrictions upon voting which accorded them representation in proportion with their economic importance in the state, out of proportion with their numerical strength. Socialists strove for universal suffrage and other means of achieving representation in accordance with their growing numbers. Even the conservatives were forced into the rough-and-tumble

of parliamentary politics which they disliked in order to achieve protection of traditional rights and interests.

That each found in some form of proportional representation a means to such diverse ends illustrates the adaptability of this electoral technique. As a way of achieving proportionality of deputies to votes it was attractive to the Social Democrats whose scattered electoral strengths failed to secure representation under the majority system. To numerical minorities like the liberals and the conservatives who feared the potential influence of industrial worker majorities, P. R. seemed useful both as a protection of their respective viewpoints and as a way of splintering the socialist movement, of destroying its unity through affording expression to deviant or revisionist tendencies. P. R. had become a potent instrument of power in a setting of change and conflict.

### 3 / The Participants: Proposals for Suffrage Reform

**U**niversal suffrage is communism in politics!" exclaimed an elderly German conservative, a self-styled "old deputy" writing in the midst of Bismarck's antisocialist crusade.<sup>1</sup> Nowhere in the world, he lamented, had social democracy made such progress as in Germany; nowhere had the number of socialist voters grown to such "colossal dimensions." Germany was imperiled by an electoral law which gave full expression to those seeking to destroy the state. Quietly but effectively the law was subverting the German way of life. Even without prompting from socialist agitators, the common voter was beginning to reason: "If I am able to decide the fate of the nation, if I have just as much political power as the pastor and the baron, then I must also be entitled to eat just as well as the pastor." "Political communism" in the electoral law was fostering "economic communism" in the social order.

Salvation lay for the "old deputy" in electoral reform. Only restrictions on the suffrage, he asserted, could save Germany from the threat of communism. Universal suffrage should be abolished and the Reichstag filled with deputies drawn from the municipalities and the occupations.<sup>2</sup> From one-half to two-thirds were to be selected from the memberships of municipal and city councils and from municipal electors, with the remainder distributed among rural and urban workers, industrialists, merchants, and professional men like university professors, jurists, doctors, etc. Even journalists were to be extended representation provided they kept their organizations free of all "unclean," presumably socialist, elements.

At least a majority of the Reichstag deputies thus would be chosen by the municipalities, the greatest share of whom would be elected under systems of restricted suffrage or perhaps appointed directly by local authorities. Social Democrats would be conspicuously absent. Confronted by a Reichstag so constructed, even the most ignorant

peasant could not mistake his political and social inferiority. None could presume an equality with the pastor or the baron. Germany would be saved from the threat of communism.

Similar manipulations of the suffrage were contemplated by the middle classes. As expressed by one contemporary of the "old deputy," Germany was confronted by the "spectre of a social revolution."<sup>3</sup> Spectacular gains had been made by a socialist party seeking to overthrow the existing order in Germany. Opposing measures and social legislation had not halted its meteoric rise. Other means must be found to preserve the state from its "threatened dissolution."

The "rotten fermentation" of socialism could be eliminated from the body politic, the writer contended, by a revision of the electoral system. Large numbers of the discontented who voted socialist would remain loyal to the existing order if given the opportunity to express themselves and to obtain redress of their grievances. Offer means for the peaceful expression of such interests, he predicted, and the ground would be cut from under the socialists. Two working groups would appear in the Reichstag, one of doctrinaire socialists who would continue to reject compromise, and another which, in return for consideration of its interests, would work peacefully and constructively within the existing order.<sup>4</sup>

The electoral reform proposed by the writer combined proportional representation with a representation of occupational groups. Political parties could present in each electoral district lists of candidates from six different occupational groups (agriculture and forestry; industry; commerce and communications; domestic services; public and private services; the unemployed). Each voter would cast his ballot for the list of his occupational group. The number of seats in the parliament for each occupational group was to be established in proportion to the number of persons engaged in each.<sup>5</sup> The writer offered a comparison of seats by occupation in the Reichstag at that time (1885) and seats if division were made according to the proportion of persons engaged in each occupation.<sup>6</sup> The former are listed below in the first column, the latter in the second column:

Agriculture and Forestry	130	174
Industry	41	143
Commerce and Communications	21	40
Domestic Services	....	8
Public and Private Services	172	15
Unemployed	33	17

A Reichstag composed proportionally by occupation hence would

have brought in 1885 a substantial increase in the representation of industrial interests. The latter, when combined with those of commerce and communications, would have approximately balanced agricultural interests. Within the industrial classification the introduction of proportional representation would have deprived the socialists of their monopoly in the representation of working class interests. The body politic would have been saved in this manner from the "rotten fermentation" of socialism.

Both the socialists and the agrarians would have lost representation in the Reichstag through another proposal termed by its author "the ideal electoral system."<sup>7</sup> Every candidate who received 30,000 votes would be elected. To thwart an excessive accumulation of votes for popular candidates, the election would last two days. Votes would not be wasted the second day on candidates already elected. The system was "ideal" for two reasons. Since representation was accorded by population, rather than by area or district, an "overwhelmingly agrarian representation" of an "industrial state" would be eliminated. The system might also destroy the Social Democratic party. The millions who voted for the party in Reichstag elections, so the author asserted, did not read *Das Kapital* and swear by the *Communist Manifesto*. "They are much more the mass of discontented who vote Social Democratic with justifiable resentment because it is not possible for them to elect a man of their own point of view."<sup>8</sup> Adopt the "ideal electoral system," the author proudly predicted, and the Social Democratic party would fall apart. It would splinter into a multiplicity of particularistic groups, revisionists, and doctrinaires. The united front of working-class interests led by the socialists thus would disintegrate. The socialist movement would collapse.

Such proposals revealed, not only the instrumental significance assumed by the suffrage in a society of conflict, but also the changing attitudes in Germany toward traditional electoral techniques and institutions. Territorial districts were for the most part discarded as anachronistic. Political parties frequently were abandoned as inadequate expressions of new and changing interests. Even the legislative assembly itself came under fire as unsuited to the needs and demands of modern political life.

The criticisms of territorial districts found in proposals for suffrage reform during the Second Reich were summarized by one writer in the following words:

The electoral district system was good in a period when the population was still basically homogeneous, and when our

modern means of communication had not yet developed. Those living in close proximity had common interests and common points of view. Today the situation is different. The population is much more differentiated, yet more closely-knit than before. Each of us today has more in common with hundreds and thousands of people scattered all over the Reich than with the people who live in the same street or even in the same house.<sup>9</sup>

To give expression to these new political relationships the writer offered a plan noteworthy for its simplicity: abolish electoral districts and send to the Reichstag the four hundred candidates who received the most votes. Among the consequences, he predicted, would be a complete destruction of existing political parties, a fate not undeserved, since they had failed to afford expression to the important economic and social interests of the voters. Their places would be taken by the various occupational groups, which would send their respective representatives to the Reichstag.

Would not the breakdown of the party structure and the emergence of numerous interest groups, large and small, be detrimental to the workability of the parliament? The writer professed to see no difficulties in this regard:

. . . If the bimetalists, the enemies of alcohol or the vaccine opponents wish to organize to obtain a representative of their views, on what grounds should they be prevented from doing so? These representatives could be quite sensible in other respects; for everybody probably has one screw loose, and he who doubts that has two.<sup>10</sup>

The writer betrayed his own peculiarity in the latter regard by his stipulation for proportional voting in the Reichstag. Each deputy would have one vote for every thousand ballots or fraction thereof which he polled in the election. Would not voting in the Reichstag become hopelessly complicated? Not at all. The writer recommended a comptometer especially designed for the purpose!<sup>11</sup>

The widespread criticism of political parties in Germany stemmed in part from the nature of the Reichstag. Restricted in its competence by the absence of constitutional checks upon the actions of the chancellor, and by the preponderance of Prussia in the quasi-federal organization of the Reich, the Reichstag, at least until during the war, wielded very little political power. Strong personalities were conspicuous by their absence; administrative positions with the government offered more favorable opportunities for personal advancement than membership in the national legisla-

ture. The parties were accused by their critics, moreover, of exercising a "tyranny of ignorance" in the Reichstag.<sup>12</sup> Deputies were, for the most part, lawyers, editors, journalists, party secretaries, and professional politicians. Representatives of industry and commerce, asserted the critics, were too few; only agriculture was represented adequately. How could deputies from such nonmaterial vocations, they demanded, deal intelligently with the intricate and technical problems of legislation in modern society?

The media which many Germans wished to substitute for political parties were new organizations which had begun to assume important social and political functions. During the 1860's employers' associations began to appear to promote the general interests of various branches of economic activity and to protect employers' interests against consumers' and workers' organizations. The number of such associations jumped from less than 700 by the turn of the century to more than 3,000 shortly before the war.<sup>13</sup> Although hampered by the hostility and suspicion of the government and dominant economic groups like the employers, a trade union movement also had emerged by the turn of the century. Approximately 2,500,000 workers belonged shortly before the war to so-called "free" unions which were Social Democratic in orientation, and 500,000 others were distributed among the "Christian," "Hirsch-Duncker," and independent unions.<sup>14</sup> Salaried employees also formed their own organizations, numbering 600,000 in membership by 1914. In addition to the Agrarian League, which by 1907 included almost 300,000 members, several organizations of peasants were to be found in Germany following the turn of the century. Consumers' unions by 1914 included almost 2,500,000 persons.<sup>15</sup>

As government increased in complexity with industrialization, the *Landtage* became more and more dependent upon such organizations. Special legislative committees obtained their assistance in drafting detailed and complicated legislation. Extraparliamentary advisory bodies were formed out of their membership. In 1880 a permanent economic council was established in Prussia at Bismarck's instigation.<sup>16</sup> Although the Reichstag rejected an attempt by Bismarck to create a similar council for the Reich the following year, *ad hoc* commissions of enquiry were established with increasing frequency, especially during the war.<sup>17</sup>

What implications did expert assistance in the legislative process hold for the future of representative assemblies in Germany? "We are thus confronted by the fact," concluded one observer, "that . . . popular assemblies . . . are becoming decreasingly suited to the

positive demands of the total organism. Increasingly must they abdicate . . . functions to other organs which have developed out of the natural arrangement of the total organism."<sup>18</sup> A leading political analyst in Germany, Georg Jellinek, pointed out that "increasingly diverse and inter-related groups unite the innumerable human interests to which we vainly attempt to accord expression in the formation of a parliament."<sup>19</sup> The problem could be resolved, according to many observers, by abolishing the Reichstag and creating a parliament of experts. Only representatives chosen by vocational groups, they maintained, were competent to sit in the parliament. Only they were qualified to conduct the important business of the latter solely in accordance with factual considerations. Only they could be trusted never to confuse important issues, never to transpose a "y" for a "z." Unquestionably they would comprise, in the words of one writer, a "chamber of experts, *par excellence*."<sup>20</sup>

One enthusiast for the superiority of experts in the lawmaking process wished to give Germany not one, but three parliaments.<sup>21</sup> Each voter, according to his proposal, could belong to five different political parties, organizations, associations, etc. He could cast five ballots, one apiece for candidates of his choice presented by his five respective parties, organizations, etc. Each of the latter could elect three deputies for each unit of 100,000 members. The deputies elected were to be distributed equally among three separate parliaments of specialists: a *Kulturparlament* for religious, educational, and "national" affairs; a *Wirtschaftliche Parlament* for trade, industry, production, social matters; a *Fachparlament für Staatsnotwendigkeiten* for finance, administration, foreign and military affairs, etc. The activities of the three parliaments were to be coordinated by a committee at the top composed of representatives from each.

The author was quite certain that his three parliaments not only would reflect the "common will" but also would provide Germany with an instrument for political action. He neglected to inform his readers, however, concerning the ways in which religious, educational, and "national" affairs differed from those concerning industry, production, and social problems, and how all could be separated so arbitrarily from matters of finance and administration. The curious reader, for example, might have inquired how the three parliaments would have dealt with the insurance legislation passed during the 1880's by the Reichstag. Would the extent of the insurance have been the concern of experts in industrial and social



problems, or those in finance and administration? Or perhaps it would have been a "national" problem?

Proportional representation was offered increasingly by the middle classes in Germany as a solution to the criticism that elected assemblies no longer represented adequately the important social and economic groups. Abolish false divisions of the electorate by territorial districts, argued many advocates of P. R., and allow the voters separated by distance but united by occupation or other common interests an opportunity to elect persons more qualified by expert knowledge than by vote-getting abilities. Professional politicians, the rabble-rousers with their mass appeals to emotion and ignorance, would be swept from office. The parliament elected under P. R., they asserted, would contain persons competent to legislate on the important social and economic problems confronting the German people.

The above view was well illustrated in the writings of Karl Gageur, a Baden lawyer who took up the cause of P. R. during the 1890's.<sup>22</sup> Gageur attacked the majority system and election by district as inadequate media for the representation of economic and social interests. In what manner, he asked, were the important interests of trade, commerce, industry, and religion represented in the popular assembly? Purely by chance, he replied. Arbitrary divisions of the electorate by territorial district denied the "natural arrangement" of human society into social classes. Society was atomized; classes were chopped up and reduced to impotence. The process was furthered, he maintained, by the majority system, with its denial of representation to classes which within the arbitrarily created electoral districts were minority groups.

A proportional representation of social classes was Mr. Gageur's solution to the problem of representation in modern Germany. A Reichstag so constituted would afford expression to the "natural arrangement" of human society. The bitterness and antipathy fostered among classes by the majority system would disappear. No longer, he contended, would competing groups have the opportunity to acquire a monopoly of political power; no longer could they anticipate exclusion of others from political life. Each would be assured by proportional elections of its fair representation in the parliament. Conveniently relieved in this manner of the bitterness and antipathy fostered in the struggle for political power under majority elections, secure in the knowledge that each could not eliminate the other or become eliminated, representatives of labor

and management would sit down in peace together to "carefully weigh and consider the claims of each."<sup>23</sup>

Would the Reichstag, split into more factions than ever before, have become a more effective instrument of political action than it had been in the past? Would the smiling representatives of management and labor, relieved of their political antipathies as a consequence of proportional elections, have inaugurated important new social and economic policies? Such results were so obvious to Mr. Gageur that he neglected to discuss them. The claims which he made for proportional representation at least reflected a softening of the middle-class attitude toward the workers and their socialist leaders. The latter were regarded by him as potent forces on the social and political scene, forces whose importance had grown with each stage of Germany's rapid industrialization. The fact of their presence could not be denied; neither could the necessity for including them in constructive political activity through the elected parliament.

The contention that P. R. was more suited than the majority system to the requirements of representation in modern society appeared in the writings of another middle-class liberal, Dr. Ernst Cahn, whose claims for the system rivaled in certain respects those of Mr. Gageur in abstraction. Germany's traditional political parties, Dr. Cahn asserted in one of his numerous publications, represented so-called "idealistic" points of view, i.e., those which were predominantly religious, constitutional, or cultural in emphasis.<sup>24</sup> Industrialization, however, had given rise to numerous and divergent economic interest in Germany which clamored for expression. It was Dr. Cahn's contention that voters were entitled to send to the Reichstag representatives of the new economic as well as of the older "idealistic" points of view. They were denied the opportunity to do so, he asserted, since the majority system hindered the representation of minority groups. The introduction of P. R. would guarantee that opportunity:

It seems especially to be an attraction of the system of proportional representation that it grants the voters complete freedom to group themselves around the viewpoints of their choice. If they wish to group themselves around an economic point of view, they are free to do so; if they wish to rally around an idealistic point of view, they will not be hindered in doing so. The system of proportional representation . . . allows in this manner for the endless variety of modern social, economic, religious-moral, cultural situations which

underlie the psychological motivation of the individual person.<sup>25</sup>

The distinction between parties which were predominantly "idealistic" and those which were "economic" must have aroused some curiosity among Dr. Cahn's readers. In which category, they might have asked, did he place Germany's Conservative party? Unquestionably it was one of the "older" parties, Protestant, Prussian, and monarchical in conviction, yet it also represented the agrarian interests in Germany. Or what about the left-liberal or Progressive party to which Dr. Cahn belonged? Were not the left-liberals among Germany's oldest political groups? Had they not followed, with some deviations, the traditional liberal emphasis upon individual rights and parliamentary government? Did they not also represent the economic interests of the merchants, the shopkeepers, the hand-workers, etc.?

Had the curious reader pursued further his inquiry into Dr. Cahn's views on political parties, he might have discovered an article published by him in 1909 in a left-liberal journal. The article was entitled "The Political Significance of the System of Proportional Representation." Had he perused the article, the reader might have found Dr. Cahn's conclusions highly rewarding, if not surprising:

. . . We would have had a liberal majority (including the National Liberals, of course) in the Reichstag today had we possessed the proportional representation system. Also the goal of a majority composed of the left-liberals and the Social Democrats still may be realized most quickly with the system of proportional representation. . . . With the majority system this goal would lie much farther distant. We must therefore strive for proportional representation in order to attain more quickly our ultimate political ends.<sup>26</sup>

Apparently the left-liberals were neither "economic" nor "idealistic" in character. They were by implication more interested in the acquisition of political power than with any other consideration. P. R. seemed to be significant to Dr. Cahn more as an instrument of power politics than as a means of facilitating "the psychological motivation of the individual person."

Dr. Cahn's advocacy of coalition with the Social Democrats reflected an important change in middle-class thinking on the socialists in Germany. The latter gradually had acquired in the eyes of the left-liberals a certain social and political respectability. Although Chancellor Bülow in 1907 denounced the socialists as

*Reichsfeinde*, as enemies of the state, just as violently as Bismarck had done in 1878, left-liberals after 1900 gradually began to revise their views on the socialists, to regard them as possible allies in the struggle with agrarian and conservative forces.

The socialists themselves were in large part responsible for the changing liberal attitude. Revisionist tendencies had developed within their ranks as the party acquired strength in Germany. Leaders and writers like Eduard Bernstein, Ludwig Quessel, and others began to urge revision of the traditional Marxist tenets of economic crises and the class struggle. Socialist theory, they contended, must be harmonized with the practical aims contained in the party's program of Erfurt, a program which called for democratization as well as socialization of the Reich. The revisionists began to call openly for an alliance of workingman and middle-class interests to that end. "Although the interests of the new middle class and the workers do not coincide in all respects," wrote Quessel in 1911, "they are nevertheless not so basically different as to prevent an agreement and a *modus vivendi*."<sup>27</sup> Despite official denunciations by party congresses of collaboration with the middle classes, socialists became increasingly revisionist in their day-to-day activities. Representatives in the various *Landtage*, particularly in South Germany, collaborated openly with left-liberal parties on common social and political objectives. Alliances were formed increasingly with the latter for runoff election contests to the Reichstag.

Unanimity between the two groups soon developed on the matter of suffrage reform. Left-liberal factions like the National Socialist party and the German People's party had declared themselves by 1899 for P. R. for municipal elections. Despite the vociferous if inconsistent opposition of the Progressive leader Friedrich Naumann to P. R., left-liberals came more and more to favor the system for Reichstag elections under the influence of publicists like Ernst Cahn and following disappointments at the polls.<sup>28</sup>

The socialists, for their part, long had advocated P. R. for Reichstag elections. Article One of the Erfurt program adopted in 1891 called in part for

Universal, equal, direct suffrage with secret balloting for all citizens of the Reich over 20 years of age irrespective of sex for all elections and plebiscites. Proportional representation; and until its establishment, statutory redivision of electoral districts after every census.<sup>29</sup>

The socialists had grown increasingly irritated prior to 1891 with the growing disparity between the proportion of votes polled and

seats acquired in the Reichstag. In 1887, for example, the party received 11 seats in the Reichstag; a system of full proportionality would have raised the number to 40. In 1890 the party received 35 seats; the proportional figure would have been 78. The principal reason for the party's difficulties in this respect lay in the antiquated division of electoral districts for Reichstag elections. The population displacements which had accompanied industrialization had thrown out of proportion the theoretical equality in terms of population established in 1871 among the electoral districts. Districts ranging in population from less than 50,000 inhabitants to more than 300,000 all elected one deputy apiece.<sup>30</sup> Since the Social Democratic party was most heavily concentrated in the large industrial districts, its representation in the Reichstag failed to reflect accurately the rapid increase in the number of votes polled.

As revealed in their party debates, the socialists unquestionably expected to gain power in the Reichstag through any plan to effect a redistribution of seats based on population. In the words of Wilhelm Liebknecht to the assembled delegates to the party congress at Halle in 1890,

Social Democracy today has a much smaller representation in the Reichstag in proportion to its voting strength than the other parties; it has, for example, only about one-third the representation of the Center. Although the Center receives fewer votes than we, it nevertheless has three times as many deputies.<sup>31</sup>

Liebknecht concluded with a plea for P. R. to remedy what he termed "this flagrant injustice." It was in P. R. rather than an actual redistribution of districts that the socialists placed their greatest hope. They anticipated gains from either plan, but in particular from P. R. Despite their frequent majorities in large urban districts, the socialists in 1891 still were a minority party in most districts. Redistricting would increase their representation considerably. The introduction of P. R. would accomplish the same end, the socialists reasoned, and also would enable the party to capture seats in those districts where it was in the minority. Liebknecht expressed this line of reasoning at the congress of Erfurt in 1891 when he stated:

Our party would profit greatly from this electoral system, for, as you all know, we are scattered all over Germany. We are not found only in certain areas like the Center and other parties; we are not heavily concentrated in individual localities. Social Democracy is everywhere in Germany, just as it is

everywhere in the world. But we are a young party, and those electoral districts in which we now comprise the majority are comparatively few. With the present system of election we lose the greater half of our votes—under the proportional system of election the number of our deputies would be approximately doubled and even tripled.<sup>32</sup>

P. R. was an old demand within the Social Democratic party even by 1891. As Liebknecht asserted to the delegates at the party congress at Halle in 1890, he had advocated the system “for decades, even before there was a Social Democratic Party.”<sup>33</sup> In 1849 he is reported to have delivered a lecture on P. R. in Geneva, Switzerland. Articles on the system were published by him in German journals in 1866-1867 and again in 1873.<sup>34</sup> In the latter<sup>35</sup> he advocated replacing the newly enacted electoral law for the Reichstag by one which would reflect accurately the “currents” of “thought and feeling” within the electorate. The suffrage should be freed of “artificially created divisions” like electoral districts; each ballot should be accorded equal weight insofar as possible by requiring a uniform vote total for the election of deputies.

In 1877 and 1878 P. R. was discussed in a series of articles published by socialist authors in a party journal, *Die Zukunft*. The writers who advocated P. R. were one in denouncing the electoral law for the Reichstag. The present arrangement, they reiterated, with division by territorial district and election by the majority system, created a parliament which reflected imperfectly the various shades of opinion within the electorate. In the words of one writer,

The parliament is not a valid expression of the popular temper; it is not a reflection of the views and the parties which prevail within the population. It is rather a representation in which chance majorities emerge amidst heated struggles and wanton irregularities, while large fractions of the population are restricted in their representation or robbed of it entirely.<sup>36</sup>

August Bebel, a leading advocate of P. R. among the socialists, viewed representation as a right, not of the individual, but of the party. “It should be the purpose of a just party representation,” he stated in *Die Zukunft* in 1878, “that every party has seats and votes in the popular assembly in exact proportion to the relation between the number of votes which it received and the total number of votes cast.”<sup>37</sup>

Only one socialist writing in *Die Zukunft* in 1877-1878 opposed P. R.<sup>38</sup> Party members were fooling themselves, he contended, when they anticipated increased representation in the Reichstag through

P. R. Their anticipations were based on electoral statistics which did not reveal accurately the proportional voting strengths of the various parties. Many parties, he pointed out, did not nominate candidates in districts where they had no chance of election. The Social Democrats, however, nominated "test candidates" wherever they could, and hence acquired a larger proportional vote. "With the establishment of the proportional system with all the possible mathematical ingenuities," he concluded, "I fear the relative proportion [between votes received and seats acquired] would turn to the disadvantage of the Social Democratic party, for we must not forget that the other parties for the most part do not nominate test candidates."<sup>39</sup> The writer's conclusions—prophetic in view of socialist experience with P. R. during the Weimar period—went unheeded. The Social Democrats came to regard P. R. as a panacea for the party's difficulties with electoral district inequalities. They continued to do so long after the party would have benefited more from a redistribution of electoral districts than from P. R.<sup>40</sup>

Although the socialists consistently advocated P. R. for the Reichstag and the *Landtage* after 1891 with the expectation of increased representation, they did not seek to justify the system in terms of its supposed advantages to the Social Democratic party. The party line in this instance was *Gerechtigkeit* (justice). Socialist speakers in the Reichstag and the *Landtage* reiterated the accumulation of "injustice" against an electoral arrangement which "denied" representation to minority groups. Party theorists even peered through the tinted spectrum and discovered P. R. and *Gerechtigkeit* to be essential to the Marxist class struggle concept. The cardinal principle of modern political life, according to one socialist writing in 1913,

is division by class and the class struggle. In the first place, therefore, every citizen must not isolate himself, but must seek his representative together with other members of his class in combination with others of like conviction. Secondly, he must be represented directly. In no event, therefore, can he sanction a representative who is alien or even hostile to his class status and political conviction. Thirdly, no group composed of individuals of one class combined with those of like conviction should lose a single one of its votes.<sup>41</sup>

It was the writer's conviction that P. R. was the only system of election which could meet these conditions.

Criticisms of the Reichstag election law and proposals for its reform hence reflected the tremendous changes which had accom-

panied Germany's economic development. Industrialization had undermined the economic position of the agrarian forces which dominated German society and politics. Industrialization had spawned a huge mass of workers whose power was exploited by the socialists and later by middle-class liberals in attempts to undermine the traditional conservative domination. The suffrage became in the struggle an instrument for the preservation or extension of power. Competing groups sought in electoral reform a weapon against their opponents and a means to enhance their respective positions. That P. R. appeared so frequently in the reform proposals was due in no small part to the comparative ease with which it could be combined with other election procedures and techniques like the majority system, occupational representation, and plural voting. The system also recommended itself as a technique by which competing groups might utilize to the fullest possible advantage elements of support scattered throughout the Reich. P. R. in these respects appeared to be most suited as an instrument for power amidst the change and diversity which had come to characterize German society.



## 4 / The Participants: Experimentation with Proportional Representation

THE struggle for power in Germany fostered widespread experimentation with P. R. by legislative bodies. Participants in the struggle introduced proportional voting for elections to federal courts of conciliation in commerce and industry, and later for the selection of boards for the administration of Germany's comprehensive system of social insurance. Several states under their urging also adopted limited proportional voting for municipal and *Landtag* elections. In almost every case the reforms were attempts to combat the rising power and influence of the socialist movement.

Experimentation with P. R. in Germany began in federal industrial courts.<sup>1</sup> As part of William II's plan to lessen the attraction of the socialist movement to German workers, the courts were established by law in 1890 primarily as agencies for the settlement of financial disputes between employers and workers in industrial enterprises.<sup>2</sup> They also functioned as boards of conciliation in the event of actual or threatened strikes. At first the courts were established only upon the initiative of workers, employers, or municipal authorities; in 1901 they became mandatory for all municipalities (*Gemeinden*) with more than 20,000 inhabitants. Members were chosen in equal numbers by employers and workers for terms ranging from one to six years; a president and one deputy, belonging by occupation to neither side, were appointed by municipal authorities. As amended in 1901, the election procedure could include P. R. at the option of these authorities.<sup>3</sup>

The introduction of P. R., especially as an optional election procedure, was directed against the socialist movement. Middle-class parties and groups which dominated municipal government could be expected to introduce P. R. where the socialists held majorities and withhold it where the latter were in the minority. In

the latter event, majority elections would continue to deprive the socialists of representation; in the former, proportional elections would end their control of worker representation on the courts by according expression to nonsocialist minorities. The consequences in either event would be detrimental to the socialists, undermining their almost exclusive representation of worker interests on the courts and hence their power position in the negotiation of industrial disputes.

The utilization of P. R. to such ends was denounced by the socialists. "You wish to use this suffrage," a Social Democratic spokesman asserted to his party's opponents in the Reichstag, "only when it benefits you, [only] . . . as a means of quelling political opponents." Local municipal authorities empowered to adopt or withhold P. R. were controlled according to the speaker by "middle class parties" which, he predicted, "will make use of proportional representation only where they expect to benefit at the expense of the Social Democrats. Only where the middle class parties are in the minority in industrial court elections, only where they fail to benefit from the existing electoral system will they utilize proportional representation."<sup>4</sup>

Experience with the optional P. R. provision bore out the speaker's prediction. The official publication of the industrial courts, *Das Gewerbegericht*, reported that

in many places the stimulus for the establishment of proportional representation has come from the groups which are unrepresented under the old system. Thus the Catholics in Munich and Gmünd, the Evangelical Workmen's Union in Potsdam, the workmen's secretary of the Christian Trade Union in Mannheim have petitioned the city council [for P. R.]<sup>5</sup>

Social Democratic majorities presumably were present in each case. That P. R. was used principally as a weapon against the party in industrial courts was revealed in the writings of its publicists and in the resolutions of affiliated trade unions. Although nonsocialist unions generally expressed approval of the optional P. R. provision, the latter condemned it strongly.<sup>6</sup> A resolution drafted by a trade union conference in Mainz in 1903 reflected the socialist experience:

In consideration that the system of proportional representation is used by municipal authorities in industrial court elections for the purpose of weakening the representation of modern trade unions; in further consideration that the sys-

tem of proportional representation still has not benefited a workingmen's minority organized into a trade union, the assembly of cartel delegates, trade union directors, and workingmen industrial court members reject the present optional system of proportional representation, which has been used as a weapon in the class struggle against the modern workers' movement.<sup>7</sup>

The utilization of P. R. against the Social Democrats in industrial courts placed them in an awkward position.<sup>8</sup> They had committed themselves to the principle of P. R. in the Erfurt Program in 1891 and had worked thereafter for the system's establishment for elections to administrative and legislative bodies in Germany. The first utilization of P. R. on a widespread scale, however, had proved detrimental to their interests. They found themselves in the curious position of advocating an electoral procedure which in the industrial courts had become an antisocialist weapon in the hands of other parties and groups. The development evidently caused some soul-searching among the socialists,<sup>9</sup> but failed to produce articulate opposition to P. R. "The fact," concluded one writer in 1909, "that proportional representation could cost us mandates in a number of social-political organizations cannot be decisive. It will be off-set again by other gains."<sup>10</sup>

Although the greater number of industrial courts retained the majority system,<sup>11</sup> the 1901 amendment fostered considerable experimentation with P. R.<sup>12</sup> Most of the courts which had adopted P. R. by 1905 patterned their electoral laws after two drafts. One came from the court in Frankfort a. M., where an unsuccessful attempt had been made in 1895 to introduce P. R.<sup>13</sup> The other was submitted in 1902 by the Prussian Ministry for Trade and Industry.<sup>14</sup> The latter recommended a simple quota system whereby the number of deputies to be elected was divided into the total number of votes cast and the resultant quotient was established for the election of candidates. It also provided for so-called "open" lists. The number of votes which each candidate received and not his order of designation on the ticket determined his selection in the allocation of seats. Several large cities and towns (Freiburg, Munich, Ulm) rejected such provisions, found in both the Frankfort and Prussian drafts, and adopted "closed systems."<sup>15</sup> Allocation of seats within lists according to the latter followed the order in which the party organization had designated the candidates. Closed lists hence limited the choice of the voter. He could vote only for the party ticket and not for the candidate.

Experimentation with P. R. in various forms in industrial courts undoubtedly contributed to its inclusion in 1904 in a law establishing mercantile courts (*Kaufmannsgerichten*) for merchants and shopkeepers and their assistants and apprentices.<sup>16</sup> The courts were made compulsory in all municipalities having more than 20,000 persons according to the last census. Their purpose was the same as that of industrial courts, to function as unifying and moderating agencies, and to decide on financial disputes between employers and employees. Like the industrial courts, they were elected one-half by the latter and one-half by the former. A bill submitted by the government incorporated the optional P. R. provision of the industrial court law. The Reichstag committee which considered the bill, however, voted to substitute compulsory P. R. for all mercantile court elections.<sup>17</sup> Members of the committee declared that experience with the system in industrial courts merited its extension. One member pointed out that a conference of representatives of federal industrial courts meeting at Leipzig had declared by "overwhelming majority" for compulsory P. R. Although the government's representatives emphasized a lack of experience with the system in Germany, the committee was almost unanimous in its approval of the compulsory P. R. provision. The decision was upheld by the Reichstag in its final reading of the bill.<sup>18</sup>

The decision reflected the importance of political considerations in determining party attitudes toward P. R. Optional provisions were introduced by nonsocialist parties for elections to industrial courts in order to undermine socialist positions of power. Optionality was another matter, however, when applied to elections to mercantile courts. There the influence of the socialists, who drew the bulk of their support from among industrial workers, would be almost negligible. To grant local authorities power to withhold or extend P. R. would not greatly affect the representation of socialist interests. The power might be used, however, to the disadvantage of other groups. Progressives in control of some municipalities, for example, might use P. R. against Centrist representation on the courts, only to experience the same treatment in municipalities controlled by the Center. The minority parties which comprised the Reichstag majority hence favored compulsory P. R. as a means of guaranteeing representation to affiliated minority groups in the mercantile courts.

Among the 218 courts which were established by the mercantile court law, 61 adopted "closed" list systems of P. R., 48 chose "open" lists, and the remainder attempted to combine the two

systems.<sup>19</sup> Those in the first category restricted the choice of the voter to the ticket as presented by the party, seat allocations proceeding in order from the top to the bottom of the list of candidates. The systems in the second category left the voter free to choose a candidate, those with the most votes receiving the seats allotted to the party ticket. The remaining 109 courts adopted list systems which may be described as closed in the relative sense. The voter could cast his ballot for the entire party list, or could designate the candidate of his preference. If a majority of the voters for any given ticket expressed candidate preferences, then seat allocations proceeded according to the number of votes which each candidate received. If a majority of the lists were unchanged, then allocation proceeded according to the order of designation. While most courts merely copied the electoral laws of near-by industrial courts, some experimentation took place. The Prussian Ministry for Trade and Industry again published a sample electoral law for mercantile courts similar to the one which it had published for industrial courts in 1902.<sup>20</sup>

Partisan motives also brought the adoption of P. R. in 1904-1905 for elections to Prussian mining councils. The councils were established in every mine employing at least one hundred persons for the purpose of harmonizing relations between employers and workers. After considerable discussion and division on the question, the commission of the House of Deputies investigating the government's bill amended the latter to permit P. R. for council elections. Instrumental to the House's approval was the consideration that P. R. in the councils would eliminate the complete domination there of the socialists.<sup>21</sup>

One of the hardest blows dealt the socialist movement in Germany was the introduction of P. R. in the area of social insurance. According to the Sickness Insurance Act of 1883, all workers regularly employed in factories, mines, quarries, and other industrial concerns were granted full medical and surgical benefits and limited sick pay. Employees such as overseers, engineers, shop assistants, etc., in the above industries as well as those in the postal and telegraphic services also were covered.<sup>22</sup> The funds, provided one-third by the employers and two-thirds by the insured, were administered by a number of agencies, depending on the type of industrial enterprise. Separate ones were established for those represented by guilds, for mining, for construction, for large industries employing more than fifty persons, for all municipalities containing at least 100 workers affected by the law, and for persons not included in

any of the foregoing categories. By 1905 almost 12,000,000 persons belonged to more than 24,000 agencies. Slightly more than one-half the membership was concentrated in the *Ortskrankenkassen*, the local municipal offices listed above in the fifth category.<sup>23</sup> With the exception of those agencies in the sixth or last category, which were controlled by local municipal authorities, executive offices or boards for the administration of local funds were elected by the employers and the insured in proportion to their contributions, viz., one-third and two-thirds, respectively. The agencies were granted considerable autonomy in determining the amounts paid to members, being able, for example, to extend or restrict benefits, depending upon their interpretation of the member's need.<sup>24</sup>

The local insurance agencies, in particular the *Ortskrankenkassen*, came to be controlled extensively by the Social Democrats. As the strongest group among the workers, they usually were able to win majorities in elections to the agencies. Since the latter were composed one-third by employers and two-thirds by the insured, the socialists could win majorities even without capturing all the worker representation. Their control became significant in view of the above-mentioned autonomy enjoyed by the local agencies in determining insurance benefits. As revealed by debates in the Reichstag over insurance legislation in 1911, the Social Democrats were not slow to use their positions in the local agencies to the disadvantage of nonsocialist groups. The Conservative leader, Count von Westarp, alleged, for example, that salaried employees who wished to receive full insurance benefits were forced into organizations friendly to the Social Democrats. So great was the socialist control of local insurance agencies that von Westarp could designate the latter, the trade unions, and the party organization as the "three props" of "the Social Democratic power-position" in Germany.<sup>25</sup>

Nonsocialist parties in the Reichstag destroyed one prop by passing the National Insurance Act of 1911. In addition to extending the scope of sickness, accident, and invalid insurance, the Act also reorganized and centralized the administrative machinery. In place of the former local sickness insurance agencies controlled by the Social Democrats, new ones were created which administered all types of insurance covered by the Act. The new agencies were elected, not according to the former ratio of one-third by employers and two-thirds by the insured, but one-half by each. In place of the majority and plurality systems which had been used previously, P. R. was prescribed for all elections. Higher insurance

boards, or courts of appeal, were similarly composed, with P. R., however, required only for the election of worker members. The system also applied only for the election of worker members of the highest organ, the Imperial Insurance Office.<sup>26</sup>

The National Insurance Act thus removed the basis for Social Democratic domination of local insurance administration. The new employer-worker ratio in the local insurance offices and the introduction of P. R. for the election of worker members removed the possibility of socialist majorities. Although denying that local insurance agencies were, as von Westarp claimed, one of the "props" of Social Democracy, party speakers denounced the Act not only as a denial of the right of the insured to administer local insurance funds, but also as an attack upon the socialist movement. Their bitterness was illustrated by the attitude expressed toward the introduction of P. R. "When you are in the minority, you bring out your proposals for the introduction of proportional representation," a party spokesman snapped at a heckler during the Reichstag debate. "When you are in the majority, you forget all about introducing it."<sup>27</sup>

A case in point for the speaker was the Hamburg electoral law of 1906, one of the most striking uses of P. R. against the Social Democrats during the Second Reich. Prior to 1906 one-half the total membership of the lower house (80 deputies) was elected in districts under the majority system by persons whose taxed incomes had exceeded 1,200 marks for five consecutive years; the remaining one-half was chosen by a restricted category of administrative officials and former members of the upper house, the Senate. In 1906 the tax requirement for the first one-half was raised so that voters in the 1,200 to 2,500 range elected 48 deputies, and those above 2,500 marks elected 24. All 72 deputies were elected at large by P. R., with the remaining eight chosen in districts by the majority system.<sup>28</sup>

The reform came in response to Social Democratic gains in the taxed-income category. By 1904 more than 90 per cent of the voters within this category went to the polls to cast more than 70 per cent of their ballots for the socialists. The electoral law consequently was changed to avert Social Democratic control of one-half the membership of the lower house. The introduction of P. R. in the lower income category extended representation to non-socialist minorities formerly outvoted by Social Democratic majorities. The latter also lost representation with the removal of 24 deputies to the upper income category.

Minority parties benefited further from the kind of P. R. established for elections in the taxed-income category. According to the new law, alliances could be declared among parties prior to the election. Each alliance counted in the allocation of seats as one list. Minority groups without much chance of electing candidates singly thus could combine lists and elect candidates. As a majority party in the lower income classification, and as a party which traditionally refrained from electoral alliances with other parties, the socialists hence suffered from the P. R. provisions of the Hamburg electoral law.

The socialists also were handicapped by provisions of the Hamburg law governing the allocation of seats within lists. Although parties presented lists of candidates for election, the voter was not restricted to a choice among parties in casting his several ballots.<sup>29</sup> He could cast all for one candidate, or could distribute them among several persons on a number of lists. Seats allotted to each party ticket were distributed among the candidates with the most votes. Party organizations thus had no means to insure the election of preferred candidates. Loyal workers placed at the top of the list might be bypassed by the voter for popular and perhaps less docile candidates further down the list. Open list provisions of this description were particularly harmful to strongly organized groups like the Social Democratic party, which exerted a rigid discipline over the views and votes of deputies in representative assemblies.

Similar to the Hamburg law was the reform of the Württemberg law for elections to the second chamber, which also appeared in 1906.<sup>30</sup> The law transferred to the upper chamber 23 deputies elected by privileged groups (thirteen from the nobility, six from the Evangelical Church, three from the Catholic Church, and one from the University) and substituted 17 deputies to be chosen by the electorate in two large districts. The law also increased the number of deputies elected from Stuttgart from one to six. The total membership of the second chamber (91) hence remained the same. The 23 new deputies were to be elected by a P. R. system similar to that found in the Hamburg electoral law. Voters could cast several ballots, all for one candidate or could distribute them among several on lists presented by different parties.<sup>31</sup> The latter could present lists either singly or in combination with others. A similar system was established in 1906 for elections in municipalities with more than 10,000 inhabitants.<sup>32</sup>

The socialists attempted without success during the debates of the Württemberg second chamber on the electoral reform bill to



extend P. R. for elections to the entire chamber. Other parties favored P. R., but only for Social Democratic strongholds where they were in the minority. Although the socialists eventually joined with the German party and the People's party to vote P. R. for the election of the 23 new deputies, they did so reluctantly. As one party spokesman complained,

the Württemberg government introduces the system of proportional representation in order to prevent the "suppression of intelligent minorities by numerical majorities," in order "to counter-balance the vast strength of the masses." At the same time, however, the middle classes reject the Social Democratic proposal to introduce proportional representation for elections to all seats.<sup>33</sup>

In elections the same year (1906) to the lower chamber in Württemberg, the newly created seats were distributed as follows:<sup>34</sup>

Party	Stuttgart Votes	Stuttgart Seats	Neckar and Jagst District Votes	Donau and Schwarzwald District Votes	Combined Seats
Social Democratic Party	117,136	3	508,420	230,331	4
German Party	59,315	1	200,275	155,325	2
People's Party	36,081	1	455,180	314,762	4
Conservative Party	16,527	1	370,021	160,200	3
Center Party	14,551	0	270,687	599,401	4

It would appear that the Center party received more votes than the Social Democrats, yet won fewer seats. The figures are misleading, however, for voters in Stuttgart were allowed six votes apiece and voters in the other two districts were allowed eight and nine votes respectively. Vote totals for Stuttgart hence should be increased by one-third for an approximate picture of the proportional vote relationships among the three districts. By comparison with other parties in the elections, however, the Center still fared badly, receiving in the three districts as a whole proportionally less seats in relation to the total number of votes than any other party. In Stuttgart the socialists received three of the six seats. Had the city been divided into equal electoral districts and the majority system retained, the Social Democrats probably would have won all six seats.<sup>35</sup> The party would have acquired four seats in the election had the Center and Conservative parties not utilized the combined list provisions of the electoral law to return an additional Conservative deputy.<sup>36</sup>

Political parties in Bavaria soon discovered in P. R. an effective weapon for use against the socialists in municipal elections. The Chamber of Deputies passed a resolution in February, 1908, calling for P. R. in all municipalities with more than 4,000 inhabitants,

and recommending further that the system be extended to municipalities below 4,000 upon petition of one-fifth of the qualified voters.<sup>37</sup> The Bavarian government returned a bill the following June embodying the first recommendation, but not the second. The bill passed both chambers and became law on August 15, 1908.<sup>38</sup> Eighty-five of the approximately 115 municipalities in Bavaria were affected by the law. An election of municipal deputies (*Gemeindebevollmächtigten*) held the same year under the new law produced the following percentage results:<sup>39</sup>

	Votes	Deputies
Liberal	38.7	30.0
Social Democrat	28.8	9.2
Center	19.4	22.8
Local groups	4.1	25.3
Economic and social groups	7.3	4.2
Unaffiliated	0.5	0.3
Allied parties and groups	2.2	8.2

Differences among the two groups of percentages were striking for the socialists, who received more than one-fourth of the total vote, yet won less than one-tenth of the contests. The disparity was greatest in favor of local groups, with the deputy percentage being approximately six times greater than that representing the total number of votes polled.

Several factors contributed to the disparities. The socialists were most heavily concentrated in large urban municipalities with more than 100,000 inhabitants, where the ratio of voters to elected officials exceeded that for town and rural areas. Local groups, on the other hand, were strongest in the latter, and hence could elect more deputies with less votes than the socialists.<sup>40</sup> Certain provisions of the electoral law also worked to the disadvantage of the socialists. Like the Hamburg and Württemberg laws, the one for Bavaria gave the voter practically unlimited freedom in the choice of candidates. He could distribute his several votes among candidates on different party lists if he wished to do so. He could even write in the names of individuals not found on the official lists. Such freedom of selection enjoyed by the voter undoubtedly increased the number of contests won by independent candidates. Provisions allowing parties to combine lists also contributed to disparities among deputy and seat percentages. Such combinations elected 97 deputies with 2.2 per cent of the total vote, whereas the socialists received 109 with 28.8 per cent. The Center and liberal parties and a number of local groups participated in the combinations, their deputy and vote percentages being consequently higher than revealed by the returns.<sup>41</sup>

P. R. appeared frequently in the consideration of electoral reform in Baden. As early as 1869 the second chamber debated and rejected the system.<sup>42</sup> Although the chamber in 1894 passed by large majority a left-liberal proposal for P. R., the government rejected the system on the grounds that local interests would not receive adequate expression.<sup>43</sup> P. R. was not established in Baden until 1910, and then only for municipal elections. According to the electoral reform of that year, the system was introduced for elections in all municipalities with more than 2,000 inhabitants. The law combined a closed list system with the established three-class system of voting.<sup>44</sup> Although the war temporarily postponed further consideration of P. R. for legislative elections in Baden,<sup>45</sup> reform proposals began to appear late in 1917. The liberals joined with the socialists to petition for universal P. R. in the second chamber, and the Center proposed P. R. for large city districts.<sup>46</sup> The government rejected universal P. R., but declared through a spokesman early in 1918 that revision of the electoral system in large cities would be permitted. The reform was not inaugurated before the end of the Reich.

The development toward P. R. in Baden prior to 1918 was paralleled in other states. Oldenburg and Lübeck adopted the system for municipal elections in 1907 and 1908 respectively. The liberal and Center parties in Alsace-Lorraine attempted unsuccessfully to introduce P. R. for municipal elections.<sup>47</sup> A resolution by the second chamber in Saxony in 1908 for P. R. for the election of part of its membership was thwarted the following year by the opposition of the first chamber.<sup>48</sup> After lengthy debate and despite the support of the Social Democrats, Progressives, and National Liberals, P. R. was rejected in 1917 in the Saxon second chamber largely in consequence of the government's opposition. As reported by one observer, "the government had declared against turning the state over to the masses [i.e., the industrial workers]. That would be an injustice to the educated citizenry and the peasants."<sup>49</sup> The second chamber reversed itself the following year, however, and adopted a resolution presented by the National Liberals calling for universal P. R. with plural voting.<sup>50</sup> The fall of the Reich intervened before further action could be taken.

In Prussia in 1918 the resurgent demand to abolish the three-class system of voting was again rejected by the Lower House. The debate produced a compromise proposal, however, which included the introduction of P. R. in several mixed-language districts in East Prussia containing Polish majorities. Despite endorsement by

the Lower House, the proposal was rejected by the Prussian government.<sup>51</sup> In Bavaria the liberals and the socialists sought unsuccessfully prior to 1918 to secure the adoption of universal P. R. for *Landtag* elections. A resolution to that effect was rejected in 1917 by agricultural groups and the Center. Universal P. R. presumably would have reduced the number of rural representatives in the House.<sup>52</sup> In June, 1918, the *Landtag* rejected a similar resolution by the liberals and socialists. One by the Center party calling for P. R. in five large cities was accepted, but no reform was enacted before the collapse of the Reich a few months later.<sup>53</sup>

Only in one instance was P. R. introduced in federal and state legislation enacted during the war. A Civilian Service Law passed in 1916 compelled all German men between the ages of seventeen and sixty to take employment in certain occupations considered vital to the war effort.<sup>54</sup> Committees of workers in the various occupations were established in all industries directly affected by the law and in all those which employed at least 50 workers. The committees were elected by P. R. To serve as media for the expression of workers' complaints, their purpose was essentially to harmonize relations between management and labor. Presumably the purpose was aided by assuring, through proportional elections, an adequate representation of nonsocialist minorities.

Opponents of the socialist movement in Germany thus found in P. R. an instrument useful in the struggle for power. To combat the increasing representation of Social Democrats in state legislatures, the system could be extended to urban districts where their voting strengths were most heavily concentrated. To undermine socialist domination of the workers' movement in Germany, it could be used in elections to the numerous bodies which had arisen with social and factory legislation. The effectiveness of P. R. for such purposes was enhanced by the numerous refinements to which it lent itself. "Open" lists and plural voting offered the worker an opportunity to distribute his votes among both socialist and opposing candidates, thus endangering the "disciplined" vote sought by socialists. Combined list provisions made it possible for minority groups without chance of electoral success singly to elect candidates at the expense of the socialists, who usually refrained or were excluded from such alliances. In these and numerous other ways the suffrage justified by its proponents as the most democratic in existence was used by entrenched social and political groups against a movement which had as its ultimate purpose the democratization and socialization of the Reich.

## 5 / *The Reichstag and Proportional Representation*

**E**XTENSIVE population changes during the Second Reich underlay the demand for electoral reform in the Reichstag. Although an approximate equality had been established in 1871 among the Reichstag's electoral districts,<sup>1</sup> rural areas during the ensuing decades lost thousands of voters to the urban districts. By 1912 approximately one-half of the districts had less than the over-all average of 36,000 voters, while several had accumulated more than 100,000, one even exceeding 300,000.<sup>2</sup> Despite the presence of such inequalities, each district continued to elect one deputy apiece to the Reichstag.

The demand for redistricting came chiefly from those parties which were underrepresented by the existing electoral arrangement. The Social Democrats were heavily concentrated in the large urban districts, and hence led the demand for reform. The Progressives, representing the commercial and intellectual middle classes, also were strongest in the cities and favored a redistribution of districts.<sup>3</sup> The National Liberals, drawing their support chiefly from business and heavy industry, likewise elected the greatest share of their deputies in the Reichstag from the urban districts. Since any redistribution in favor of the latter would increase Social Democratic strength in the Reichstag, however, they were extremely reluctant to tamper with the existing arrangement.

Rural interests within the Center and Conservative parties led the opposition to redistricting. Although the Center, as the party of Catholicism in Germany, included within its membership representatives of all social and economic groups in both town and country, agrarian interests held the ascendancy. Spokesmen for the party in the Reichstag hence opposed any change in the election system which might reduce the representation of rural areas, especially since an extension of representation in the industrial areas would increase the number of Social Democratic deputies.<sup>4</sup> Most vociferous

was the opposition of the Conservatives, whose voting strength lay almost entirely in the agrarian districts. As representatives of the conservative regime which dominated Germany throughout the Second Reich, they became almost hysterical in denouncing any and all attempts to alter the constitution. Spokesmen in the Reichstag were emphatic in rejecting any plan for redistricting which would decrease the number of deputies elected from agrarian districts to the advantage of the Social Democrats concentrated in the urban districts. "We do not want that," asserted one Conservative in 1903 on the floor of the Reichstag. "Neither can we allow it to happen."<sup>5</sup>

The elections of 1912 gave fresh impetus to agitation for reform of the electoral law for the Reichstag. All the major parties lost seats to the Social Democrats, whose representation to the Reichstag rose from 43 to 110. The losses were particularly disturbing to the National Liberal and Progressive parties, for each received more votes in 1912 than in 1907.<sup>6</sup> The National Liberal percentage of the total vote in 1912 declined only slightly (6.2 per cent) from that in 1907, and that of the Progressive party for the same years increased substantially (17.9 per cent). Yet the two parties lost nine and seven seats, respectively, in 1912.

The losses were attributed principally to the functioning of the electoral law. Candidates were elected in single-member districts, with a majority of the votes required for election. When none received a majority, second or runoff elections were held between the two with the most votes. The National Liberals fared badly in the first elections in 1912, losing majorities in 15 districts and emerging with only four seats. Even more disturbing was the experience of the Progressives, who lost majorities formerly held in 12 districts and emerged without a single seat!<sup>7</sup> In subsequent elections in districts where no candidate had received a majority in the first balloting, the National Liberals and Progressives received 41 and 42 seats, respectively. Each party hence was dependent upon the unpredictable runoff elections for the maintenance of its political power in the Reichstag. Each was a minority party within the existing arrangement of districts and might be expected to look with favor upon any system of minority representation.

Agitation for P. R. accordingly developed within both parties immediately following the election.<sup>8</sup> The National Liberals declared in the Reichstag their readiness to adopt P. R. for the large industrial districts.<sup>9</sup> The Progressives followed by advocating universal P. R. for Reichstag elections.<sup>10</sup> Even the distinguished Progressive leader, Friedrich Naumann, temporarily dropped his opposition

to P. R. and concluded reluctantly in the Progressive organ, *Die Hilfe*, that "the outcome of the election now compels us to work strongly and persistently for proportional representation."<sup>11</sup> The Progressives joined with the Social Democrats in the Reichstag in 1913 in an attempt to establish universal P. R. for Reichstag elections. The Social Democrats at that time attempted to capitalize on National Liberal discontent with the existing system. One spokesman for the party asserted during the debate:

The complaint often has been heard especially from the ranks of the National Liberals that sufficient representation of industry and trade in the Reichstag cannot be obtained. They have complained, for example, that Hamburg had three Social Democratic deputies, while the liberals were not represented. Certainly, gentlemen, I grant without question that it is unjust that strong minorities held by the individual parties in many electoral districts remain entirely without representation. . . . I should think, therefore, that this party [the National Liberal] in particular had all the necessary inducement to consider carefully the proportional electoral system and the redistribution of electoral districts. The liberal parties could acquire considerably more power in the German Reich than they have today if they worked diligently for a better electoral system.<sup>12</sup>

The Social Democratic appeal almost worked. The resolution for universal P. R. was defeated by one vote.<sup>13</sup>

Although the war for a time postponed further agitation for electoral reform and P. R. for the Reichstag, Germany's internal divisions eventually shattered the *Burgfrieden* and forced reconsideration of such questions. The existing power divisions within the Reich and the individual states, particularly Prussia, failed to reflect the economic and political developments of a swiftly industrializing state.<sup>14</sup> Most of the parties were discontented with a political system which failed to accord them full participation in the direction of public affairs. The government's new policy of conciliation toward the Social Democrats only temporarily quieted the general discontent of the largest single party in the Reichstag. By 1917 the Progressive and National Liberal parties joined with the Social Democrats to demand the creation of a special committee for the consideration of constitutional reform. The resolution was adopted in the Reichstag on March 30 by a majority of 228 to 33. At the initiative of the Progressives, an interparty committee was formed on July 6 among the Progressive, National Liberal, Social Democratic, and Center parties of the Reichstag for the purpose of

fostering unanimity on questions of internal political reform.<sup>15</sup> The committee's deliberations soon extended to foreign policy and produced the July Peace Proposal. Asserting that Germany was fighting a defensive war, the proposal called for a "peace of understanding" and the rejection of all plans for territorial annexation and "political, economic, and financial oppression."<sup>16</sup> It was adopted by a majority composed of Social Democrats, Centrists, and Progressives. Although the National Liberals withheld their support of the proposal and withdrew from the interparty committee, they joined with the majority parties in demanding universal suffrage for Prussia and parliamentarization of the Reich.

In its first report to the Reichstag the Constitutional Committee recommended an increase in the number of seats in the Reichstag and the establishment of P. R. in the large industrial districts. The recommendation was debated and adopted by the Reichstag on July 6, 1917; a Social Democratic resolution calling for universal P. R. was voted down. Both were rejected by the Conservatives. Although they had polled slight minorities in several of the large industrial districts in the elections of 1912,<sup>17</sup> an increased representation was unlikely. As members of a party which benefited from the existing division of electoral districts, they feared that the action might lead to P. R.'s extension throughout the Reich. The Center and National Liberal parties supported the committee's resolution and rejected the Social Democratic proposal. The Progressive Party likewise supported the resolution, but indicated its willingness to consider universal P. R. should experimentation with the system in the large industrial districts prove satisfactory. All three had polled sizeable totals in 1912 in several of the large districts, and could expect substantial gains.<sup>18</sup>

The resolution for P. R. in the large industrial districts confronted the Social Democrats with the same problem which had accompanied the introduction of P. R. in other areas in Germany.<sup>19</sup> Again the system would be introduced where their voting strength was most heavily concentrated. The Majority Socialists accepted the reform proposal reluctantly with the hope that P. R., once established, eventually would displace the majority system entirely. The Independent Socialists rejected anything short of universal P. R.

In response to the Reichstag's action on the Committee proposal, the Reich government submitted a suffrage reform bill to the Reichstag on February 16, 1918. According to its provisions, the membership of the Reichstag was to be raised from 397 to 441.



Thirty-six large single-member districts were to be reorganized and accorded 80 deputies, all of which were to be elected by a system of P. R. with open lists and the d'Hondt method of allocation.<sup>20</sup> Of the 36 districts to be reorganized, 27 had returned Social Democratic deputies in the election of 1912, two National Liberal, two Polish, one Progressive, and four Centrist. A reallocation of seats in the new districts on the basis of the 1912 election statistics and the d'Hondt method would have given the Social Democrats roughly 50 and the Poles two, with the remaining 28 distributed somewhat equally among the Progressives, Centrists, and National Liberals.<sup>21</sup> The Social Democratic gain hence would have been approximately equal to that of the combined gains of the other parties.

By February, 1918, the relationship between the Reichstag and the federal government had shifted. The resignation of Chancellor Michaelis had been forced by the Reichstag in October. His successor, Count Hertling, first conferred with the Reichstag majority and agreed upon basic policy before accepting the chancellorship.<sup>22</sup> The appointment of Friedrich von Payer as Vice-Chancellor placed in the Chancellery a leading Reichstag advocate of parliamentary government for the Reich. That the former chairman of the Reichstag majority's interparty committee used his new position in the interests of suffrage reform and P. R. was reflected in his statements as official spokesman for the government in the Reichstag.

During a speech to the Reichstag on February 25, 1918, von Payer referred to the electoral reform bill and the opportunity which it presented for experimentation with P. R.<sup>23</sup> The Conservatives assailed the reference immediately on the grounds that it contradicted the government's declaration in the bill's preamble against the extension of P. R. to the remaining districts of the Reich.<sup>24</sup> During the sessions of the Constitutional Committee from March through June, the Conservative members repeatedly denounced von Payer's speech and challenged representatives of the government to state the latter's real position on the extension of P. R.<sup>25</sup> Reference to the statement in the bill's preamble failed to mollify them. As a remonstrance against von Payer, they even withheld their vote in committee on a Social Democratic proposal calling for universal P. R.<sup>26</sup>

The Conservatives renewed their attack upon von Payer when the reform bill appeared before the Reichstag on July 8 for its second reading. A sharp exchange occurred between the Vice-Chancellor and the Conservative leader, Count von Westarp, dur-

ing the debate.<sup>27</sup> Von Westarp repeatedly challenged von Payer to affirm the government's unalterable opposition to the extension of P. R. to other electoral districts. Von Payer merely replied that the government was not presently contemplating the extension of the system. His statements indicated the effect of his own sympathies with P. R.<sup>28</sup> upon the government's policy with regard to the system. They stood in contrast with the government's failure even to mention P. R. in the presentation of its views to the Reichstag the preceding year (July 6, 1917) on the first report of the Constitutional Committee.<sup>29</sup> A National Liberal speaker had concluded during the subsequent debate that the omission implied the government's opposition to the system's inclusion in the Committee's recommendation. No clarifying statement had been made by the government's representative, Dr. Helferrich.<sup>30</sup>

The Conservatives were especially disturbed by an amendment voted by the Progressive, Social Democratic, and National Liberal members of the committee of the Reichstag which considered the reform bill. The amendment called for automatic extensions of the mandate and P. R. in those districts which experienced large population growths in the future. Each district would receive an additional deputy for each new unit of 200,000 inhabitants when the population exceeded 300,000.<sup>31</sup> Although the amendment probably would have affected very few electoral districts, it was significant as a commitment by the Reichstag to the principle of P. R.'s automatic extension.

The Conservatives rejected the entire reform bill, which included the automatic P. R. amendment, on the grounds that it would benefit the industrial districts and the socialists. A party spokesman asserted in the July 8 debate that the bill

signifies an important gain for the urban population and especially for the organized industrial workers. The unrestricted numerical principle will lead, indeed, to class domination by the industrial working class. Thus the Social Democrats will benefit most from this law; and above all, the industrial consumer groups of the large cities will be strengthened in the Reichstag.<sup>32</sup>

Any shift in the balance of political power from rural to urban districts, whether by means of P. R. or by redistricting with the majority system, would have reduced Conservative strength in the Reichstag. The party had remained predominantly rural in composition and could have expected no gains in industrial areas under P. R.

The Conservatives, to be sure, had favored P. R. for elections to boards for the administration of social insurance and in other areas as a weapon against the socialists. As reflected in contemporary literature calling for electoral reform, many even were willing to introduce proportional voting in combination with occupational representation and other devices for restricting expression in the Reichstag of the growing urban population.<sup>33</sup> The use of proportional elections without such safeguards, however, was another matter. Once substituted for the majority system in the industrial districts, P. R. as embodied in the reform bill might easily be extended in the same form to the remaining districts. For this reason the Conservatives opposed the reform bill from beginning to end and attacked the Vice-Chancellor, von Payer, so persistently for his sympathies with an electoral system which they feared.

The same unwillingness to alter the antiquated representation ratio between industrial and agrarian areas characterized the attitude of the Center. One party spokesman asserted in the July 8 debate that the automatic P. R. amendment would lead to a "one-sided advantage of the large industrial electoral districts at the expense of the remaining electoral districts."<sup>34</sup> Although the Center opposed the amendment largely for this reason both in committee and on the floor of the Reichstag, the party did not reject the entire bill. It joined the Progressives, Social Democrats, and National Liberals to pass the bill as amended. The Center thus compromised its opposition to universal P. R., first by approving the system for the large industrial districts affected by the reform bill, and then by accepting the amended bill with the automatic P. R. provision. Tempted by the prospect of increased political power through extensions of the mandate and P. R. to the urban areas, the Center gradually abandoned the majority system which, along with an unequal distribution of electoral districts, long had accorded the party representation in excess of proportionate voting strength. The party certainly was aware that it would lose seats in the Reichstag if universal P. R. were established, for it consistently had received seats in excess of the percentage of votes polled.<sup>35</sup> There was no indication at that time, however, that a P. R. system establishing full proportionality might be adopted by the Reichstag parties. The latter had given their approval to the d'Hondt system contained in the reform bill, and that system favored parties which were geographically concentrated.<sup>36</sup> The Center therefore could expect that the initial losses under any future system of P. R. for elections to the Reichstag might

not be as high as one-fourth of its representation.<sup>37</sup> The party also could expect to extend itself in those areas where it had been denied representation as a minority group under the majority system, and hence could strengthen its appeal to Catholic working groups.

The Center's shift toward P. R. in 1918 illustrated the force of the movement for universal P. R. by the parties of the political left. A Progressive member of the Reichstag, himself critical of the reform bill and its P. R. provisions, wrote in the *Preussische Jahrbücher* in June, 1918, that P. R. had received the sudden and almost unanimous approval of the parties of the Reichstag:

. . . One gathered from the debates that almost all parties suddenly were convinced of the advantages of the proportional principle as opposed to the majority system. Only the Right voiced a noisy if somewhat superficial opposition. . . . Suddenly and quite recently an axiom had emerged.<sup>38</sup>

The writer attributed the appearance of the new "axiom" to the dominance of partisan political considerations:

One now encounters this point of view even in parliamentary circles: Proportional representation may be detrimental and questionable, but we must adopt it because certain political ends can be attained thereby. To debate the defects and the impossibilities of the law with men of such convictions really serves no purpose.<sup>39</sup>

The dominance of partisan considerations in the attitudes of parties in the Reichstag toward P. R. in 1918 was reflected in their substitution of closed list provisions for the open list system in the government's bill. The voter according to this system could designate the candidate of his choice on the party ticket for which he cast his ballot. If one-half the voters for a given ticket designated preferred candidates, seats would be distributed among those with the most votes. If one-half failed to do so, then the allocation would proceed according to the sequence of candidates printed on the list.<sup>40</sup> The provisions were deleted by the Reichstag in an amendment to the government's bill. The voter was expressly denied the right to choose candidates on party tickets by the stipulation that seat allocations within the latter were to proceed in order from the first to the last candidate listed.<sup>41</sup> Since the party organizations which presented the tickets decided the sequences, the amendment strengthened party control of the choice of candidates. The Center opposed the amendment as a restriction of the voter's freedom of expression.<sup>42</sup> The Conservative party rejected it as an instrument of party tyranny.<sup>43</sup>

Although the National Liberal party was not a leader in the movement of the Reichstag parties toward universal P. R. in 1918, the party voted for the suffrage reform bill and for the automatic P. R. provision. During the 1870's the party consistently had received representation in the Reichstag in excess of proportionate voting strength. As the party suffered decline during the 1880's, however, it had begun to receive fewer seats than its proportionate voting strength.<sup>44</sup> In 1890 the National Liberals were jolted by the outcome of Reichstag elections in Baden districts. In 1887 they had received nine of the 14 Reichstag seats from Baden with approximately 44 per cent of the votes. In 1890 they received 32 per cent of the votes and still constituted the largest single party in Baden, but failed to secure a single seat! Other parties had combined against them in the runoff elections.<sup>45</sup> The significance of the Baden experience for the party's future was reinforced by the elections of 1912, described above. After 1912 the National Liberals were painfully aware of their position as a minority party dependent upon the unpredictable runoff elections for representation in the Reichstag. "It is . . . characteristic of our party," concluded one member writing in 1917, "that more and more our old original seats are overrun, that party splintering has made the National Liberal as well as other liberal parties dependent upon the runoff election for the greatest number of their mandates."<sup>46</sup> Universal P. R. might not achieve a large increase in representation, but at least it seemed to assure the party's continued representation in the Reichstag.

The Progressives were divided in 1917-1918 on the question of universal P. R. for elections to the Reichstag. Their failure to retain a majority of the votes in any district in the election of 1912 had contributed to demands for P. R. Although the system had become a part of the Progressive program, it had not been pushed by the party's leaders.<sup>47</sup> One of the strongest leaders, Friedrich Naumann, even opposed the system. Since P. R. ideally affords expression to all shades of opinion within the electorate, Naumann believed it would destroy Germany's chances for a two-party system, which he regarded as requisite to parliamentary government.<sup>48</sup> Other elements within the Progressive party, however, were less concerned with a two-party system and parliamentary government than with their party's immediate future. They believed that P. R. would increase their membership in the Reichstag.<sup>49</sup> According to one Progressive propagandizing for P. R. in a National Liberal publication, the system would bring "a certain win" of 23 seats for liberals in the Reichstag. Not least important, the writer claimed,

would be "the protection of such electoral districts as Bochum, Duisburg, Saarbrücken, and Leipzig, which certainly are gravely threatened at the present time."<sup>50</sup> The pressure of discontented Progressives led the party in 1917-1918 to sponsor the petition for P. R. for large industrial districts and the amendment for the system's automatic extension. The party then united with the Social Democratic, National Liberal, and Center parties on November 8, 1918, to petition for universal P. R.<sup>51</sup>

An important factor which underlay acceptance of P. R. by the parties of the political left and center was the pressure of local groups, particularly trade unions, for increased representation of their interests in the Reichstag. One union spokesman writing in 1909 pointed out that "the Center from 1877 to 1907 had one worker in the Reichstag. . . ."<sup>52</sup> According to the writer, the Center, under pressure from the workers, nominated a number of worker candidates for election to the Reichstag in 1907. "In several electoral districts, like Osnabrück and Saarbrücken," however, "the radical worker candidates were withdrawn at the last moment due to the objection of the 'better' Centrist people. Lawyers [*Justizräte*] were substituted for the workers."<sup>53</sup> Nonsocialist unions also were irritated by the number of representatives of socialist unions elected to the Reichstag. In 1912, for example, there were 26 representatives of the latter in the Reichstag, and only seven and two representatives, respectively, of the Christian and independent trade unions.<sup>54</sup> The views of one union leader in 1918 illustrated the pressure of nonsocialist unions upon the parties for the introduction of P. R. as a means to increase their representation in the Reichstag. Pointing to an increasing difficulty of electing trade union representatives in urban districts as a result of the socialist upsurge, the writer concluded:

The members of the Christian-national workers' movement wish to remain true to the parties with which they have been associated, but they wish better representation within these parties. . . . They wish approximate proportionality with other groups in the allocation of mandates. The previous treatment accorded our movement in this respect is to be attributed less readily to the middle class parties themselves than to the electoral system with its majority principle. A new means must be found. That means is proportional representation, which will provide representatives to the middle-class parties in those electoral districts in which they previously failed or no longer are able to elect their candidates.<sup>55</sup>

The middle classes also voiced disappointment with the existing

electoral system. The workers, one Progressive complained in 1913, were represented exclusively in predominantly industrial districts. Even in "mixed" industrial and agricultural districts, manufacturers, merchants, hand workers, etc., were seldom elected. "Proportional representation," he concluded, "would completely exclude these abuses, for it guarantees representation to the minority."<sup>56</sup>

It is strange that the Social Democrats continued to advocate P. R. after 1912. By 1890 they polled more votes than any other single party; the popular vote for the party continued to rise steadily. By 1912 the Social Democrats were no longer spread thinly throughout the country. They held strong majorities in most of the large industrial districts, and had sizeable pluralities in many other districts. By 1912 the Social Democrats would have benefited more from redistricting and a plurality system than from universal P. R. They received pluralities in 1912 in 144 electoral districts and secured 110 seats in the Reichstag.<sup>57</sup> A system of full proportionality would have allotted the party 134 seats on the basis of the 1912 election statistics. Even without redistricting the party thus would have benefited more from a plurality system than from P. R.

The failure of the Social Democrats to reject P. R. has led one writer in this country to conclude that they were motivated by considerations of "justness" and "fairness."<sup>58</sup> The writer apparently has taken at face value the innumerable appeals to electoral *Gerechtigkeit* which appeared after 1891 in almost every socialist writing or speech about electoral systems. He has assumed further that the Social Democrats realized that redistricting and the plurality system would have benefited them more than P. R. The conclusions of at least one contemporary among the socialists suggest that the Social Democrats by 1912 were practically incapable of considering electoral statistics objectively. Referring to the views of "many middle-class publicists" that the majority system would one day benefit the socialists to the detriment of the nonsocialists, the writer concluded:

The time when the majority system will begin to benefit the Social Democratic Party still seems quite distant. According to A. Kolb there were 58 electoral districts in 1903, 53 in 1907, 93 in 1912 in which Social Democratic voters comprised over 40 per cent of the total number of voters. These districts thus can be regarded as socialist. According to the [total] number of votes received [in all districts], however,

the Social Democratic Party should have received 127 seats in 1903, 83 in 1907, 138 in 1912 [*sic*].<sup>59</sup>

The writer's use of electoral statistics reflected the typical socialist approach. Electoral statistics had significance to the socialists only insofar as they revealed the disparity between the percentage of total votes polled and the percentage of seats held. It probably never occurred to the above writer to count the number of districts in which his party had secured pluralities. Had he done so, and had he concluded in favor of a plurality system and rejected P. R., the evidence strongly suggests that his party would have ostracized him. To the present writer's knowledge, there appeared between 1891 and 1918 only one publication by a socialist which criticized P. R.; and significantly, this one appeared anonymously.<sup>60</sup> The author of the publication maintained that the Social Democrats would benefit more from a redistribution of electoral districts in Reichstag elections than from P. R. He referred to the socialist agitation for P. R. as so much "fuss over nothing," and complained that the system had come to be treated, even by 1895, as "a kind of axiom."<sup>61</sup> The views of another socialist writing in 1909 revealed the anger of socialists over the use of P. R. to their disadvantage by other parties.<sup>62</sup> To maintain, however, that the party was committing "a sort of harakari" by advocating P. R. under such circumstances was not considered "expedient" by the writer. His reason: "We could be criticized for not adhering to our principles."<sup>63</sup> The complete lack of critical analysis of P. R. in relation to socialist voting strength, even in face of the system's utilization to the party's obvious disadvantage, suggests that the Social Democrats were not motivated in their advocacy of P. R. primarily by considerations of "justness" and "fairness." The Erfurt party congress in 1891 had decreed P. R. as the electoral arrangement most beneficial to the party. Critical analysis of the system by socialists thereafter ceased.

P. R. thus found acceptance in the Reichstag in 1917-1918. The suffrage bill presented by the government in February, 1918, was amended to include the automatic P. R. provision and passed its third reading by the Reichstag on July 10, 1918. It became law on August 24 of that year, died with the fall of the Reich in November, and reappeared almost verbatim in the electoral law of the German Republic.

That P. R. rather than a plan for redistricting was adopted by the Reichstag in 1917-1918 may be attributed partly to the peculiarities of the system's growth within Germany. It had been experimented



with and adapted to existing electoral procedures (the majority system, election by district, plural voting, etc.) for almost two decades. The areas in which P. R. was employed—industrial and mercantile courts, social insurance boards, workers' committees, large urban districts—reveal the close connection between its growth and Germany's industrialization. The system, moreover, had demonstrated its usefulness to the nonsocialist parties in areas where large socialist majorities were present. All the major political parties with the exception of the Conservatives had sought P. R. in various states for *Landtag* elections in large industrial districts. That these parties introduced P. R. for Reichstag elections in the large industrial districts was not surprising. They merely extended to the Reich the solution they had long advocated for states with similar population shifts arising from industrialization.

Even those like Friedrich Naumann who attempted to rise above partisan politics doubted the practicality of redistricting alone as a solution, and were attracted by P. R.'s supposed merits. Past experience in Bavaria and Alsace-Lorraine, Naumann stated in *Die Hilfe* following the election of 1912, illustrated the tremendous difficulties involved in redistricting. "A parliamentary majority never has been able to free itself from partisan considerations when marking off new districts." Highly significant was his second objection to redistricting, that "our own experience has shown that population growths invalidate any suffrage within 10 to 20 years."<sup>64</sup> Naumann concluded that P. R. and not redistricting was the solution to the problem of district inequalities, for population increases under P. R. merely would raise the quotient required for the election of a Reichstag deputy.<sup>65</sup> His conclusions reflected the effects of swift population growths and shifts in pointing up the difficulties of redistricting and contributing to P. R.'s acceptance.

The electoral system which had developed with Germany's industrialization thus emerged in 1917-1918 as the solution to electoral problems largely created by industrialization. Redistricting might rectify the adverse balance of rural over urban representation in the Reichstag. Redistricting with retention of the majority system, however, would not accord seats in the Reichstag to the large nonsocialist minorities in the industrial districts. P. R. found acceptance in the Reichstag in 1917-1918 largely because it appeared to offer increased political power to the parties with large voting strengths in these areas.

## 6 / *The National Assembly Elections*

**N**OVEMBER, 1918, was a time of crisis for the old order in Germany. Beginning in the north, with a mutiny on November 4 among the sailors at Kiel, revolts quickly spread southward through the major towns and cities of the Reich to Munich, where a group of Independent Socialists on November 8 expelled the Bavarian royal family and proclaimed a republic. Kaiser Wilhelm abdicated the following day, and Philipp Scheidemann excitedly proclaimed the German Republic to the masses of Berlin workers milling about the Reichstag building. Berlin Councils of Workers and Soldiers shortly convened to vest the powers of provisional government in a Council of six socialist Commissars of the People.

The Second Reich lay in ruins. The authority of the military had vanished; the monarchy had ceased to exist. The bulwarks of conservatism were gone. Political power was a monopoly of the proletarians, organized into Councils led by the Social Democrats and several left-wing socialist groups, principally the Independents and the Spartacists.

Germany was stunned by the rapidity with which the conservative regime had collapsed. With minor exceptions, opposition to the course of events was nonexistent. Prussian Junkers and the industrial bourgeoisie remained quiet, although apprehensive. Resistance was impossible without the support of the monarchy and the military. The bourgeoisie moved quickly, however, to forestall the socialization of industry which appeared imminent. Within days after the collapse of the Second Reich they concluded with the trade unions a wage and hour agreement with significant concessions to collective bargaining. They and other middle-class liberals and conservatives also raised a cry for the National Assembly, which had been promised in an early decree by the provisional

government.<sup>1</sup> Without representation in the new regime, and without power to force their entrance, they were helpless to influence the course of events. Their only hope lay with an elected assembly which would provide them voice and vote, and hence an opportunity to protect their interests.

The significance of convening a National Assembly to the power position of the Workers' Councils was not lost upon left-wing socialists. "The political instruments of power," an Independent Socialist declared on November 16, "are today in the hands of the workers and soldiers. They must not give up this power. Were we to convene the National Assembly at this time that would mean a death sentence to the Workers' and Soldiers' Councils. . . . The National Assembly is the road to the rule of the bourgeoisie."<sup>2</sup> The moderate, or Majority Socialists, however, favored an early convening of the Assembly. Opposition to government had become such a habit that they felt curiously embarrassed by their new position of power. A democratically elected assembly would free them from sole responsibility for the common welfare. Early elections, moreover, might enable them to ride into a majority in the assembly on the crest of the revolutionary wave of November.<sup>3</sup> Such attitudes revealed not only the moderation which had come to characterize Social Democracy in Germany, but also the effects of non-participation in the affairs of government in undermining the capacity for leadership.

The Majority Socialists were successful in defeating attempts by left-wing socialists to postpone calling the National Assembly. On November 25 a congress of representatives of the revolutionary governments of several states meeting at Berlin voted by overwhelming majority to convoke an assembly at an early date. Strengthened by the decision, the Council of Commissars under Friedrich Ebert's leadership promulgated a new electoral law on November 30 and decreed February 16, 1919, as the date for election. A National Congress of Workers' and Soldiers' Councils meeting the following month rejected the council system as a permanent form of government for Germany and upheld the decision for an early assembly. The Congress even moved the date for elections from February to January 16, and provided for the convocation of the National Assembly one month thereafter.<sup>4</sup> The Majority Socialists had won their point; the base of government was to be broadened to include those groups deprived of participation in government by the events of November.

The new electoral law provided for universal, direct, equal, and

secret elections with P. R. by all German men and women who had completed their twentieth year of age.<sup>5</sup> The inclusion of P. R. was a foregone conclusion. A shift of the majority parties of the Reichstag toward the system in 1917-1918 had been confirmed in November, 1918. In the midst of revolutionary uprisings early in the month, the Social Democratic, Progressive, Center, and National Liberal parties on November 8 issued a joint proposal calling for universal P. R. and woman suffrage for all Reichstag and *Landtag* elections.<sup>6</sup> These provisions and a lowering of the voting age to the twentieth year were included in a proclamation four days later by the Social Democratic Council of Commissars.<sup>7</sup>

The antiquated distribution of electoral districts used for elections to the former Reichstag was abolished by the November law. Existing administrative districts were regrouped into 38 new electoral districts from which 433 deputies were to be elected.<sup>8</sup> The distribution of seats among districts was based on the principle of one deputy to an average of 150,000 inhabitants, with a surplus of at least 75,000 counted as a full 150,000. District populations and seat allotments varied from District 18 (Arnsberg) with almost 2,500,000 inhabitants and 16 deputies to District 27 (the Palatinate) with less than 1,000,000 inhabitants and six deputies.

The P. R. provisions of the new law were lifted bodily from the electoral law of August, 1918. Candidates were nominated in lists presented to the chairman of the committee for the entire electoral district. Each list could not contain more names than the number of deputies to be elected in the district; each required the signatures of at least one hundred voters in the district.<sup>9</sup> The voter was required to cast his ballot for an entire list; he could not express his preference among candidates. Allocation of seats within the list followed the candidates' order of sequence. The November law hence established a "closed list" system.

Distribution of seats among the lists proceeded according to the so-called d'Hondt method, one which favored large parties.<sup>10</sup> In an attempt to secure the highest degree of proportionality, however, the November law incorporated the combined list provisions contained in the August law. Small parties or groups were enabled thereby to form combinations which counted in the allocation of seats as one list.

Elections to the National Assembly were preceded by a reorganization of the parties represented in the former Reichstag.<sup>11</sup> Several rightist groups, the German party (Free Conservatives), the German Reform party, and the Economic Alliance (*Wirtschaftliche Ver-*

*einigung*) joined with the Conservatives to form the German National People's party. The new organization was dominated by Prussian Junkers and the industrial plutocracy, and drew support from lower middle-class and orthodox Protestant elements dissatisfied with the new regime. Anti-Semites were attracted by the manifestly racial bias. Although frankly monarchical in conviction, the party declared its willingness to cooperate with the government to be established by the coming assembly.

Former National Liberals and the Progressives presented two new combinations to the electorate: the German Democratic party and the German People's party. Most committed to the ideals of the new democratic republic were the Democrats. A fusion of political democracy, nationalism, and laissez-faire modified by an extensive program of social legislation characterized their platform. Former Progressives were most numerous within the party, with men of liberal convictions like Friedrich Naumann and Hugo Preuss playing prominent roles. The party was universal in its appeal to all who were democrats and socially minded, but drew its support chiefly from the middle classes.

The German People's party was fashioned from the remnants of the National Liberal party. Its leaders were Gustav Stresemann and others among the wartime annexationists who championed the interests of heavy industry. Equal political rights for all individuals were affirmed in the party's platform. Like the conservative Nationalists, however, members of the party regretted the disappearance of the monarchy and withheld commitment to the republican ideal. The attitude was largely negative, one of passive resistance to any suggestion of socialization or other radical experimentation with the nation's economy.

The party of Catholicism, the Center, adopted a new name, the Christian People's party, but soon reverted to its former designation. Pro-monarchist sympathies were abandoned with obvious regret. The party stood ready to support a democratic republic; otherwise it remained the same in conviction as well as composition. The socialist state was unequivocally rejected. An extension of social legislation was favored in deference to the Christian trade unions; pressure from the right-wing clericals, aristocrats, and industrialists, however, precluded any commitment to far-reaching economic reforms. The struggle between progressivism and conservatism continued within Germany's traditional confessional party.

The Social Democrats (Majority Socialists) retained their name

and convictions. Force of habit led them to affirm the Program of Erfurt and the Marxist theory of class struggle. They opposed all forms of dictatorship, however, asserting their faith in democratic government as the best means with which to achieve social reform. The party sought to identify itself with the political accomplishments of the revolution and the social program of the Ebert regime. The Independent Social Democrats assailed the Majority Socialists for abdicating proletarian power to a bourgeois constituent assembly. Declaring the necessity for a complete destruction of the capitalistic structure, they pressed for immediate and total socialization. The Spartacists, constituted late in December as the Communists, hurled insults at both groups and boycotted the elections.

Over 30 million or 83 per cent of the voters went to the polls on January 19. The returns confirmed the fears of left-wing socialists. Bourgeois parties received a majority of the votes cast. The socialist monopoly of political power had ended. The official returns, compared with those for the last Reichstag election in 1912, were as follows:<sup>12</sup>

	1919	1912
German National People's Party	44	
Conservative Party		43
German Party (Free Conservative)		14
Economic Alliance		10
German Reform Party		3
German People's Party	19	
National Liberal Party		45
Christian People's Party	91	
Center Party		91
German Democratic Party	75	
Progressive Party		42
Social Democratic Party	163*	110
Independent Social Democratic Party	22	
Miscellaneous parties and groups	7	39
	<hr/>	<hr/>
Total number of deputies	421*	397

\* Subsequent elections by military groups gave the Majority Socialists two additional seats and raised the total number of seats in the National Assembly to 423.

From the standpoint of the parties which gave most unequivocal support to the new republican regime, the election was a resounding success. The Social Democrats, Democrats, and Christian People's party accounted for more than 75 per cent of all the votes cast and together received 329 of the 421 seats in the new assembly. Extremist groups which were lukewarm or in outright opposition to political democracy ran a poor race. The Nationalist and People's parties together obtained 63 seats; the Independent Socialists secured 22.

The successes of the democratically oriented parties in the January elections were especially striking when compared with the composition of the last Imperial Reichstag. The parties of the political right, including the National Liberals, together received 115 seats in 1912. Anti-Semites, Guelphs, and other minority groups swelled the nondemocratic composition of the Reichstag to almost one-third. The parties which consistently favored parliamentary government in the Reich, the Progressives and the Social Democrats received 152 seats, or somewhat more than one-third the total number. The approximate balance in the Reichstag between political left and right was tipped in favor of the latter by the preponderance in 1912 of right-wing elements within the Center party.

The returns in 1919 revealed a surprising absence of minority groups and independent deputies by comparison with previous elections to the Reichstag. In the election of 1912, for example, five major parties (Conservative, National Liberal, Center, Progressive, Social Democratic) obtained 345 seats, with the remainder distributed as follows:

Hanoverian Guelphs	5
Danes	1
Reform Party	3
Economic Alliance	10
Alsace-Lorraine	9
Anti-Semites	3
Poles	18
Unaffiliated	3

In elections to the National Assembly, however, six parties received all but seven seats, the latter being distributed among four local parties or groups. Four seats went to the Bavarian Peasants' Union and one apiece to provincial parties in Hanover, Brunswick, and Schleswig-Holstein.

The practical disappearance of minority parties in 1919 was the result of several factors. Territorially, Germany was not the same in 1912 and 1919. The loss of Alsace-Lorraine and districts adjacent to Denmark and Poland removed three separate parties from the German political scene. The number was reduced further by mergers among parties of similar convictions formed for common protection against the socialists. Three minority groups of the political right joined with the Conservatives to form the German People's party. Anti-Semites, who elected three deputies in 1912, also merged with the new conservative front.

The election law undoubtedly contributed to a reduction in the number of minority groups and independent deputies in 1919. A

merging of districts in Hanover and Brunswick destroyed the majorities which had returned Hanoverian Guelphs in 1912, reducing the number of deputies from five to one. The disappearance of independent deputies (three in the last Reichstag, in addition to three Anti-Semites) was in all probability related to the introduction of the list system of P. R. Candidates for the former Reichstag needed merely to announce their intentions to run for election and to furnish the ballots. Nominations for candidacy to the National Assembly were to be supported by the signatures of at least one hundred qualified voters in the electoral district. The requirement was more easily met by party organizations with their numerous workers and helpers than by independents. The latter were handicapped further by the provision for combined lists. As independents, they were not likely to join forces with organized political associations. Even if they wished to do so and could find a party or group with which to combine, the procedure was complicated for them by provisions of the law which regulated such matters. Combinations were to be declared in writing to the authorized election officer of the district by the signatories of the nomination list or their authorized agents (Article 12). The procedure was comparatively simple for organized political parties, which could authorize their own agents. Independents, however, had to secure in support of any combination the same signatures which had nominated them to candidacy. Such difficulties placed them at considerable disadvantage in comparison with parties or groups which could use combined lists with ease and benefit. The new election law was plainly one for organized political associations, not for independent candidates.

Did the introduction of P. R. for the elections prevent a Social Democratic majority in the National Assembly? According to one observer, Dr. Johannes Schauff, who edited in 1929 a study of the Weimar election system, "had the majority system of election been retained, and if only the electoral districts had been equalized in size, the Social Democrats in elections in 1919 to the National Assembly . . . without question would have acquired far more than a majority of the mandates."<sup>13</sup> While not as positive as Dr. Schauff, another observer, Dr. Ferdinand Hermens, undoubtedly the foremost opponent of P. R. in this country and Europe, would like to draw the same conclusion.<sup>14</sup> Speculating upon the composition of the Assembly had elections taken place under the majority system, Dr. Hermens states, "It is not certain that a Social-Democratic majority would have resulted, but it is probable." The conclusion as-



sumes that the majority system would have forced votes into the Social Democratic coffer. It assumes that the Independent Socialists would have returned to the Majority fold in order to thwart elimination at the polls as a minority party. Faced by the likelihood of socialist success in the election, many voters who under P. R. cast their ballots for other parties, in the words of Dr. Hermens, "would have jumped on the bandwagon of the victors."

Would the majority system have constructed in 1919 a "bandwagon" for the Social Democrats? It had not done so for them or for any other group during the Second Reich. Not once during the latter period had a single party captured a majority of the seats in the Reichstag. Never were there less than five or six competing parties. The suffrage, to be sure, had assumed new significance in the elections of 1919. Never before had the German people as a whole possessed the right of self-government. Never before had they been confronted with the task of electing a national parliament competent to assume responsibility for the direction of public affairs. A workable majority became imperative if the parliament were to fulfill its functions adequately. The new role of the national parliament, however, appeared to affect German voting attitudes very little. Although the socialists received a larger percentage of the votes than ever before, the majority of those who went to the polls cast their ballots as they formerly had done, for the party with the *Weltanschauung* which suited their particular tastes. The returns do not indicate any widespread concern with the necessity for creating a majority party in parliament. Had the German voters wished to do so, P. R. would not have stopped them. Although unable to choose particular candidates, they were quite free to vote for any party nomination list they chose.

German voters failed to elect a Social Democratic majority to the National Assembly, not as a consequence of P. R., but because prevailing social and political cleavages were too strong for them to do otherwise. The fears and animosities which had characterized relations among socialist and nonsocialist groups for more than half a century could not be erased in a matter of weeks. Many who had cast ballots for left-liberal parties in previous elections during the Second Reich apparently voted socialist in the 1919 elections. The majority among nonsocialist voters, however, continued to look askance at Social Democracy and could not bring themselves to entrust the direction of public affairs to the party traditionally regarded in Germany as the arch-enemy of the state.

As revealed by events occurring immediately prior to the elec-

tions, German voters even had reason to doubt the competence of Social Democratic leadership for bringing Germany out of the chaos of war and revolution. Beginning January 5 and lasting for more than a week, Berlin was the scene of sporadic violence and bloodshed as the Communists attempted to overthrow the provisional government of the Social Democratic Council of Commissars.<sup>15</sup> The latter called for assistance from their worker supporters, but the response was weak and ineffectual. Powerless to put down the revolt by themselves, the Social Democrats sought allies among their former enemies, the members of the old officer caste of the German army. With the aid of generals of the old regime, Commissar Noske recruited and brought into action several thousand officers and men. Within days the revolt had been suppressed. Germany was saved from the threat of Bolshevism, but only with the aid of the military which had supported the conservative domination during the old regime.

It appears highly unlikely, therefore, that majority elections would have created a Social Democratic "bandwagon" under such conditions. Most Germans were not convinced either by past experience with the socialists or by the course of events immediately prior to the elections of the necessity for creating a Social Democratic majority in the Assembly. In view of the bitterness which characterized the relationship among Independents and Majority Socialists in 1919, it even appears unlikely that majority elections would have enforced a union of the two groups. Since the Independents with their scattered votes would have fared badly in that event, the majority system might well have decreased rather than increased the total socialist strength in the National Assembly.

What changes in occupational representation were revealed in the election returns? The following table classifies by profession the deputies of the last Imperial Reichstag and those of the National Assembly:<sup>16</sup>

	1912	1919
Agriculture	92	34
Industry and commerce	35	30
Public officials (municipal, state, federal)	46	48
Teachers and scholars	20	32
Clergymen	21	11
Lawyers and notaries	40	31
Private officials (trade union, party)	48	132
Doctors	7	2
Authors and journalists	57	64
Persons of independent means	8	4
Workers and employees	19	27
Miscellaneous	1	8
Total number of deputies	<u>394</u>	<u>423</u>

Agriculture declined most among the occupations represented, dropping from first in the last Reichstag to fourth in the National Assembly. The representation of employers in industry and commerce declined slightly, whereas that of workers and employees increased by more than one-half. If the two categories are totaled, the representation of industry and commerce in 1919 comprised 57 deputies, as compared with 34 representatives of agricultural pursuits. In 1912 the respective figures were 44 and 92.

Occupational statistics should be supplemented by a comparison with party strengths to gain the most accurate picture of the changed numerical representation in the National Assembly of agriculture, industry, and commerce. The parties which represented the latter and the number of deputies which each possessed in 1912 and 1919 are listed in the following table. Figures in parentheses give the number of deputies engaged in agricultural pursuits.<sup>17</sup>

	1919	1912
German People's Party	19 (3)	
National Liberal Party		45 (13)
German Democratic Party	75 (7)	
Progressive Party		42 (5)
Social Democratic Party	163	
Independent Social Democratic Party	22	110
Total number of deputies	279 (10)	197 (18)

The parties of the political right which formed the Nationalist party after the Revolution represented chiefly agricultural interests. In 1912 they polled a total of 60 seats. The addition of 18 deputies listed in parentheses in the above table and the greatest share of the 39 members of minority groups increased the number of agricultural representatives among the parties of the political right in the last Reichstag to more than 100. The number was approximately halved in 1919 when the Nationalists obtained only 44 seats, of which five were held by employers in industry or commerce; agricultural minority groups secured approximately five additional seats. Although the Center (Christian People's) party continued in 1919 to represent both agricultural and industrial-commercial interests, the former no longer predominated as they had in the Reichstag of 1912. More Centrist deputies in the Reichstag were engaged in agriculture than in any other pursuit. Private officials predominated within the party's representation in the National Assembly, however, and agrarian deputies (totaling eight in number) shared fourth place numerically with the lawyers and notaries. Although statistical comparisons are difficult to draw with accuracy, the above

figures illustrate a striking reversal of the numerical representation of agricultural and industrial-commercial interests. A slight predominance of the former in the last Reichstag was supplanted by an approximate two-thirds majority of the latter in the National Assembly.

The election law was instrumental in producing the phenomenal increase of trade union and party officials in the National Assembly. Seats won by parties in the election were distributed within the nomination lists beginning with the first name designated and proceeding in order to the last. No provision was made for regulating the method of selecting candidates or their sequences on the list. Party organizations were left free to determine their own nomination procedures. They were not compelled to submit proofs as they are today in West Germany that candidate lists were chosen by democratic processes within the party. In the absence of such regulations, it was not at all surprising that party functionaries and prominent trade union officials found high places on the various nomination lists. Although the lists usually were submitted by party leaders to an assembly of the members for approval, they were rarely changed.<sup>18</sup>

The appearance of so many party bureaucrats in the National Assembly reflected the extent to which party structures were revolutionized by the election law. Under the former majority system used during the Second Reich, only the Social Democratic and the Center parties maintained organizations throughout the country, and these were strongest in districts where the respective voting strengths were concentrated.<sup>19</sup> In places where constituents were few and success was unlikely, decisions on matters of organization and tactics generally were left to local party members. The situation was quite different under the new election law. Scattered minorities were thrown together by the creation of large electoral districts. No longer were they potentially useless to the party. With the introduction of P. R. they could be combined and utilized for the election of deputies. As expressed by a Democratic election pamphlet explaining the new law, "organization" became "trump" for the political party.<sup>20</sup> Each attempted to organize its supporters throughout the country; offices were established even in the smallest localities. Party organizations increased both in number and power. The number of full-time party workers mushroomed. As reflected in the membership of the National Assembly and subsequent Reichstags, political advancement became increasingly a matter of working one's way up through the party hierarchy.<sup>21</sup>

The electoral law was widely criticized after the January elections.<sup>22</sup> Complaints were leveled against the law's closed-list provisions. The compulsion of the voter to select a list and not a candidate was termed a restriction of the franchise. The latter became a right of the party, not of the individual, when candidates were chosen by party organizations. As pointed out by some opponents, districts were so large that candidates were unacquainted with their constituents. Many voters cast ballots for the election of complete strangers. Control of nominations by the party, others argued, led to fierce and disruptive battles among competing cliques. Each sought by whatever means possible to place its candidates at the head of the party list. Disappointment might lead to secession. Party unity was imperiled.

The principal reasons for complaint against the electoral law were to be found in the effects of the d'Hondt method of allocation and the provisions allowing parties to combine lists. The effects may be illustrated by comparing the following figures. Those in columns one and two list respectively the seats which each party obtained in the election and the number which each would have received without list combinations. Those in column three represent theoretical proportionality.<sup>23</sup>

German National People's Party	44	42	43
German People's Party	19	17	18
Christian People's Party	91	87	83
German Democratic Party	75	75	78
Social Democratic Party	163	174	160
Independent Social Democratic Party	22	22	32
Miscellaneous parties	7	4	7

The d'Hondt system of allocation clearly favored large parties and handicapped small ones. Had other parties not used the law's combined list provisions, the Social Democrats would have received 14 seats and the Christian People's party three seats above full proportionality. The Independents would have lost, and, as the election turned out, did lose, ten places. Without the provisions to combine lists, three minority groups would have been excluded from the Assembly entirely, the Democrats would have forfeited three seats and the Nationalist and German People's parties one apiece. Even with these provisions, large parties benefited more in the final counting than small ones. Although list combinations cut down the Social Democratic advantage to three seats above full proportionality, they enabled the Christian People's party to acquire three additional mandates, raising its total to 11 above the proportional figure. The Independents and to a lesser extent the Majority

Socialists were excluded or remained aloof from alliances with other parties and thus failed to benefit from list combinations.<sup>24</sup>

The parties which fared badly or coveted the gains of others from the method of seat allocation or list combinations were most critical of the electoral law.<sup>25</sup> The Social Democrats were irked by the loss of so many seats to alliances among bourgeois parties. The experience was reminiscent of Reichstag elections during the Second Reich when other parties combined against them in the hated runoff elections. The Democrats lost no seats from list combinations,<sup>26</sup> and received in the final counting only three seats less than full proportionality. They felt cheated, however, when their showing was compared with that of the Christian People's party. They had received a total of 5,641,800 votes in the election; the latter party had received 5,980,200. On the basis of full proportionality the respective seat totals should have been 78 and 83. In the actual counting, the difference between the two totals amounted to 16 seats. "The reason for this all-too-great disproportionality," according to one Democrat, "one may observe in many places in list combinations within individual electoral districts between the Center and small parties. A simple mathematical demonstration reveals that the chief reason for the advantage of the stronger parties rests precisely in the allocation procedure itself."<sup>27</sup>

Party attitudes toward list combinations were affected by a new system for allotting seats which gained favor in 1919. The system, used during the Second Reich for municipal elections in Baden, provided a way in which to utilize votes which remained after seats had been allotted to party lists. The leftover votes from each district could be combined for the election of deputies-at-large. The system was accepted on November 24, 1919, by a special commission from the Constitutional Committee,<sup>28</sup> and became the basis for an electoral law adopted in 1920 by the entire Assembly. It seemed to provide political parties with a more attractive alternative than list combinations. Not only did the latter, like runoff elections to former Reichtags, appear to be "immoral" and "unnatural," but they also carried no certainty of success. Parties like the Democrats might join in several combinations and not gain a single additional seat. A system of election providing for the maximum utilization of all votes seemed to offer each party the assurance that it would not receive less, and its opponents would not receive more, than a just proportion of seats.

Criticisms of the electoral law for the National Assembly thus were concerned almost entirely with the problem of unused votes

and disproportionalities in the allotment of seats among parties. Only those which were directed against closed lists, against a restriction of the voter's choice to party lists rather than candidates, implied any real criticism of P. R. itself; and even they were presented by individuals who merely favored a proportional system without lists.<sup>29</sup> So widespread was the acceptance of P. R. in 1919 that a representative of the Ministry of the Interior could matter-of-factly assert in an official publication that "the universal introduction of the system of proportional representation for elections to the National Assembly through the Reich electoral law of November 30, 1918, was greeted with satisfaction on all sides. Nobody has criticized proportional representation or demanded retention of the old majority system of election."<sup>30</sup> The assertions were borne out by the subsequent action of the National Assembly in drafting and adopting by unanimous vote an electoral law which represented the ultimate in proportionality.

## 7 / The Electoral Law of 1920

PROPORTIONAL representation was retained without question by the National Assembly in 1919-1920. In the provisional constitution drafted early in January, 1919, by Hugo Preuss, Secretary of State for the Interior,<sup>1</sup> the system was prescribed as mandatory for elections to all state legislatures and the Reichstag.<sup>2</sup> The provisions were upheld when the Preuss draft was adopted on February 10, 1919, by the recently convened Assembly. They appeared in revised form in the final draft constructed by the Assembly and approved by that body on July 31. Discussion and debate in committee and on the floor of the Assembly prior to promulgation of a new electoral law in April, 1920, revealed a striking unanimity in favor of P. R. Scarcely a voice was raised in support of the former majority system of election.

"The principle of proportional representation appears to me to be incontestable [*ausser Streit*]. . . ."<sup>3</sup> This was the view expressed by Secretary Preuss on March 20, 1919, to the Constitutional Committee of the National Assembly. The view was upheld when the Committee voted to adopt Article 16 of the provisional constitution calling for universal, equal, direct, and secret suffrage and P. R. for elections to all state legislatures. Dr. Preuss reported during the meeting that his ministry was studying and comparing various systems of P. R., and suggested a meeting with members of the Committee for the purpose of discussing the systems. "I shall then determine," he concluded, "the various points of view—chiefly within the Constitutional Committee—regarding the best system of proportional representation, and upon this basis will compose a draft of the Reich electoral law."<sup>4</sup>

On April 4, 1919, the Committee adopted the following construction of an article regulating Reichstag elections:

The Reichstag consists of deputies of the German people.  
The deputies are elected in universal, equal, direct, and



secret elections by men and women over twenty years of age and according to the principles of proportional representation.

The particulars will be defined by a Reich electoral law, which also shall regulate the election of the Reich president and plebiscites.<sup>5</sup>

Committee discussions of the article produced one of the few objections to the proportional principle voiced by a member of the National Assembly.<sup>6</sup> "Proportional representation," the Democratic leader, Friedrich Naumann, declared to the Committee, "still has certain questionable aspects, even though to all outward appearances it is without question the most equitable system of election." The principal objection presented by Naumann concerned the system's effects upon the composition of the parliament. By giving expression to all shades of political opinion in the parliament, P. R. was alleged to render impossible the emergence of a two-party system on the English model, regarded by Naumann as indispensable to parliamentary government. "The consequence of the system of proportional representation," he concluded, "is the impossibility of parliamentary government; the parliamentary system and proportional representation are mutually exclusive."

"I should not like to allow Deputy Naumann's statements to pass without contradiction," replied Secretary Preuss as he launched into a defense of P. R.<sup>7</sup> "We never had proportional elections to the Reichstag in Germany," he declared, "and yet our parties always were numerous as the sands of the sea. With the first proportional elections [to the National Assembly] they even have diminished in number." Two-party systems, he maintained, were not indispensable to parliamentary government; coalitions also could be formed. The latter, to be sure, were more difficult to maintain than majorities consisting of one party. The possession of political power by the parliament, however, would lead to a consolidation among parties, "with or without proportional representation." Dr. Preuss thus denied the effects of election systems upon the function of parliamentary bodies. That the latter possessed political power sufficed to create increasingly compact party majorities. The interpretation was the exact reverse of Friedrich Naumann's, which emphasized the effects of election systems and seemed to ignore the consequences of wielding political power upon the party composition of the parliament.<sup>8</sup>

Deputy Naumann must have wryly acknowledged to himself the truth of one statement reiterated by Secretary Preuss to the Com-

mittee: "To return from the proportional representation system to simple majority elections is a political impossibility."<sup>9</sup> Seldom if at all can parliaments elected under P. R. be persuaded to discard the system. In the case of the National Assembly, each among the several parties therein contained deputies returned by minorities whose votes formerly were lost under the majority system. Deputies so elected would exclude themselves from political life by voting to discard P. R. A majority of the deputies to the National Assembly, for that matter, owed their selection to party committees and organizations which had placed them high on the nomination lists. Few could be expected to jeopardize their personal political fortunes by voting to return to a system in which selection lay with the unpredictable electorate. Neither could central party organizations wish to abandon the system which not only had increased their control over nominations, but also had extended them into new districts by making possible the utilization of minority strengths. P. R. had created an Assembly of vested interests. Seemingly without question the members of the Constitutional Committee sustained Dr. Preuss' conclusion: "The sentence 'according to the principles of proportional representation' must stand, regardless of theoretical points of view one may hold concerning the proportional system. The object of further discussion shall be to find the comparably best system of proportional representation."<sup>10</sup>

Secretary Preuss and the Committee soon were rewarded by the discovery of Baden's so-called "automatic" system of election. As described in the new Baden constitution (Article 24),

each party or group of electors is allowed one member for every ten thousand votes cast for its list of candidates. In each district the votes remaining unused are added up for the whole country and are apportioned representation according to the principle described above. Every fraction of more than 7,500 votes is permitted a seat.<sup>11</sup>

The procedure was adopted in principle by the Committee in November, and expanded into three variations, or "projects," submitted for public perusal by the Ministry of the Interior shortly after the first of the year.<sup>12</sup>

Project A embodied the Baden system in its purest form. A uniform vote total (60,000) necessary for the election of deputies in all districts was established. Districts sufficient in size to return approximately six deputies were to be created. Votes remaining after seat allocations in all districts would be accumulated to the credit of nondistrict or "Reich" lists presented by the various

parties. Seats would be distributed among the latter in the same manner as within districts.

Project B differed from the above in two respects. Districts were to be reduced in size to return approximately four deputies. Secondly, another stage in the allocation of seats was inserted between the districts and the Reich lists. Several adjacent districts were to be combined for a second allocation among unused votes forwarded from the individual districts. Remaining votes then would be sent to the Reich lists.

The complexity increased with Project C, which was identical with Project B, save one important exception. Within any given group of districts, parties had two alternatives. They could present a separate nomination list within each district, or one for the entire group. In the latter event, votes cast for the party within each district would be totaled and accredited to the group list. Seat allocations in the former event would proceed according to the plan in Project B. Unused votes in either case would be sent to Reich lists for a second and final allocation.

As reported by Preuss' successor as Minister of the Interior, Erich Koch,<sup>13</sup> Project C "obviously found the greatest public approval."<sup>14</sup> Small districts were favored over large ones, since the latter allegedly depersonalized the relationship between voter and deputy. They also necessitated the presentation of long lists of candidates by each party. Although Project B also provided for small districts, its three stages of allocation placed a tremendous burden of work on electoral authorities in preparing for the elections and allotting the ballots. Project C cut down the work involved, eliminating one stage in the allocation of seats. Under the latter, moreover, the greatest number of leftover votes would be utilized in the districts and groups of districts. The number of deputies elected indirectly from the Reich lists would be reduced to a minimum. By making possible the presentation of separate lists in each district or a single one for a group of districts, Project C also permitted the parties to organize and group their potential voting strengths as they wished.

Were there no complaints against all three projects? Was there no recognition of the dangers involved for the future of parliamentary government in according almost complete expression to minority groups within the electorate? The German people early in 1920 seemingly had neither the time nor the inclination to raise questions of such nature. Their political experience had not provided them with any widespread knowledge or experience con-

cerning the function of parliamentary bodies in democratic systems. The Reichstag during the Second Reich never had possessed more than the power to advise the government or restrict its actions; the political parties never had been exposed to the responsibilities of directing public policy.

Only one deputy in the National Assembly voiced any misgivings regarding Projects A, B, and C. "A single year," Anton Erkelenz complained in his party journal, *Die Hilfe*, "has sufficed to produce a whole bundle of discoveries of new election systems according to the classifications: just, more just, and most just. . . . In honor of the Kaiser's birthday the Ministry of the Interior has just presented us with three among the 'most just' suffrage discoveries. And now we can quietly go to sleep. By your leave, my gentlemen of the Ministry, there is a limit to the 'justice' of an electoral procedure, beyond which each further step toward mathematical fairness is quadratically increasing political stupidity."<sup>15</sup> Deputy Erkelenz warned specifically against the dangers of party splintering inherent in all three proposals:

Not only will there be out-and-out worker, employee, peasant, handworker, industrial-trade, etc., candidates. No! The vaccine opponents, teetotalers, advocates of temperance, Knights Templars, land reformers, officers of the crown, and with them the rabbit growers, the vaccinators, the goat breeders . . . among others will present their own candidates, will wish to count their votes in the Reich. There will be at least 200 points of view or associations able to poll 60,000 and more votes. . . . 'Justice' in the sense of mathematical equality thus will lead politically to self-murder, to absurdity.<sup>16</sup>

Although his words seemed to belie the fact, Deputy Erkelenz was not opposed to the proportional principle. The introduction of P. R. for national elections in Germany was regarded by him as a "proper" solution to the "antiquated electoral districting" of the former Reichstag election system.<sup>17</sup> He was among the first of the proportionalists in Germany to give belated attention to the problem of the function rather than the composition of the parliament. From the vantage point of the present, his conclusion may have been prophetic:

With the electoral law the German Republic stands perhaps at a crucial turning point in its existence. The electoral procedure is not a question of mathematical justice. Once universal proportional representation has been achieved it is exclusively a political problem of grave significance. If the Republic allows itself to be led by sentimentalists it will dig its own grave. A parliament consisting of 400 eccentrics can-

not make policy [*Politik machen*]. It will become a laughing stock.<sup>18</sup>

The warning went unheeded. Project C was accepted by the Cabinet and became the basis for an electoral law drawn up by the Ministry of the Interior and submitted on March 27, 1920, to the National Assembly.<sup>19</sup> The draft allowed parties the option of presenting lists either by district or by groups of districts; leftover votes in either case would be accumulated to the credit of lists for the Reich. The draft also marked out 122 electoral districts designed to elect from three to five deputies, and 21 groups of districts.<sup>20</sup>

The swift movement of events during March, 1920, brought changes in the projected electoral law even before it was submitted to the National Assembly. During the first part of the month, parties of the political right moved to dissolve the Assembly on the first of May and called for early elections to a new Reichstag. The motion was defeated on March 10 after Minister of the Interior Koch indicated the number of laws still to be enacted and insisted on the need for a thorough study of a new electoral law. The Assembly, he declared, could not be dissolved nor elections held before autumn.<sup>21</sup> Rightist groups subsequently resorted to force. For several days during the so-called Kapp *Putsch* a military regime in Berlin attempted to dominate Germany. The regime was ousted and the Republic restored only after German workers in a general strike brought economic life in the country to a standstill.

Subsequent disturbances in the Ruhr and ministerial crises in the National Assembly made new elections imperative. A government competent to deal with the trying questions of the hour must have the assurance of public support. To delay the elections was to invite continued disorder and uncertainty, perhaps another attempt to overthrow the Republic. The Assembly sent the proposed electoral law to committee and hastily began work on the most pressing legislation which remained.

The committee made extensive revision of the proposed electoral procedure.<sup>22</sup> Since the necessity for early elections appeared to leave no time for a new distribution of districts, the 122 new districts and the 22 groups of districts were abandoned in favor of the division used for elections to the National Assembly. After slight modifications to rectify certain inequalities in size, 35 districts and 17 groups of districts were established. A second change by the committee concerned the allocation of seats. The original draft left parties the option of presenting separate lists in each district or one for an entire group, the latter being counted as one

district in the totaling of votes and the allocation of seats. Since the committee had discarded the original plan for redistricting, several districts were large enough to elect approximately fifteen deputies, and hence would necessitate excessively long ballots if parties were to present one list for an entire group. There would be less likelihood than before that voters would be acquainted with all the candidates presented by one party. To remedy the difficulty the committee removed the option to present one list for an entire group of districts. Leftover votes in each district would go directly to Reich lists for the election of deputies-at-large. It was estimated on the basis of statistics from the National Assembly elections, however, that under such an arrangement, with no "middle" allocation, approximately 18 per cent of the deputies of the new Reichstag might be elected from the Reich lists.<sup>23</sup> The largeness of the percentage might call in question the compatibility of the mode of seat allocation with the constitutional principle of direct elections. The solution: provide for a partial utilization of vote fractions in the districts before their transference to the Reich lists. If a party declared in advance of the election a union of its lists within a group of districts, leftover votes could be accumulated to the credit of the list with the largest remainder. Fractions then would be transferred to Reich lists.

An atmosphere of haste characterized the debates in the Assembly on the proposed electoral law.<sup>24</sup> Referring to the Kapp *Putsch*, the Social Democratic speaker who reported the bill out of committee for its second reading on April 22 spoke of the "political events" which had made impossible a "thorough consideration" of the election system. "The committee therefore found it necessary to follow insofar as possible existing statutes and only to make either those changes which appeared to be absolutely essential or those which received universal approval."<sup>25</sup> A Democratic spokesman directing his remarks to the "gentlemen on the right" referred to the necessity for early elections as a consequence of the "unbelievable agitation of certain parties against the government and the majority parties."<sup>26</sup> "Time presses," was the keynote expressed by a Centrist spokesman.<sup>27</sup> An Independent Social Democratic speaker recognized the necessity for early elections as a consequence of the Kapp *Putsch*, but expressed his party's disapproval of the delay which had attended the drafting of a new electoral law. "The constitution, which established the principal features of the suffrage," he complained, "was ready three-quarters of a year ago. There should have been opportunity during this long period of

time to present a bill which could have been introduced in time [for the coming election].”<sup>28</sup>

As viewed by Minister of the Interior Koch, the pressure of time had not detracted from the merits of the law drafted by his ministry and the National Assembly committee. Speaking before the Assembly during the April 22 debate, he declared his “overwhelming satisfaction” with the draft, not as a consequence of the “understandable pleasure” which he, “the author,” derived from it, but because the charge never could be leveled against the National Assembly that it had indulged in “gerrymandering [*Wahlkreisgeometrie*] or any other kind of electoral irregularity.”<sup>29</sup> This was an election system, he assured the deputies, which “the man in the street” could understand! “If we decide that everybody [*sic!*] who receives 60,000 votes shall be elected, then we shall acquire a popular and an easily understandable suffrage. Yes, we shall even experience the time, if I may designate this as an advantage, when we shall be able to hold victory celebrations on election day evening, namely for the reason that under proportional representation not just one party wins, but in most cases even all the parties in all the districts.”<sup>30</sup>

The Minister’s enthusiasm was echoed in the Assembly debate. “The Revolution of November, 1918,” the Social Democrats exclaimed, “brought to the German people the freest suffrage in the world. The bill which lies before us can be held aloft in the progressive countries, yes, in all the civilized lands [*Kulturländern*].”<sup>31</sup> A Democratic speaker pointed with pride to the so-called “automatic system” of allocation, whereby each unit of 60,000 votes sufficed for the election of one deputy. It was “without doubt” “the most just” method available, one which permitted no party an advantage over others in the allocation of seats. Charges of gerrymandering, or “electoral district geometry,” as the Germans quaintly described the practice, thus were dismissed by the speaker as groundless. “Everybody who participated [in drafting the electoral law] must recognize as groundless contentions that the attitudes of the committee were those of any one political party.”<sup>32</sup> Even the Nationalists seemed satisfied with the proposed law. They had expressed concern early in March over the possibility that any electoral law introduced by the majority parties might eliminate “the right side of the house.”<sup>33</sup> During the April 22 debate, however, they commended the draft of the electoral law as a “satisfactory piece of work,” and were supported in this view by members of the German People’s party.<sup>34</sup>

Despite the universal acclaim received by the proposed electoral law, debates in the Assembly seemed to leave little doubt that a majority of the parties planned future revisions. Provisions withholding the right to vote from members of the armed forces were strongly contested by both socialist parties. In yielding to the wishes of the majority in the Assembly, the Social Democrats promised to reopen the matter immediately in the new Reichstag.<sup>35</sup> Both parties, particularly the Independents, designated the postponement of redistricting as one of the most serious defects of the proposed law. The retention of large districts and the creation of groups among the latter necessitated the use of long lists of candidates, many of whom would be unknown to the electorate. The consequence would be to destroy "all connection between the voter and the deputy." "I hope," an Independent deputy stated, "that the defects contained in the law at least will be remedied immediately by the new Reichstag. They make it difficult for us to vote for the bill. I regard it as absolutely necessary that the new Reichstag will not again postpone to its termination a reform of the suffrage, but that it will proceed very quickly to the matter."<sup>36</sup>

The Democrats also left no doubt concerning their plans for revision of the electoral law. "It will very likely be a law regulating only one election," a spokesman declared, "after which further reform will be necessary. It probably would have been best at the outset had we designated the heading as a law for the election of the first Reichstag."<sup>37</sup> The speaker referred in particular to the necessity for combining in a future electoral law the advantages of P. R. with those of the former single-member district system. The latter were designated by him as pertaining to the freedom of the voter to cast his ballot for an individual candidate. Such advantages, however, could not be included in the present law. The necessity for early elections, the speaker contended, made necessary a retention of the so-called "closed lists," which restricted the voter to a choice among parties, not individual candidates. "If we were to do away with closed lists, then the procedure of allocating seats among candidates would be extraordinarily involved and prolonged. Then it would be inconceivable that the Reichstag could be convened within a short time after the elections."<sup>38</sup>

The parties of the political center and right were less definite on the matter of suffrage reform than the Democratic and socialist parties. The Centrists and the German Nationalists supported the draft, but made no commitments regarding future alterations.<sup>39</sup> A spokesman for the German People's party stated that the measure



was "completely in harmony" with the needs of the moment, but also referred to it as a "provisional law." The latter's "principal" shortcoming, the lack of small districts, he stated, could not be remedied due to the necessity for early elections. In the meantime, however, material should be assembled "in order to acquire without delay suitable bases for an exact establishment of the small election districts."<sup>40</sup>

After devoting almost the entirety of its session on April 22 to the second reading of the electoral bill, the Assembly proceeded the following day to the third reading. Without further debate the final vote was taken. Three hundred one deputies voted "ja" to make the decision unanimous. The bill became law on April 27 and was followed on May 1 by an ordinance regulating the details for the coming elections.<sup>41</sup>

The new electoral law extended the suffrage to all persons, regardless of sex, who were twenty years of age on election day. Exceptions included those under guardianship or deprived of civil rights by court decisions. By contrast with their situation during the Second Reich, bankrupts and paupers no longer were excluded. Temporarily prohibited from exercising the suffrage were soldiers in the Reichswehr and persons detained in mental institutions and prisons. Those imprisoned for political reasons, however, were entitled to request arrangements permitting them to vote. Every elector whose name appeared on an official list or roll was entitled to cast one ballot. To become a candidate for election each voter must have attained the twenty-fifth year of age.

An elaborate election machinery came into being with the law of 1920.<sup>42</sup> In addition to local precinct boards which supervised the casting of ballots and tallied the results, electoral committees were established for each of the 35 districts and the 17 groups of districts. District committees received the nomination lists, to be presented within a 21-day period prior to the election, and checked the authenticity of the 50 signatures required in support of each list. After the elections had taken place and the precinct boards had totaled and transmitted the ballots, each committee allotted seats among the nomination lists on the basis of one for every 60,000 votes. Fractions then were forwarded either to the committee of the group to which the district belonged, or to one for the entire Reich. If nomination lists had been joined by prior action of their signatories<sup>43</sup> with others within the group to which the district belonged, their vote remainders were sent to the group committees for the second allocation of seats. If they had not been joined, their re-

remainders were forwarded directly to a committee for the Reich. The committees for each group of districts accorded each combination of lists one seat for every 60,000 votes. Seats were distributed within the combinations among the lists with the largest fractions, on the condition that the latter exceeded 30,000 votes. Remainders then were forwarded to the committee for the Reich, where they joined those sent directly from the districts for a final allocation of seats. They were assigned by the committee to their respective lists for the Reich, i.e., to separate tickets filed with the committee by the same parties or groups which presented candidates in the districts.<sup>44</sup> Seats were apportioned among the Reich lists on the basis of one for each unit of 60,000 votes, with every fraction in excess of 30,000 considered equal to the full quota. Reich lists, however, were not permitted to acquire seats in excess of the total won by their respective counterparts in the districts.

The provisions allowing parties to join lists within established groups of districts were intended as substitutes for the combined lists of the electoral law for the National Assembly. The latter furnished no means for the utilization of vote fractions other than allowing parties to present lists in common within the various districts. The 1920 law did not prohibit such combinations, but removed the incentive for their formation by allowing each party almost unlimited opportunities for the utilization of its own votes. According to the regulations set forth in the law, either type of combination (i.e., among different parties within a single district or among lists of the same party in several districts) was to be registered within the prescribed time limit of fourteen days prior to the election. Neither was valid unless an identical combination was presented to the committee for the Reich. Seats were allotted within either type of combination to lists with the largest fractions, provided the latter exceeded 30,000 votes. Unused fractions then were forwarded to the respective Reich lists for a final allocation.<sup>45</sup>

The distribution of seats within all nomination lists followed the sequence in which the candidates were designated. The parties or groups which presented lists were permitted to establish the sequence. Voters cast their ballots for party tickets, not for individual candidates. With the exception of time limits required for the presentation of district and Reich lists, the law was silent on the nomination procedure. Parties or groups were not required, as they are today in West Germany, to furnish proof of democratic processes in the selection of candidates.

German voters went to the polls on June 6, 1920. Since elections

could not be held in several districts where plebiscites had been ordered by the allied powers, 42 members of the former National Assembly elected from the areas in question were counted as deputies to the new Reichstag.<sup>46</sup> The following table lists the total votes and seats received by each party in the elections. Figures in parentheses represent the number of seats held over from the National Assembly.<sup>47</sup>

(Majority) Social Democratic Party	5,614,456	112 (19)
Independent Social Democratic Party	4,895,317	81
Center Party	3,540,830	68 (8)
German National People's Party	3,736,778	66 (4)
People's Party	3,606,316	62 (2)
German Democratic Party	2,202,334	45 (9)
Bavarian People's Party	1,171,722	21
Guelph Party	319,100	5
Bavarian Peasant's Union	218,884	4
Communist Party	441,995	2
		<hr/>
		466 (42)

The returns were devastating for the parties of the majority coalition of the former National Assembly. In the Assembly the Social Democratic, Democratic, and Christian People's (Center) parties together had 231 deputies, or 54.6 per cent of the total membership. In the new Reichstag the representation of the same parties dropped to 125 seats, or 26.8 per cent of the total. The Democrats suffered most among the three parties, declining from 75 seats (17.7 per cent) in 1919 to 45 (9.6 per cent) in 1920. Although membership percentages of the socialist parties combined were almost identical in the two parliaments (44.2 per cent in 1919 and 45.7 per cent in 1920), the Majority Socialists lost heavily in the 1920 elections to the Independents, dropping from 165 seats (39.0 per cent) in 1919 to 112 (24.0 per cent) in the new Reichstag. The Center<sup>48</sup> emerged from the election contest appreciably weakened by the defection of its Bavarian wing. The party decreased in membership from 91 seats (21.5 per cent) in the National Assembly to 68 (14.5 per cent) in the new Reichstag.

The returns clearly indicated a striking decline of republican sentiment in Germany. Within little more than a year public support had been withdrawn from those parties most closely associated with the new Republic in favor of the latter's opponents. The gains of the parties which favored a return to the old regime had been spectacular. The Nationalist and German People's parties together acquired more than three and a half million votes over the combined total for the two parties in 1919, as compared with a loss of more

than three million suffered by the Democrats. The People's party alone almost tripled the number of its votes over the previous balloting, and more than tripled the number of seats acquired. Other opponents of the Republic scoring gains were the Independent Social Democrats and the Communists. The latter had not presented candidates in the 1919 elections, but did so in 1920 and acquired almost one-half million votes. The provisions of the electoral law prohibiting parties from acquiring more seats from Reich lists than the total received in the districts restricted the Communists to two seats in the new Reichstag. The successes of the Independents were as spectacular as those of the People's party. An increase of more than two and one-half million votes almost quadrupled the number of their deputies. The total number of seats obtained by the above four parties was 211. The avowed opponents of the Republic thus possessed more than 45 per cent of the seats in the new Reichstag.

Several factors contributed to the decline of republican sentiment in Germany. Responsibility for military defeat and the ensuing Treaty of Versailles was foisted upon the republicans by rightist groups asserting their "stab-in-the-back" interpretation of the November revolution. Economic distress, always a potent factor in any election, became widespread with rising unemployment and soaring living costs. As the new Republican government floundered from one crisis to another the impression grew among German voters that economic ills and political instability were inescapable consequences of popular rule.

Dissatisfaction with Social Democratic leadership also appeared to influence many voters, particularly among the workers. Internecine party struggles were accentuated as Majority Socialists in the provisional government called in desperation upon the military to suppress uprisings in industrial districts like the Ruhr. The consequent spilling of proletarian blood increased the vituperation of the Independents against a majority group condemned as betrayers of the socialist cause, as allies of the forces of reaction and suppression which long had dominated German society and politics. Nowhere were the tragic effects of democratic inexperience more apparent than in the record of Social Democratic indecision and the consequent disillusionment with republican leadership among the masses of the German people.

The elections altered very slightly the proportions in which the various occupations were represented in the former Assembly. The table which follows compares the deputies in the latter with those

in the new Reichstag by listing the percentages engaged in each occupation.<sup>49</sup>

	1919	1920
Agriculture	7.9	12.0
Industry and commerce	7.0	8.1
Public officials (municipal, state, federal)	11.4	15.0
Teachers and scholars	7.5	7.6
Clergymen	2.6	2.0
Lawyers and notaries	7.3	3.9
Private officials (trade union, party)	31.1	28.0
Doctors	0.5	0.9
Authors and journalists	15.2	14.7
Persons of independent means	0.9	0.2
Workers and employees	6.4	7.3
Miscellaneous	1.9	1.5

The preponderance of private officials which appeared with the introduction of P. R. in the 1919 elections thus decreased very little. Despite a slight increase in percentage representation, agricultural interests remained secondary in importance to those of industry and commerce. The parties which represented principally the latter, the Democratic, Social Democratic, Independent, and People's parties, possessed 300 seats in the Reichstag. The number of deputies in the four groups which represented predominantly agricultural interests (ten in the People's party, two in the Democratic) was more than offset by the workers and employees (six) and trade union officials (15) in the Center and Bavarian People's parties. Industrial and commercial interests thus continued to maintain an approximate two-thirds majority in the national parliament.

The returns revealed striking increases in the numbers and strengths of minority parties as compared with the results of the 1919 elections. Four minorities were restricted to a total of seven seats in the National Assembly. In the 1920 elections, however, the same number of groups elected 32 deputies. The increase of minority strength actually was greater than indicated by the official returns, since several deputies elected by local groups in combination with other parties were listed with the latter in the published results.<sup>50</sup> The statistics reveal that the Nationalists in three separate districts were accredited with seven deputies elected in combination with local groups. In District 13 (Thuringia) the "Vereinigte Landwirtschaftliche Berufsvereinigungen Thüringens" acquired two seats counted in the published results as belonging to the Nationalists, and also sent a remainder of 56,531 votes to the Reich lists to secure the election of an additional Nationalist deputy. In District 34 (Württemberg), the same party was credited with four

deputies, three of whom were elected by the "Württembergische Bauern- und Weingärtnerbund (Bund der Landwirte)" and another by the "Württembergische Bürgerpartei." A remainder of 56,327 votes from the two groups was forwarded to the Reich lists for the election of an additional Nationalist deputy. In District 21 (Hesse-Nassau), two other local groups, the "Hessische Volkspartei" and the "Hessische Bauernbund," combined lists with the Nationalists to elect one deputy for the latter. A total of 23,224 votes obtained by the combination was forwarded to the Reich lists. The Nationalist party thus was accredited with seven seats as a consequence of combinations with local groups, and perhaps obtained as many as three additional seats from the vote remainders forwarded in these instances to the party's Reich ticket. The party's composition swelled the number and strength of minorities represented in the new Reichstag to a total of seven groups and 38 deputies.

In addition to the minorities which won seats in 1920, many were unsuccessful in the election. The total votes which they received are listed in the following table:<sup>51</sup>

Deutsche Mittelstandspartei	11,970
Deutsche Wirtschafts- und Arbeitspartei	43
Nationaldemokratische Volkspartei	3,998
Deutsch-Wirtschaftsbund für Stadt und Land	88,652
Deutschsozialistische Partei	7,216
Lausitzer Volkspartei	8,052
Reformgruppe	6,814
Fraktionslose Partei	169
Christlich-soziale Volkspartei*	66,447
Polenpartei	76,497
	<hr/>
	269,858

\* All but 1,228 of the party's votes were sent to the central electoral committee for the Reich, where they were combined with those of the Bavarian People's Party to aid in the election of three additional deputies for the latter.

When the above total is added to the 2,624,559 votes polled by the seven minorities which were successful in electing candidates, the total number of votes received by all local groups and splinter parties in the 1920 elections becomes 2,894,417. Seventeen minorities hence polled almost three million votes, or approximately 11 per cent of the total number cast.

The electoral law undoubtedly contributed to the striking increase in minority voting strengths in the 1920 elections. Under the former d'Hondt system of allocation used for the National Assembly, the number of votes necessary for the election of deputies varied with the number and strength of the participants. The variable quotas worked to the disadvantage of small parties, allotting them less than their proportionate share of representation.<sup>52</sup> The

electoral law of 1920, however, assured each organization which presented candidates the election of one deputy for each unit of 60,000 votes polled within any given district. The groups of districts and the Reich lists presented a variety of opportunities for combining and utilizing vote fractions for the election of additional deputies. Such provisions lost their complexity and assumed increasing political significance as Germans became acquainted with the functioning of P. R. systems in numerous state and local elections during the first year of the Republic. The number and strength of minority groups consequently multiplied.

A classification of seats acquired by each party in the three stages of allocation provided by the electoral law reveals the latter's advantage to small parties. Column I of the following table lists the seats acquired by each party in the districts, column II does the same for the groups of districts, and column III the same for the Reich lists. A final column contains the percentage represented by columns II and III in the total number of seats for each party.<sup>53</sup>

	I	II	III	IV
(Majority) Social Democratic Party	77	9	8	.18
Independent Social Democratic Party	66	8	7	.18
Center Party	47	6	6	.20
German National People's Party	46	7	9	.26
People's Party	47	5	8	.21
German Democratic Party	20	8	8	.44
Bavarian People's Party	18	..	3	.17
Guelph Party	4	1	..	.25
Bavarian Peasant's Union	3	..	1	.33
Communist Party	1	..	1	.50

The figures in column IV illustrate the benefit of the group and Reich list provisions for the small parties. With the exception of the Bavarian People's party, which obtained almost the maximum number of seats possible in three South German districts, the seat percentages from group and Reich lists varied inversely with the size of the party. The percentages of relatively small parties like the Nationalists and the Democrats were considerably greater than those of the two largest parties.

The provisions restricting the number of seats which parties could gain from the Reich lists to the total which they had received in the districts affected only the Communists and two other minority groups. The former received 441,995 votes, but secured the necessary 60,000 only in one district, and hence could not obtain more than one additional deputy from the Reich list. Without the provisions in question they could have elected seven deputies from

the latter, thereby increasing to eight their total membership in the new Reichstag. The Poles and another minority group, the "Deutsch-Wirtschaftsbund für Stadt und Land" amassed 76,497 and 88,652 votes, respectively. Since the votes were scattered among several constituencies, neither possessed the necessary 60,000 in any single district, and hence could not utilize the vote totals forwarded to their respective Reich lists.

What might have been the outcome of the balloting in 1920 had the electoral law for the National Assembly been retained? The probable differences are suggested by the following table. Figures in the first column represent the actual results of the election. Those in the second column have been constructed by applying the d'Hondt method of seat allocation to the election statistics for each district.

(Majority) Social Democratic Party	94	100
Independent Social Democratic Party	81	85
Center Party	59	62
German National People's Party	62	61
People's Party	60	55
German Democratic Party	36	30
Bavarian People's Party	21	22
Guelph Party	5	5
Bavarian Peasant's Union	4	3
Communist Party	2	1

The figures in the second column should be regarded as approximate. As illustrated by an analysis of the 1919 election statistics,<sup>54</sup> they would have been slightly altered by list combinations among the various parties. Elections under the 1919 law, furthermore, would not have offered incentives to minorities comparable to those of the 1920 system of allocation. Many organizations which presented candidates in the elections might not have done so had they been confronted by an electoral law which obviously handicapped small parties. The number of votes wasted on minority parties perhaps would not have approached three million. Seat totals for the largest parties therefore might have been greater than those listed in the second column. The two socialist parties, for example, might have gained more than the ten additional seats allotted to them in the column. The figures in the latter do not indicate, however, that members of the coalition government in the Assembly would have gained a majority of seats in the new Reichstag had the 1919 electoral law been retained. Although the Social Democratic and Center parties undoubtedly would have picked up several seats in the latter event, the gains would have been offset by the losses of the Democrats. Regardless of the voting



procedure, the majority coalition was doomed in 1920 by a manifest decline in republican sentiment.

The electoral law of 1920 was a monument to the German approach to politics and parliamentary government. To those who drafted and passed the law the creation of an election system designed to produce mathematically exact results logically appeared to follow the triumph of democracy in Germany. That the system might be incompatible with, or at least endanger the functioning of, parliamentary government seemed inconceivable. With little or no experience in the responsibilities of wielding political power, the members of the National Assembly who passed the law understood neither the dynamics of parliamentary government nor the role played therein by the election system. As representatives of small parties they were more interested in guaranteeing the minority positions of their respective groups than in creating an electoral law which might foster the emergence of a majority competent to assume responsibility for directing the affairs of government.

## 8 / *The Implications*

WHAT are the implications of this study for an assessment of the Weimar heritage? The foregoing chapters have shown how P. R. gained acceptance during the Second Reich in relation to industrialization and its attendant effects, how the one fostered and the other gave expression to fragmentation and conflict in German society and politics. The concluding chapter focuses on the views expressed by the proponents of P. R. (treated in Part I) and their opponents (Part II) on the following questions: What is the purpose of the suffrage? What should be the role of an elected parliament in formulating and directing public policy? Does sovereignty rest with the people? What is the proper relationship between the individual and the state? The views expressed on these and related questions suggest that the German people during the Second Reich had no real comprehension of democracy, that they were little prepared in this respect for the Republic which they acquired in 1918-1919.

### I

The proportionalists' view of the parliament and its purpose was revealed in the oft-quoted words ascribed to Mirabeau: "A representative body is to the nation what a chart is for the physical configuration of its soil: in all its parts, and as a whole, the representative body should at all times present a reduced picture of the people—their opinions, aspirations, and wishes. . . ."<sup>1</sup> The analogy became for the proportionalists a dogma reiterated with almost evangelistic fervor. If the parliament did not mirror the wishes of the people, they claimed, then it was a perversion of justice, an instrument of oppression used by tyrannical majorities against defenseless minorities.

Basic to the proportionalists' view of the parliament was their interpretation of the suffrage. The term in German means literally the right (*das Recht*) to elect (*wählen*). *Das Wahlrecht* hence involved, according to the proportionalists, not only the right of the individual to vote for the candidate of his choice, but also the right to elect the candidate. "The constitution [of 1871]," stated one writer, "grants every citizen equal suffrage, i.e., the right to participate through his act of voting in the formation of the popular assembly."<sup>2</sup> Year after year, however, countless voters witnessed the defeat of their candidates at the polls. Year after year countless voters, certain of the impossibility of electing their candidates, abstained from casting their ballots. All were "robbed" of their suffrage, deprived of their sacred right to participate in the German *Schicksal*, the German destiny.<sup>3</sup> "Under this system the suffrage [*das Wahlrecht*] is thus nonexistent. There remains merely a right to vote [*Stimmrecht*], or a mere possibility of electing, no suffrage, i.e., no right of the voter to demand that his vote shall be not only counted, but also weighed. . . ."<sup>4</sup>

The interpretation was by implication subversive to the traditional exaltation of the state in German political theory and experience. If the suffrage was not a duty performed by the individual for the state, if it was rather an individual right existing independently in society, then the body created by the exercise of that right would seem to function independently of any institution like the state. For what purpose, furthermore, did the individual possess what was by implication a "natural" right to vote, or in the proportionalist view, to elect? Was the act of voting or electing an end in itself, devoid of political consequences? Or was it a means by which each individual could participate through the elected parliament in his government?

Rarely did German proportionalists assert the doctrine of popular sovereignty. Rarely did they contend that political power emanated from the people and was exercised by them through an elected assembly. Only the socialists gave occasional recognition of the implications of responsible self-government inherent in their interpretation of the *Wahlrecht*. "It is a natural and therefore sacred right of the people to shape its own destiny," wrote one party theorist in 1877, "and the people is powerful and sovereign only when it exercises the highest and the ultimate right of decision in all areas of legislation."<sup>5</sup> Since the Reichstag was not a true reflection of the desires and wishes of the German people, he contended, "large numbers of the population" were "robbed" of their

franchise. "The sovereignty of the German people" thus became "illusory," their "right of representation" became "in practice a deceptive right [*Scheinrecht*]."6

The stated or implied viewpoint of most advocates of P. R. was expressed by a middle-class liberal who dedicated his publication "to the memory of Mirabeau" and established as his motto "equal rights for all." Asserting a belief in political equality, which he regarded as "an inheritance of the French Revolution, a fulfillment of the principle of 'égalité,' at least in the political realm," he concluded:

The essence of the constitutional state consists partially in the right of all the citizens to participate with the ruler [*dem Herrscher*] in working out the destiny [*die Geschicke*] of the people.<sup>7</sup>

The force of tradition was strong. An identification of *Herrscher* with people seemed next to impossible for the proportionalists.

Implicit in the claim that each voter had the right to elect the candidate of his choice, that he was misrepresented in the parliament by any deputy against whom he had voted, was the assumption that he possessed a rigid *Weltanschauung*.<sup>8</sup> He was, according to the proportionalists, a person of unyielding political conviction, one to whom compromise was unnatural and degrading. He and those of similar conviction with whom he associated in a political party were sharply separated in the political arena from others with different *Weltanschauungen*. Runoff elections to the Reichstag thus were anathema to the advocates of P. R. The voter who had been "robbed" of his suffrage through the defeat of his candidate in the first election was asked by his party to vote in the runoff for one of the two remaining candidates. "When two friendly parties which remain separate in the main [first] election for the purpose of determining the number of their supporters go together in the second election, it is quite in order, natural, and inoffensive. When parties, however, which have fought one another violently suddenly make common cause, then it is unnatural and creates psychic difficulties for leadership and electorate."<sup>9</sup> Under P. R., the proportionalists asserted, voters and parties could remain true to their principles. No longer would "unnatural" coalitions among antagonistic parties cause "psychic difficulties" for party leaders and followers. No longer would the voter be misrepresented in the parliament by a deputy not his very own. "Political purity [*Reinlichkeit*]" would be assured.<sup>10</sup>

The assumption that political convictions could not and should not be compromised was not without basis in the experience of Germans with parties and politics. Unable constitutionally or otherwise to control the chancellor, denied any real control of the purse strings, its membership banned from ministerial posts, the Reichstag during the greater part of the Second Reich was an institution set apart from the center of decision and action in Germany. Its membership was deprived of that which customarily unites parties in programs of constructive action—the necessity for compromise. The parties in the Reichstag as a consequence were more negative than positive in approach, more inclined toward factional struggles than constructive action. Bismarck had contributed further to their incompetence by playing them off against one another, and by fostering in Reichstag debates an attitude which attributed to political opponents intentions which were socially and politically dangerous, if not subversive. Yet the proportionalists' assumption of the impossibility or undesirability of compromising one's political convictions involved a questionable identification of politicians with voters. Despite Heine's contention that every German was his own party,<sup>11</sup> the attitudes of German voters probably were much less absolute and unyielding than those of the deputies whom they returned to the Reichstag. In general, however, the assumption by proportionalists that German voters possessed uncompromising convictions appears to have been relatively accurate.

In addition to their theoretical justification of P. R. in terms of the right to elect the candidate of one's choice, proportionalists also urged the absolute necessity for including all conflicting points of view in the elected parliament.<sup>12</sup> To deny representation, they declared, to those groups considered dangerous or subversive to the established order was to court disaster. Their exclusion from peaceful channels of expression would merely drive them into extreme forms of revolutionary activity. To grant them unrestricted representation in the parliament, however, would open to them peaceful opportunities for the settlement of their interests. Their participation in the legislative process, it was argued, would foster an awareness of the problems of government, of the difficulty and impracticality of implementing extremist decisions. In short, a moderation of radical elements in the electorate would result from their free and unrestricted expression in the parliament.

The middle-class liberals who urged P. R. in this regard as a bulwark against revolution illustrated the nature of German experi-

ence with the socialists. Revisionist rather than revolutionary tendencies had been strengthened by the growth of Social Democratic power in Germany. Suspicion and hostility among socialist and left-liberal groups gradually had diminished as each began in the *Landtage* and in the Reichstag to cooperate with the other in working toward common political ends. Middle-class liberals were not slow to recognize the advantages of yielding to Social Democratic demands for increased representation in the Reichstag through P. R., not only with regard to strengthening socialist tendencies toward moderation,<sup>13</sup> but also for the purpose of increasing left-liberal power through possible coalition with the socialists.<sup>14</sup>

Would not the expression of conflicting points of view in the parliament break down existing party structures? From Switzerland, the classic land of experimentation with P. R., came accounts of party splintering in cantons where proportional voting was introduced.<sup>15</sup> A report by the Swiss Bundesrat issued in 1910, for example, concluded that proportional representation in that country had "contributed to the crumbling of the old historic parties and in general of all large political groups."<sup>16</sup> Even the slight experience of legislative assemblies in Germany with P. R. produced complaints of party splintering. In Hamburg, for example, almost a dozen groups arose in 1906 in the first elections to the second chamber held under the system.<sup>17</sup> Although the number soon decreased, complaints persisted that the use of P. R., in the words of one critic, "gives way to a purely class representation. The economic, confessional, and other special interests supplant in importance those which are political."<sup>18</sup>

The proponents countered the evidence of party splintering with assertions that P. R. merely afforded expression to divisions already existing within parties.<sup>19</sup> Such divisions occurred regardless of the election system; nothing could prevent their continuation. Discordant elements, they contended, were forced into unhappy unions by a system of election like the majority system which denied representation to minorities. Personal animosities and ideological conflicts within parties were subordinated to the harsh necessity for individual survival through collective endeavor. Elimination at the polls would result if unity were not maintained. As interpreted by its friends, P. R., merely relieved the necessity for unhappy and unproductive unions among discordant political groups. Each was assured of representation in the parliament, there to express its own unadulterated *Weltanschauung*. Far from splintering the party structure, P. R. in the view of its advocates merely afforded

expression to the diversity of political conviction already existing within Germany.

Did not the greatest possible reflection of existing social and political diversity in the parliament constitute a danger to the latter's workability? The proportionalists who bothered to consider the question were in almost complete accord. To conclude that an increase of parties and groups within the parliament decreased its ability to function efficiently was to commit an error of logic. ". . . The more complete and the more genuine the representation of groupings among people in the parliament," one writer asserted, "the sooner will occur within the latter a reconciliation of opposing forces in harmony with the true interest of the total organism [*des Gesamtkörpers*]." <sup>20</sup>

Proportionalists were at their strongest in contending that Germany never had used P. R., yet traditionally had possessed a multiplicity of parties. How could the charge of party splintering be levelled, they demanded, when a score of parties had arisen in Germany under the majority system? As expressed in 1885 by one of the earliest proportionalists in Germany,

The majority principle has not prevented the formation of a large papal [*ultramontanen*] party united only by a common religious point of view. It has not denied representation to a fourth estate [the workers] which subordinates all questions of national and religious nature to the socio-economic interest. It has not prevented the shattering of a large party on a political-commercial question like that of free trade versus protective tariff, not to mention the representation of Poles, Alsatians, Guelphs, and other particular interests.<sup>21</sup>

The same point of view was expressed by Hugo Preuss in 1919 to the Constitutional Committee of the National Assembly. "Never have we had proportional elections to the Reichstag in Germany," he asserted, "and yet our parties always have been as numerous as the sands of the sea. . . ." <sup>22</sup> To anticipate a reduction in the number of parties, to hope for an evolution of the two-party system on the English model hence ignored, according to the proportionalists, the traditional cleavages of political conviction in Germany. The country long had possessed almost half a dozen major parties, not to mention the numerous splinter groups. She undoubtedly would continue to possess as many, not in consequence of the election system, but in response to the "deep-seated differences in political attitude indigenous to the German people."<sup>23</sup>

The presence of political diversity was for some proportionalists

the natural outcome of industrialization. Everywhere that he chose to look, Dr. Ernst Cahn, the foremost champion of P. R. in Germany prior to the war, professed to see the emergence of multi-party systems. The two-party system, he pointed out, had disappeared in Belgium with the rise of the Social Democrats, and appeared to be in the process of doing so in England with the growth of an independent workers' party. Even in the United States, he contended, the workers' movement might well "put an end" to the two-party system. Industrialization thus had mixed new ingredients in the traditional political conflict of liberals and conservatives.

. . . To the opposition present in all countries between the more conservative and the more liberal point of view is added in all countries with highly-developed industry the opposition between employers and workers, between the haves and have-nots, one eventually expressed politically through the formation of an independent workers' party.<sup>24</sup>

It followed for Dr. Cahn that the two-party system was completely unsuited to Germany. The workers' movement, not to mention the growth of individualism, the increasing "intellectual differentiations" so characteristic of modern society, had rendered even more diverse than before a society traditionally lacking in "confessional" and "national" unity. "The victory of the two-party system here [in Germany]," he concluded, "is prohibited by the constant action of these factors. That proportional representation retards or makes difficult the emergence [of the two-party system] is therefore out of the question."<sup>25</sup>

That two-party systems were fading out in modern society seemed quite logical to proportionalists like Dr. Cahn impressed with the impact of economic change upon political parties and attitudes, and also by the phenomenal growth of Social Democracy in Germany. The conclusion, however, showed slight comprehension of the role of political parties in democratic societies. Dr. Cahn and other proportionalists wrote very glibly about multiple and two-party systems in other countries, but failed to recognize the effects in democracies of that which was for the most part denied political parties in Germany: responsibility for the direction of public policy. That there existed pressures in democratic systems of government toward the formation of large political units capable of acquiring and maintaining political power was a concept for the most part alien to the thinking and experience of German proportionalists.<sup>26</sup>

Nowhere was the almost exclusive concern of proportionalists



with the composition of the parliament better illustrated than in the writings of jurists and mathematicians. The latter were challenged by the task of constructing the most perfect system of P. R., the one which would mirror the electorate with the highest degree of accuracy. They were stimulated to the creation of systems of almost unbelievable complexity, systems which abounded in mathematical symbols and algebraic equations. Had the unsuspecting German voter chanced to peruse one of their creations, he might have been impressed to find himself part of an elaborate equation, to discover that he had been divided, subtracted, then multiplied into a position of considerable importance. Had he sought to comprehend the subtleties of his relationship with other elements of the equation, he might have been saddened by his ignorance. The experts were profound to the point of incomprehensibility. One editor of a socialist publication at least had the courtesy to warn his readers that the "complicated computations" contained in one section of an article on proportional representation could be "easily understood only by those trained in mathematics."<sup>27</sup>

So enamored did some theorists become with the intricacies of P. R. that occasionally they forsook political realities altogether. In the words of one professor and jurist, Adolf Tecklenburg, the system was an "electoral technique" entirely divorced from politics. "Proportional representation," he asserted in one of his numerous publications, "has no practical shortcomings, especially none in the political sense. The latter would be quite impossible, since proportional representation essentially is an electoral technique concerned solely with the procedure of electing. Whether elections are majority or proportional has nothing to do with the realization of specific political objectives. The principal problem is to find a suitable proportional election system, and one can always be found." The justification of P. R., he concluded, lay solely in the realm of "pure thought," and especially in that of mathematics.<sup>28</sup>

Such utterances must be quoted without comment. Ridiculous though they appear to the American, they were seriously intended by Dr. Tecklenburg. That they were received so matter-of-factly, that they found such congenial company among similar assertions by the growing number of proportionalists illustrates the average German's inexperience with government and politics during the Second Reich. Split into hostile and warring factions by deep-seated social and political antagonisms, the Germans were more concerned than Englishmen or Americans with the problem of minority representation. **Little accustomed to participation in the affairs**

of government, they tended, as reflected in the views of the proportionalists, to regard representation as an end in itself, to exclude consideration of the influence of election systems on the capacity of the parliament to govern. The tendency was manifest in the assertions of Hugo Preuss, the principal architect of the Weimar Constitution, who declared in 1919 to the Constitutional Committee of the National Assembly that the suffrage was "only in a restricted sense," a question of parties and politics, that it was "essentially a question of technique," one of securing the "best system of proportional representation."<sup>29</sup>

## II

The opponents were devastating in their analysis of P. R. Was it technically possible, they inquired, to "mirror" the electorate, to reflect accurately in the parliament all shades of opinion in their exact proportions among the voters? Was not the attempt futile, indeed ludicrous in view of changes of opinion common among voters after the election? Would not new elections then become necessary at frequent intervals, perhaps every month, perhaps every week? Was not the proportionalists' interpretation of the *Wahlrecht* in the last analysis untenable and unsound, divorced from reality and dangerous in practice?

Territorial districts, the opponents claimed, distorted the parliamentary "image" of the electorate allegedly reflected by P. R. When districts were retained, as they were in Germany where proportional systems were adopted, the number of votes required for election varied from district to district. Ten thousand votes might elect a deputy in one district; twenty thousand might suffice in another. Votes in the latter thus would have one-half the weight possessed by those in the former. It was thus impossible, according to the opponents, to speak of an equality among votes under such circumstances. Even the most exact systems of allocation, moreover, left a remainder of unused votes. Some candidates received more votes than required for election; others failed to achieve the necessary number. Vote fractions remained in either case. Unfortunately for the proportionalists, "deputies could not be divided into fractions."<sup>30</sup>

As viewed by the opponents, the ideal of equality among votes posed a dilemma for the proportionalists. The latter sought the highest possible degree of equality through numerous technical devices. In proportion as their systems achieved success in this respect,

however, the less comprehensible, the less practicable they became. As put by one opponent,

The "more numerically just," the more impracticable, and the more practicable the less "numerically just." One may twist and turn as he wishes; the dilemma remains.<sup>31</sup>

How did the proportionalists seek to resolve their dilemma? Most favored systems which in effect sacrificed equality to workability. Those like Dr. Tecklenburg who pursued the ideal of equality *ad absurdum* were so far removed from political realities as to be unaware of the dilemma.

The most damaging argument against P. R. concerned, not the relation of one vote to another, but the attitude of the person who cast the vote. He was, according to the proportionalists, one who knew his convictions and strictly adhered to them. The difficulties inherent in this assumption were suggested, though not clearly enunciated by the opponents. "Were it actually necessary [to mirror the views of the electorate]," one writer asserted, "then we should have to reelect the parliament every month, perhaps every week. . . ."<sup>32</sup> If the position of a party shifted on some issue even one week after "photographing, i.e., the election," another pointed out, consistency with the requisite of equality would require the electorate to be "photographed anew."<sup>33</sup> Even the proportionalists were known to admit that the voter had not one, but several points of view. As lamented by one writer, the individual voter shared the viewpoints of many unrelated groups in society. At the polls he must make the choice: ". . . agrarian or progressive, industrial or Catholic, . . . as an interested party in a railway line or as a Malthusian. He can do no more than this."<sup>34</sup>

Were there not individuals, moreover, who failed to make the choice, who did not or could not vote? Many persons in Germany—soldiers, sailors, women, children, the mentally unbalanced, and those in bankruptcy—were disenfranchised by law. Thousands more excluded themselves by abstention from the polls. Those who actually voted thus comprised only a small fraction of the total population. The "will of the people" as expressed through elections hence became the will of a small minority, one which might correspond only vaguely or perhaps not at all to the popular will. A parliament so constituted would be a "caricature [*Zerrbild*]," not a true "reflected image [*Spiegelbild*]" of the popular will.<sup>35</sup>

If P. R., and by implication all other electoral techniques, could not afford adequate expression to an elusive popular will, if representation as interpreted by the proportionalists were, then, an

anachronism in modern society, what was the purpose of the suffrage? Most emphatically, according to the opponents, it was not a "right to elect," a right to place in the parliament the delegate of one's choice. To assume the existence of this or any other individual right contradicted the essence of the state as something to which particular wills were subordinated.<sup>36</sup> Granted by the state to the individual, the suffrage became for most opponents of P. R. a "public function" regulated in the words of one writer by the "maxim without which a state could not exist: first order, then freedom."<sup>37</sup>

The suffrage became in this view relative to the interests of the state. The individual possessed no inherent right of representation in an elected parliament. Duties, not rights, were his to perform in service of the state. The suffrage was to serve, never to oppose the *raison d'état*, and hence could vary with time and place. It was scarcely possible, concluded one writer, "to formulate an ideal suffrage valid at all times, and for all peoples and states. The most suitable suffrage is a relative consideration, one which varies with differences in time, race, economic condition, and political situation."<sup>38</sup>

The interpretation, so common in Germany during the Second Reich, enabled political theorists to combine seemingly irreconcilable points of view. An editor of the scholarly *Zeitschrift für Politik*, Dr. Adolf Grabowsky, supposedly a liberal, could assert in one breath the validity of universal and equal suffrage for the Reich and the three-class system of voting for Prussia.<sup>39</sup> "We are living in a world of relativity," he explained, "which even the hallowed suffrage cannot transcend. What is right for Germany is not at all reasonable for Prussia." Why was universal and equal suffrage suited to Germany? Because "it was the most powerful argument for the South Germans to join the North German Confederation and hence contributed to the unification of Germany." What if it ceased to serve the fatherland? "If this suffrage were to place in jeopardy, rather than assure the stability of, the Reich, then it would become untenable and the time for its abolition would have arrived." Why was universal and equal suffrage unsuited to Prussia? Because it would undermine the existing order.<sup>40</sup> More than eighty-five per cent of the voters in Prussia cast their ballots with the third class. Equal suffrage would reduce the dominant elements, the first and second classes, to impotence; it would undermine the "historic position" of the Prussian monarchy and hence jeopardize "Prussia's calling in world history."

In the Prussian monarchy [Dr. Grabowsky stated] the abstract concept of the state has become as though alive. The relation of the citizen to the state here is no longer impartial, but personal. . . . In the common interest everybody keeps his place, because he knows that the common trust will be returned to him a hundredfold. And if the reason of state [*Staatsraison*]—i.e., not a vague theory, much more a bloody necessity—so demands, then the individual steps quietly aside. However one stands with regard to this system, through which the Prussian state has become mighty—its completeness and grandeur [*Grossartigkeit*] one must acknowledge.”<sup>41</sup>

The abdication of individual political and moral responsibility to the state could be no more complete than this.

If the suffrage were relative to the *raison d'état*, then it followed for many opponents of P. R. that deputies represented the common interest in parliament. As stated in the federal constitution (Article 29), they were not bound by instructions from the voters. “Deputies represent a fixed political viewpoint, to be sure, and are generally elected for that reason. In the exercise of their parliamentary duties, however, they act with complete independence. They are representatives, not of their constituents, but of the entire people [*des gesamten Volkes*]. They are to express in the parliament, not the views of their voters, but their own views, and therefore are not bound by orders and instructions.”<sup>42</sup> It followed for the opponents of P. R. that most exact representation in parliament of all points of view within the electorate was of little or no consequence. Since deputies were guided in the performance of their parliamentary duties by that which they believed to be in the best interests of the nation, the purpose of the suffrage should be to select “the most intelligent, the most honorable, and the most competent among the people.”<sup>43</sup> Not only might individuals with such qualifications serve the common interest to a greater degree than those who were stupid, dishonorable, and incompetent. They also could be expected to preserve an identification of the so-called common interest with that of the dominant social and political groups which they represented.

What was the role of the parliament as interpreted by those who regarded the suffrage as a “public function”? Just as the privilege of voting was granted by the state to the individual, so the parliament owed its existence to the state’s magnanimity. It was an institution set apart from the state.<sup>44</sup> Like the individual who exercised the suffrage, the parliament could act only in harmony with the interests of the state. It was an institution which com-

plemented, never contradicted, the actions of that which epitomized the common good. If it failed to do so, if particular interests gained the ascendancy to oppose the state, then it no longer expressed the common will and should be dissolved. Parliaments might err; the state, never. Participation in the formulation and direction of public policy was thus restricted to the ruling few; opposition to the established order became subversion.

Not all opponents of P. R. upheld so completely the conservative viewpoint in Germany. Several attacked proportional voting, not as subversive to existing power relationships in Germany, but as detrimental to the proper functioning of the parliament. Insofar as they invested the latter with responsibility for governing and implied or attributed sovereign power to the people, they might be described as democratic. Their democracy, however, showed the effects of the German experience with government and politics. Parties, political power, and public opinion were viewed mostly in the abstract. Comprehension of democratic practices and procedures was almost negligible.

As viewed by one writer, proportional representation would give rise to small cliques and interest groups in the parliament and further existing political divisions within the population. The results would be highly detrimental to the conduct of government.

The practical politician . . . viewing a new increase in minority strength [he stated] will take into consideration the difficulties arising in every constitutional government from the absence of a compact majority upon which it can rely. And many will hesitate to strengthen the minorities which negate in principle the national, political, or economic bases of the existing political and social order.<sup>45</sup>

The government in a "constitutional" system plainly was dependent in the writer's view upon a majority in the parliament. The people by implication were sovereign. The German experience with government and politics appeared in the writer's reference to minorities opposed "in principle" to the existing order. They and the order which they opposed apparently were regarded by him as static, as founded upon rigid and unalterable principles, each of which involved the negation of the other. It would seem to follow from the writer's view that minorities never could constitute in the parliament a "loyal" opposition like that in the British House of Commons. Never could they cooperate in constructive legislation with the party or parties in power. The existing social and political order upheld by the latter was by implication antithetical to their

cherished principles. How could they support that which they sought to abolish?

The editors of the scholarly journal *Annalen des Deutschen Reichs* published in 1899 an attack on P. R. which asserted the necessity for decision in parliamentary government.

Wherever parliamentarianism exists, especially in an indirect democracy [they stated], wherever the parliament thus determines the direction [*den Gang*] of government, wherever it possesses political power, there the necessity, if at all possible, for a strong, prevailing parliamentary majority becomes all-important. The system of representation assumes definite significance at this point, for it may give rise to strong majorities. Minority groups will not be handicapped to any great extent in the latter event, since it matters little whether they are subordinated in the election or in the parliament, quite apart from the fact that they can find a measure of expression through the representative system. An old French saying (Naville) runs: "*La majorite est le principe de la decision, la proportionalite est le principe de la representation.*" That would sound fine were it not that parliamentarianism is a matter solely of *decision*, i.e., the will of the majority, and not of *representation*, i.e., the interests of the minority.<sup>46</sup>

A majority clearly was regarded as essential to a parliament which wielded sovereign power. To emphasize "representation" destroyed the majority and hence the capacity of the parliament for decision. Minorities were excluded by the writers from participation in the affairs of government. Whether they were suppressed within or outside the parliament was immaterial. They were to be prohibited at all costs from disrupting the parliament by weakening the majority. Could they not one day acquire a majority in the parliament? Could the present majority not lose the confidence of the people and become itself a minority? The writers' silence on such matters, their strict compartmentalization of the majority and the minority, illustrated the limitations of their view of political parties in relation to public opinion. They seemed unaware that parties rose or fell in power in a democracy as they gained or lost the confidence of the electorate, that they provided the public a means with which to assess responsibility for governmental actions.

Among the opponents of P. R. in Germany, the Progressive leader and later chairman of the Democratic party, Friedrich Naumann, appeared to be alone in comprehending the role of political parties in a democracy. To a liberal party convention held in 1906 in Berlin he asserted:

Precisely that which causes the splintering, the paralyzation of effort among us will be advanced by proportional representation. The important thing is not that everybody possesses the opportunity to have his point of view expressed in the parliament, but that there be a body actually competent to govern, so that the word "parliament" acquires a political meaning. And that assumes that party splintering will be a thing of the past, that we will be able to say: here is the Right; here is the Left! And not until we have right and left can we make public policy [*Politik machen*] as in England, where those who have been in the opposition for fifteen years must then assume the responsibility for carrying out that which they have been talking about. Sheer opposition without responsibility—that is the background of proportional representation.<sup>47</sup>

Contrary to the opinion which seemed to prevail in Germany, parties were not ends in themselves, not rallying points for particularistic points of view to be aired in the parliament. As interpreted by Naumann, they were organs with which to implement democratic government in modern society, competent to direct public policy through the parliament so long as they retained the confidence of a majority of the voters. When in the minority, they sought to convince the electorate by word and deed that their ideas and members were more competent to serve the common interest than those of the majority. They were, as Naumann stated in his book, *Demokratie und Kaisertum*, "necessary intermediaries [*Zwischenkörper*] between the electorate and the majority capable of governing to which they aspire. . . . The essence [*das Wesen*] of the party is the existence of an organization of voters for the purpose of winning the majority."<sup>48</sup>

Naumann was almost alone in the National Assembly in 1919 in asserting the necessity for a parliamentary majority. His attempts in the Constitutional Committee to defeat proportional representation as an instrument promoting party multiplicity and disunity were beaten down by the powerful polemic of his fellow Democrat, Hugo Preuss. In a letter written to another party comrade in May, 1919, Naumann expressed what he termed "far-reaching pessimism" over the prospects of the new Republic. A "peaceful solution" to the "majority problem," to the problem of creating a parliamentary majority essential to stable government, appeared highly unlikely. The new constitution would leave Germany leaderless and divided. "I fear," he prophesied, "that we are creating a situation which can be resolved later only by a *coup d'état*."<sup>49</sup>



The views of those who advocated or rejected P. R. during the Second Reich suggested additional reasons for pessimism regarding the outlook for the new Republic. Popular sovereignty was a concept for the most part alien to the proportionalists, subversive to their opponents. Responsible self-government appeared strikingly un-German, an end sought chiefly by the socialist *Reichsfeinde*, the socialist "enemies of the state." Political parties were viewed by most writers on P. R., not as means for directing public policy and assessing responsibility, but as ends in themselves, as groups of like-minded individuals dedicated to the preservation of particular *Weltanschauungen*. Representation became an ideal of reflecting minority opinions among the voters in the elected parliament, an ideal expressed *ad absurdum* in the electoral law of the Weimar Republic.

As illustrated by the uses which competing groups made or attempted to make of P. R., neither had the Germans practiced democracy in their social relations. Industrialists and agrarians proposed the system with numerous refinements and in combination with other techniques like occupational representation as a means of denying full expression in the elected parliament to the rising socialist movement. Political parties representing middle-class and agrarian groups in municipal councils, state legislatures, and the Reichstag extended the system to urban districts where voting strengths of socialists were concentrated. To undermine the latter's domination of the workers' movement in Germany, Reichstag parties introduced P. R. for elections to the numerous boards and other bodies which had arisen with social and factory legislation. The paradox of the system of representation supposedly the most just, and hence the most democratic, yet exalted by its theorists into an ideal incompatible with the functioning of democratic institutions of government, was made complete by the undemocratic ends for which it was employed in Germany.

Democracy was not precluded in Germany by a heritage of social fragmentation and authoritarianism. Yet the Germans in 1918-1919 appeared strikingly ill-prepared and ill-equipped for democratic government. In 1919 Walter Rathenau wrote:

We have a Republic; nobody seriously desired it. In the eleventh hour we acquired parliamentary government; nobody wanted it.<sup>50</sup>

He might have added that very few Germans appeared capable of utilizing either one.<sup>51</sup>

## Notes

### NOTES TO INTRODUCTION

<sup>1</sup> Herman Finer, *The Future of Government* (London: Methuen & Co., 1946); Sigmund Neumann, *Modern Political Parties; Approaches to Comparative Politics* (Chicago: University of Chicago Press, 1956); Carl Friedrich, *Constitutional Government and Democracy; Theory and Practice in Europe and America* (Boston and New York: Ginn and Co., 1946); James Kerr Pollock, *German Electoral Administration* (New York: Columbia University Press, 1934); Ferdinand Aloys Hermens, *Democracy or Anarchy?* (Notre Dame, Indiana: University of Notre Dame Press, 1941); Eugene N. Anderson, *The Social and Political Conflict in Prussia 1858-1864* (Lincoln, Nebraska: University of Nebraska Press, 1954).

### NOTES TO CHAPTER 1

<sup>1</sup> Apparently the earliest formulation of a proportional system was by the Frenchman de Borda in 1770 for elections to the Academie Royale. See Karl Braunias, *Das Parlamentarische Wahlrecht: Ein Handbuch über die Bildung der Gesetzgebenden Körperschaften in Europa* (Berlin and Leipzig: W. de Gruyter & Co., 1932), II, 195.

<sup>2</sup> Quoted by Clarence Gilbert Hoag and George Hervey Hallett, Jr., *Proportional Representation* (New York: The Macmillan Co., 1926), p. 162.

<sup>3</sup> Considerant's publications on P. R. were antedated by one which appeared in 1820 in a French journal, *Annales de Mathematiques*, X, 281-288. Written by the journal's editor, a mathematician named Gergonne, the article suggested that "any citizen would become a Deputy from the department in the elective chamber who bore a mandate from two hundred voters." Quoted by *ibid.*

<sup>4</sup> *La Phalange*, June 17, 1842, quoted in Ferdinand A. Hermans, "Democracy and Proportional Representation," *Public Policy Pamphlet* No. 31 (Chicago: University of Chicago Press, 1940), p. 2.

<sup>5</sup> For a detailed discussion of Considerant's efforts, as well as the entire early development of P. R. in Europe and elsewhere, see C.

Lübeck, "Die Proportional-Vertretung," *Die Zukunft. Socialistische Revue*, 1877, pp. 145-148, 153-165, 190-198.

<sup>6</sup> The system was published in 1857 in summary form by Hare in a pamphlet entitled *The Machinery of Representation*. Hoag and Hallett, *Proportional Representation*, p. 175.

<sup>7</sup> The quota necessary for the election of individual deputies was obtained by dividing the number of deputies to be elected to the parliament into the total number of votes cast in the election.

<sup>8</sup> An almost identical system of election was devised independently by a Danish mathematician, Carl Andrae. In 1855, two years prior to the publication of Hare's first treatise, the system of Andrae was included in a law regulating elections to the Rigsraad, or Supreme Legislative Council, of Denmark. The similarity was not discovered until 1863, when a secretary of the English legation in Copenhagen sent home a report on the Danish law. By that time Hare's prestige was so great that the system which both he and Andrae invented continued to bear his name. *Ibid.*, pp. 171-176.

<sup>9</sup> (Everyman's Library ed.; New York: E. P. Dutton & Co., Inc., 1910), p. 263.

<sup>10</sup> *Ibid.*, pp. 239-240.

<sup>11</sup> *Ibid.*, pp. 263-265.

<sup>12</sup> *Ibid.*, p. 265.

<sup>13</sup> *The English Constitution*, in Forrest Morgan, ed. *The Works of Walter Bagehot*, IV (Hartford, Conn.: The Travelers Insurance Co., 1891), 177-179.

<sup>14</sup> *Ibid.*

<sup>15</sup> For the proportionalist viewpoint consult John R. Commons, *Proportional Representation* (2d ed.; New York: The Macmillan Company, 1907), John H. Humphreys, *Proportional Representation. A Study in Methods of Election* (London: Methuen & Company, Ltd., 1911), and Hoag and Hallett, *Proportional Representation*.

<sup>16</sup> For the anti-proportionalist viewpoint consult the numerous publications of Ferdinand A. Hermens, principally his chief work, *Democracy or Anarchy?* (Notre Dame, Indiana: University of Notre Dame Press, 1941); see also Herman Finer, *The Case Against Proportional Representation*, Fabian Tract Number 211 (London: Fabian Society, 1924).

<sup>17</sup> Hansard, *Parliamentary Debates* (third series), CLXXXVII (May 30, 1867), 1351-1353.

<sup>18</sup> *Ibid.*, pp. 1360-1361.

<sup>19</sup> See Hoag and Hallett, *Proportional Representation*, pp. 179-181, also Humphreys, *Proportional Representation*, pp. 132-134.

<sup>20</sup> Hoag and Hallett, *Proportional Representation*, p. 177.

<sup>21</sup> The system suggested by Considerant had been elaborated upon in 1861 and 1862 by a Swiss writer, A. Morin. See *ibid.*, pp. 171, 177. A portion of Morin's work, *De la Representation des Minorites* (Geneva, 1862), has been reprinted in the original in Thomas Hare, *The Election of Representatives, Parliamentary and*

*Municipal* (3d ed.; London: Longman, Green, Longman, Roberts & Green, 1865), pp. 295-297.

<sup>22</sup> P. R. was used in Portugal only for the election of deputies from Lisbon and Oporto. Hoag and Hallett, *Proportional Representation*, p. 178 note.

<sup>23</sup> The earliest treatise on P. R. to appear in Germany was Gustav Burnitz and Georg Varrentrapp, *Methode, bei jeder Art von Wahlen sowohl der Mehrheit als den Minderheiten die ihrer Stärke entsprechende Zahl von Vertretern zu sichern* (Frankfort a. M.: J. D. Sauerländer's Verlag, 1863). Portions have been reprinted in the original in Thomas Hare, *The Election of Representatives*, pp. 298-301.

<sup>24</sup> See Heinrich Rosin, *Minoritätenvertretung und Proportionalwahlen. Ein Ueberblick über deren Systeme, Verbreitung, Begründung* (Berlin: J. Guttentag, 1892), p. 30. Minutes of a discussion in 1864 in a committee for constitutional reform of the Frankfurt assembly have been reprinted in the original in Thomas Hare, *The Election of Representatives*, pp. 331-340.

<sup>25</sup> Taken from Hoag and Hallett, *Proportional Representation*, p. 419.

<sup>26</sup> Great Britain, Royal Commission on Systems of Election. *Report of the Royal Commission Appointed to Enquire into Electoral Systems, with Appendices*, Cd. 5163 (London: H. M. Stationery Office, 1910), p. 13

## NOTES TO CHAPTER 2

<sup>1</sup> See *Statistisches Jahrbuch für das Deutsche Reich*, XLIII, 2, for the relevant statistics.

<sup>2</sup> See Arthur Dix, "Die deutschen Reichstagswahlen 1871-1930 und die Wandlungen der Volksgliederung," *Recht und Staat in Geschichte und Gegenwart*, Number 77 (Tübingen: J. C. B. Mohr, 1930), p. 7.

<sup>3</sup> District divisions were made within state boundaries; any state without the requisite 100,000 inhabitants nevertheless comprised one district and elected one deputy.

<sup>4</sup> In the absence of a majority, second or runoff elections were held between the two candidates with the most votes.

<sup>5</sup> For a good analysis of the Prussian electoral law and its significance in a setting of change and conflict, consult Eugene N. Anderson, *The Social and Political Conflict in Prussia 1858-1864* (Lincoln, Nebraska: University of Nebraska Press, 1954), pp. 255 ff.

<sup>6</sup> Koppel S. Pinson, *Modern Germany. Its History and Civilization* (New York: The Macmillan Co., 1954), p. 248.

<sup>7</sup> Robert Herndon Fife, Jr., *The German Empire Between Two Wars: A Study of the Political and Social Development of the Nation Between 1871 and 1914* (New York: The Macmillan Co., 1916), p. 180.

<sup>8</sup> Pinson, *Modern Germany*, p. 211.

<sup>9</sup> See two publications by Naumann, *Demokratie und Kaisertum. Ein Handbuch für innere Politik* (4th ed.; Berlin-Schöneberg:

Buchverlag der "Hilfe," 1905), p. 7, and *Das blaue Buch von Vaterland und Freiheit* (Königstein & Leipzig: Karl Robert Langewiesche 1913), pp. 48-49.

<sup>10</sup> Quoted by William Harbutt Dawson, *Evolution of Modern Germany* (New York: Charles Scribner's Sons, 1908), p. 460.

<sup>11</sup> See William Harbutt Dawson, *Municipal Life and Government in Germany* (London: Longmans, Green & Co., 1914), pp. 76-80.

<sup>12</sup> The use of suffrage reform, particularly proportional representation, as a weapon in power conflicts was not, of course, peculiar to Germany. In Denmark, for example, which was the first country on the Continent to use proportional voting for national elections, the impetus toward P. R. came from Conservatives who feared crushing losses to the Left under the majority system. In the Netherlands, Liberals and Conservatives logrolled P. R. into existence for mutual advantage against the Socialists. In Switzerland a curious assortment of political bedfellows—Catholics, Socialists, and Liberals—combined to adopt P. R. in order to destroy the Radical majority on the National Council. For the details consult Ferdinand A. Hermens, *Democracy or Anarchy?* (Notre Dame, Indiana: University of Notre Dame Press, 1941), pp. 334, 339-340, 348.

#### NOTES TO CHAPTER 3

<sup>1</sup> Unkenruf eines alten Abgeordneten, *Kommunismus oder Wahlreform* (Leipzig: Rossberg Buchhandlung, 1882), pp. 31-32.

<sup>2</sup> *Ibid.*, pp. 58 ff.

<sup>3</sup> Ludwig von Hirschfeld, "Die proportionale Berufsklassenwahl. Ein Mittel zur Abwehr der sozialistischen Bewegung," *Die Grenzboten*, 1885, p. 4.

<sup>4</sup> *Ibid.*, pp. 5-6.

<sup>5</sup> A quota for the election of candidates was secured by dividing the number of seats for each occupation into the total number of votes cast. Seats were to be allotted among the lists with that quota. *Ibid.*, pp. 115 ff.

<sup>6</sup> *Ibid.*

<sup>7</sup> Erwin Cuntz, *Das Idealwahlsystem* (Wiesloch in Baden: Selbstverlag des Verfassers, 1907).

<sup>8</sup> *Ibid.*, pp. 44-45.

<sup>9</sup> H. Matzat, "Der Grundfehler unseres Reichstagswahlrechts," *Die Umschau*, February 23, 1907, p. 166; cf. Hermann U. Kantorowicz, "Demokratie und Proportionalwahlsystem," *Zeitschrift für Politik*, III (1910), p. 556, and Theodor Petermann, "Individualvertretung und Gruppenvertretung. Ein Beitrag zur Theorie des Wahlrechts," *Neue Zeit- und Streitfragen* (Dresden: von Zahn und Jaensch, 1906), p. 29.

<sup>10</sup> Matzat, *Die Umschau*, February 23, 1907, p. 164.

<sup>11</sup> Voting in the Reichstag was to be facilitated by a special calculating machine described in Fr. Frhrn. von Godin and Otto Kurz, *Ein Vorschlag zur Verbesserung parlamentarischer Vertretungen* (Munich and Leipzig: R. Oldenbourg, 1898).

<sup>12</sup> Herman Finer, *Representative Government and a Parliament of Industry. A Study of the German Federal Economic Council* (London: The Fabian Society, 1923), p. 39.

<sup>13</sup> Hermann Edwin Krueger, "Historische und Kritische Untersuchungen über die freien Interessenvertretungen von Industrie, Handel und Gewerbe in Deutschland, insbesondere die Fach-, Zweck- und Zentralverbände gewerblicher Unternehmer," *Jahrbuch für Gesetzgebung, Verwaltung und Volkswirtschaft im Deutschen Reich*, 1908, p. 1605; Emil Lederer, *Die wirtschaftlichen Organisationen* (Leipzig and Berlin: Druck und Verlag von B. G. Teubner, 1913), p. 86.

<sup>14</sup> J. H. Clapham, *The Economic Development of France and Germany 1815-1914* (Cambridge: Cambridge University Press, 1921), pp. 329-330; William Harbutt Dawson, *Evolution of Modern Germany* (New York: Charles Scribner's Sons, 1908), pp. 106 ff.; for a concise history of the trade union movement in Germany prior to the first world war, see Lederer, *Die wirtschaftlichen Organisationen*, pp. 20-55.

<sup>15</sup> Dawson, *Evolution of Modern Germany*, pp. 253-254; Lederer, *Die wirtschaftlichen Organisationen*, pp. 121-126; Ferdinand Tönnies, *Die Entwicklung der sozialen Frage bis zum Weltkriege* (Berlin and Leipzig: Vereinigung wissenschaftlicher Verleger, Walter de Gruyter & Co., 1919), p. 131.

<sup>16</sup> Fritz Nova, *Functional Representation. An Appeal to Supplement Political Representation* (Dubuque, Iowa: Wm. C. Brown Co., 1950), pp. 15 ff.

<sup>17</sup> Finer, *Representative Government*, pp. 45 ff.

<sup>18</sup> J. G. Weiss, "Entwicklungstendenzen im Parlamentarismus," *Politisch-anthropologische Revue*, December, 1908, p. 494.

<sup>19</sup> Georg Jellinek, *Verfassungsänderung und Verfassungswandlung. Eine staatsrechtlich-politische Abhandlung* (Berlin: Verlag von O. Haering, 1906), pp. 78-79.

<sup>20</sup> See Erich Erichs, "Der Liberalismus und das Reichstagswahlrecht," *Die Grenzboten*, 1912, p. 406.

<sup>21</sup> Felix Weltsch, *Organische Demokratie. Eine Rechtsphilosophische Studie über das Repräsentativsystem und das parlamentarische Wahlrecht* (Leipzig: Der Neue Geist Verlag, 1918).

<sup>22</sup> Karl Gageur, *Reform des Wahlrechts im Reich und in Baden* (Leipzig: J. C. B. Mohr, 1893).

<sup>23</sup> *Ibid.*, pp. 88-89.

<sup>24</sup> See Ernst Cahn, *Das Proportionalwahlsystem in den modernen Kulturstaaten. Eine staatsrechtlich-politische Abhandlung* (Berlin: Verlag von O. Haering, 1909).

<sup>25</sup> *Ibid.*, pp. 131-132.

<sup>26</sup> Ernst Cahn, "Die politische Bedeutung des Verhältniswahl-systems," *Patria, Jahrbuch der Hilfe*, 1909, pp. 107-108.

<sup>27</sup> Quoted from Ludwig Quessel, "Der alte und der neue Liberalismus," *Socialistische Monatshefte*, XV (1911), 898-906, by Koppel S. Pinson, *Modern Germany. Its History and Civilization* (New York: The Macmillan Co., 1954), p. 215.

<sup>28</sup> See Chapter V for a discussion of the significance of the elections of 1912 in fostering left-liberal acceptance of P. R. for Reichstag elections.

<sup>29</sup> *Protokoll über die Verhandlungen des Parteitages der Sozialdemokratischen Partei Deutschlands*. Abgehalten zu Erfurt von 14. bis 20. Oktober 1891 (Berlin: Verlag der Expedition des "Vorwärts" Berliner Volksblatt [Th. Glocke], 1891), p. 5.

<sup>30</sup> See fn. #2, Chapter V, for further details concerning district inequalities.

<sup>31</sup> *Protokoll über die Verhandlungen des Parteitages der Sozialdemokratischen Partei Deutschlands*. Abgehalten zu Halle a. S. vom 12. bis 18. Oktober 1890 (Berlin: Verlag der Expedition des "Berliner Volksblatt" [Th. Glocke], 1890), p. 170.

<sup>32</sup> *Protokoll zu Erfurt*, p. 345.

<sup>33</sup> *Protokoll zu Halle*, p. 170.

<sup>34</sup> C. Lübeck, "Die Proportional-Vertretung," *Die Zukunft. Socialistische Revue*, 1877, pp. 156, 159-160, 190.

<sup>35</sup> Quoted in *ibid.*, pp. 190-191.

<sup>36</sup> *Ibid.*, p. 146.

<sup>37</sup> August Bebel, "Zur Wahlreform-Frage," *Die Zukunft. Socialistische Revue*, 1878, p. 507.

<sup>38</sup> Max Kayser, "Gegen die Proportional-Vertretung," *Die Zukunft. Socialistische Revue*, 1878, pp. 624-626.

<sup>39</sup> *Ibid.*, p. 626.

<sup>40</sup> See Chapter V for an extended discussion of the socialist attitude toward P. R.

<sup>41</sup> Z. Leder, "Das Proportionalwahlrecht," *Die Neue Zeit*, 1913, pp. 8-9.

#### NOTES TO CHAPTER 4

<sup>1</sup> Although evidence is for the most part lacking, various local or private organizations were experimenting with P. R. prior to 1900. A socialist writing in 1895, for example, described a proportional method of election then in use to select directors of the academic reading room at the University of Berlin. See Advocatus, "Das Proportionalwahlrecht und die deutschen Reichstagswahlen," *Die Neue Zeit*, XIII (1895), 71.

<sup>2</sup> See William Harbutt Dawson, *The German Workman* (London: P. S. King & Son, 1906), pp. 179-180.

<sup>3</sup> The provision specifically allowing P. R. reflected the experience of the industrial court in Frankfurt a. M. in attempting to use the system. In 1895 the court accepted a draft for a new election law containing a list system of voting. The draft was rejected in 1898 by the provincial council in Kassel, however, on the grounds that list systems endangered the principle of direct elections specified in the industrial court law. The amendment to the law in 1901 thus "legalized" P. R. by permitting "the restriction" of the act of voting to candidate lists. For a description of P. R. in the industrial courts see H. Luschka, "Die Proportionalwahl im deutschen Verwaltungsrecht, insbesondere bei Gewerbe- und Kaufmannsgerichten, Bergarbeiterausschüssen, Krankenkassen usw.," *Freiburger Abhand-*

lungen aus dem Gebiete des öffentlichen Rechts (Karlsruhe: G. Braunschen Hofbuchdruckerei, 1905), pp. 13 ff.

<sup>4</sup> *Verhandlungen des Reichstags, Stenographische Berichte*, 1900-1902, III, 2669-2670.

<sup>5</sup> May 1, 1904, p. 228.

<sup>6</sup> *Das Gewerbegericht*, December 1, 1903, p. 107; Luschka, *Freiburger Abhandlungen* (Karlsruhe, 1905), p. 22.

<sup>7</sup> *Ibid.*

<sup>8</sup> See Gustav Hoch, "Zur Frage der Proportionalwahl," *Die Neue Zeit*, 1902, pp. 617-620.

<sup>9</sup> See Friedrich Kleeis, "Einführung der Verhältniswahl bei den sozialpolitischen Instituten," *Die Neue Zeit*, 1909, pp. 516-520.

<sup>10</sup> *Ibid.*, p. 519.

<sup>11</sup> *Das Gewerbegericht*, May 1, 1904, p. 226, reported that 17 courts had adopted P. R. as of that date, and that decision on the system was pending in three others.

<sup>12</sup> See "Die Verhältniswahl in der Praxis," *Versamlungsbericht*, Verbandstag des Verbandes Deutscher Gewerbegerichte, Dresden, 11. und 12. September 1903, *Das Gewerbegericht*, Beilage zu Nr. 1, October 1, 1903, pp. 22-39.

<sup>13</sup> See footnote 3.

<sup>14</sup> Extracts from the Prussian draft may be found in *Verh. d. Reich., Anlagen*, Vol. 323, No. 1288, pp. 115-117.

<sup>15</sup> Luschka, *Freiburger Abhandlungen* (Karlsruhe, 1905), p. 40.

<sup>16</sup> *Ibid.*, pp. 47 ff.

<sup>17</sup> *Verh. d. Reich., Anlagen*, 1903-1904, Vol. III, No. 340, pp. 1938-1940.

<sup>18</sup> *Verh. d. Reich., Sten. Ber.*, 1903-1904, IV, 3236.

<sup>19</sup> Luschka, *Freiburger Abhandlungen* (Karlsruhe, 1905), pp. 54 ff.

<sup>20</sup> Extracts from the sample draft may be found in *Verh. d. Reich., Anlagen*, Vol. 323, No. 1288, pp. 118-122.

<sup>21</sup> Luschka, *Freiburger Abhandlungen* (Karlsruhe, 1905), pp. 70-71.

<sup>22</sup> See Dawson, *The German Workman*, pp. 194 ff.

<sup>23</sup> Heinrich Herkner, *Die Arbeiterfrage. Eine Einführung* (5th ed.; Berlin: J. Guttentag, Verlagsbuchhandlung, 1908), pp. 305-306.

<sup>24</sup> Dawson, *The German Workman*, p. 200.

<sup>25</sup> *Verh. d. Reich., Sten. Ber.*, 266, 6568.

<sup>26</sup> *Reichs-Gesetzblatt*, No. 3982 (Berlin, 1911), pp. 989-1061. A complete translation of the National Insurance Act has been made by Henry J. Harris for the United States Bureau of Labor, and may be found in James Harrington Boyd, *Workmen's Compensation and Industrial Insurance under Modern Conditions* (Indianapolis, 1913), II, 1209-1500.

<sup>27</sup> *Verh. d. Reich., Sten. Ber.*, 266, 6584.

<sup>28</sup> See Ernst Cahn, *Das Proportionalwahlsystem in den modernen Kulturstaaten. Eine staatsrechtlich-politische Abhandlung* (Berlin: Verlag von O. Haering, 1909), pp. 40-41.

<sup>29</sup> The voter could cast up to twelve votes, depending upon the



number of candidates to be elected. Extracts from the law are found in *Verh. d. Reich., Anlagen*, Vol. 323, No. 1288, pp. 77-82.

<sup>30</sup> Extracts from the law may be found in *ibid.*, pp. 70-76.

<sup>31</sup> Voters in Stuttgart cast six votes, those in the two new districts, eight and nine votes, respectively. Voters in the latter could cast all for one candidate; those in Stuttgart could cumulate only three votes for one candidate. *Ibid.*, pp. 73, 76.

<sup>32</sup> Cahn, *Das Proportionalwahlsystem*, pp. 36-39; Paul Hirsch and Hugo Lindemann, "Das kommunale Wahlrecht," *Sozialdemokratische Gemeindepolitik* (2d ed. revised; Berlin: Buchhandlung Vortwärts, 1911), p. 40.

<sup>33</sup> Z. Leder, "Das Proportionalwahlrecht," *Die Neue Zeit*, 1913, p. 59.

<sup>34</sup> Great Britain, Royal Commission on Systems of Election, *Report of the Royal Commission Appointed to Enquire into Electoral Systems, with Appendices*, Cd. 5163 (London: H. M. Stationery Office, 1910), Appendix 3, p. 52.

<sup>35</sup> The socialists received 117,136 votes in Stuttgart in the 1906 election; other parties received a combined total of 126,474 votes. Since minority parties unquestionably increased their vote in consequence of the introduction of P. R., the vote total for non-socialist parties was higher than would have been the case had elections been held with the majority system. Hence the socialists probably would have captured majorities had elections taken place in districts with the majority system.

<sup>36</sup> *Report of the Royal Commission on Systems of Election*, Cd. 5163, p. 52.

<sup>37</sup> Michael Siegel, *Die Proportionalwahl. Mit einem Anhang (Anleitung für Wahlkommissäre und Musterprotokoll)* (Munich: J. Schweitzer Verlag, 1908), pp. 19-24.

<sup>38</sup> Extracts from the law may be found in *Verh. d. Reich., Anlagen*, Vol. 323, No. 1288, p. 83; regulations to the law follow on pp. 84-89.

<sup>39</sup> Taken from Philipp Arnold, "Die Verhältniswahlen in den bayerischen Städten," *Annalen des Deutschen Reichs für Gesetzgebung, Verwaltung und Volkswirtschaft*, 1909, p. 813.

<sup>40</sup> See the breakdown of vote percentages for each party or group in small, medium-sized, and large municipalities given in *ibid.*, p. 810.

<sup>41</sup> *Ibid.*, p. 808.

<sup>42</sup> Heinrich Rosin, *Minoritätenvertretung und Proportionalwahlen. Ein Ueberblick über deren Systeme, Verbreitung, Begründung* (Berlin: J. Guttentag, 1892), p. 30.

<sup>43</sup> Cahn, *Das Proportionalwahlsystem*, p. 36.

<sup>44</sup> See *Verh. d. Reich., Anlagen*, Vol. 323, No. 1288, pp. 89-97.

<sup>45</sup> Karin Schauff, "Die Entwicklung zum Proportionalwahlsystem in Deutschland," in Johannes Schauff, ed., *Neues Wahlrecht. Beiträge zur Wahlreform* (Berlin: Georg Stilke, 1929), p. 128.

<sup>46</sup> Von Pichler, "Wahlrechtsreform im Reiche und in Bundesstaaten," *Allgemeine Rundschau*, April 6, 1918, p. 206.

<sup>47</sup> Cahn, *Das Proportionalwahlssystem*, p. 43.

<sup>48</sup> *Ibid.*

<sup>49</sup> Von Pichler, *Allgemeine Rundschau*, April 6, 1918, p. 206.

<sup>50</sup> Emil Nitzsche, "Wahlrechts- und Herrenhausreform in Sachsen," *Die Neue Zeit*, June 28, 1918, p. 289.

<sup>51</sup> See Charles Seymour and Donald Paige Frary, *How the World Votes* (Springfield, Mass.: C. A. Nichols Co., 1918), II, 33-40, for a discussion of the Prussian electoral reform bill of 1918.

<sup>52</sup> Von Pichler, *Allgemeine Rundschau*, April 20, 1918, p. 238.

<sup>53</sup> For a description of the movement for electoral reform in Bavaria during the war see the April 15, June 13, and June 14 issues for 1918 of the *Münchener Neueste Nachrichten*. See also M. Gessner, "Ein bayerisches Modell für die Verhältniswahl," *Allgemeine Rundschau*, XV (May 4, 1918), 265.

<sup>54</sup> The law is quoted in Ralph Haswell Lutz, ed., *Fall of the German Empire, 1914-1918* (Stanford University, California, 1932), II, 99-103.

#### NOTES TO CHAPTER 5

<sup>1</sup> The theoretical population of each of the original 382 districts (later 397 with the addition of those from Alsace-Lorraine) was 100,000 persons. The electoral law provided, however, that each state must have at least one deputy in the Reichstag. Small states with populations below the quota consequently received one deputy.

<sup>2</sup> See Johannes Schauff, "Die parteipolitische Struktur Deutschlands," in Johannes Schauff, ed., *Neues Wahlrecht. Beiträge zur Wahlreform* (Berlin: Georg Stilke, 1929), p. 143.

<sup>3</sup> The party was the outcome of a merger in 1910 of several left-liberal groups, in particular the Freisinnige Volkspartei and the Freisinnige Vereinigung.

<sup>4</sup> See *Verhandlungen des Reichstags, Stenographische Berichte*, 1903, IX, 7678.

<sup>5</sup> *Ibid.*, p. 7732.

<sup>6</sup> R. Ernst May, "Das Wahlresultat in statistischer Beleuchtung," *Die Hilfe*, February 8, 1912, p. 87.

<sup>7</sup> Rudolf Vetter, "Die Wahlen," *Die Hilfe*, January 18, 1912, p. 35.

<sup>8</sup> Ernst Cahn, "Reichstag und Verhältniswahl," *Die Hilfe*, February 22, 1912, p. 117.

<sup>9</sup> *Verh. d. Reich., Sten. Ber.*, 283, 48.

<sup>10</sup> *Ibid.*, pp. 62-63.

<sup>11</sup> Friedrich Naumann, "Das gerechteste Wahlrecht," *Die Hilfe*, February 15, 1912, p. 98.

<sup>12</sup> *Verh. d. Reich., Sten. Ber.*, 289, 4821.

<sup>13</sup> *Ibid.*, p. 4838.

<sup>14</sup> Ludwig Bergsträsser, *Geschichte der politischen Parteien in Deutschland* (5th ed.; Mannheim, Berlin, and Leipzig: J. Bensheimer, 1928), pp. 138-140.

<sup>15</sup> Conrad Haussman, *Schlaglichter, Reichstagsbriefe und Aufzeichnungen von Conrad Haussmann*, edited by Ulrich Zeller (Frankfurt a. M.: Frankfurter Societäts-Druckerei, 1924), pp. 96 ff.,

151 ff., recorded the committee's formation and meetings during the 1917 ministerial crises involving the resignations of Bethmann-Hollweg in July and Michaelis in October. Cf. Matthias Erzberger, *Erlebnisse im Weltkrieg* (Stuttgart and Berlin: Deutsche Verlags-Anstalt, 1920), pp. 258 ff.

<sup>16</sup> See S. William Halperin, *Germany Tried Democracy. A Political History of the Reich from 1918 to 1933* (New York: Thomas Y. Crowell Co., 1946), pp. 22-34, for a discussion of the proposal and its background.

<sup>17</sup> See *Statistik des Deutschen Reichs*, Vol. 250, for the 1912 election returns.

<sup>18</sup> Among the 25 districts with more than 300,000 inhabitants, for example, the Center, National Liberal, and Progressive parties had received votes in excess of 20 per cent of the total number cast in six, seven, and eight districts, respectively.

<sup>19</sup> See preceding chapter.

<sup>20</sup> See Chapter 1 for a description of the d'Hondt method.

<sup>21</sup> Percentage voting strengths obtained by each party in the elections of 1912 in the districts affected by the law are given in *Verhandlungen des Reichstags, Anlagen zu den Stenographischen Berichten*, Vol. 323, No. 1288, pp. 50-69.

<sup>22</sup> Bergsträsser, *Geschichte der politischen Parteien*, p. 163.

<sup>23</sup> *Verh. d. Reich., Sten. Ber.*, 311, 4144.

<sup>24</sup> The preamble stated the government's approval of P. R. in the large industrial districts, but warned expressly against "any inference being drawn from this action either now or in the foreseeable future regarding the remaining districts of the Reich." *Verh. d. Reich., Anlagen*, Vol. 323, No. 1288, p. 12.

<sup>25</sup> *Ibid.*, Vol. 324, No. 1681, p. 2359.

<sup>26</sup> *Verh. d. Reich., Sten. Ber.*, 313, 5912, 5915.

<sup>27</sup> *Ibid.*, pp. 5921, 5925.

<sup>28</sup> See *ibid.*, 283, 62-63, for a speech advocating P. R. for Reichstag elections delivered by von Payer on February 16, 1912, when he was a Reichstag deputy.

<sup>29</sup> The views of the government on the Constitutional Committee's recommendation expressed in committee also lack reference to P. R. The Committee's report is found in *Verh. d. Reich., Anlagen*, Vol. 321, No. 895, pp. 1666-1671.

<sup>30</sup> The incident and the ensuing doubt over the position of the government on P. R. were noted by the Berlin press. See *Der Tag*, July 7, 1917, and *Deutsche Tageszeitung*, July 7, 1917.

<sup>31</sup> *Reichs-Gesetzblatt*, 1918, p. 1080. The amendment, which became Article 6 of the August electoral law, read:

"When the population of an electoral district totals more than 300,000 Reich-German inhabitants for the last two consecutive census periods, a new deputy is added for each additional unit of 200,000 Reich-German inhabitants or fraction thereof.

"The deputies of these electoral districts are elected according to the principles of proportional representation."

<sup>32</sup> *Verh. d. Reich., Sten. Ber.*, 313, 5918.

<sup>33</sup> See Chapter 3.

<sup>34</sup> *Verh. d. Reich., Sten. Ber.*, 313, 5930.

<sup>35</sup> The Center's actual representation and that under full proportionality in elections to the Reichstag from 1890 to 1912 are listed in columns one and two, respectively, in the following table:

1890	106	73
1893	96	75
1898	102	75
1903	100	79
1907	105	77
1912	91	65

<sup>36</sup> There were 104 electoral districts in which parties had absolute or relative majorities between 1874 and 1912. Seventy-three of these belonged to the Center. See Schauff, "Die parteipolitische Struktur Deutschlands," in Schauff, ed., *Neues Wahlrecht*, p. 141.

<sup>37</sup> The d'Hondt system accorded the Center 91 seats in the elections to the National Assembly in January, 1919. Full proportionality would have accorded the party 83 seats. See Chapter 6.

<sup>38</sup> Hans Gustav Erdmannsdörffer, "Verhältniswahl und Reichstag," *Preussische Jahrbücher*, 172 (June, 1918), 360.

<sup>39</sup> *Ibid.*, p. 363.

<sup>40</sup> *Verh. d. Reich. Anlagen*, Vol. 323, No. 1288, p. 3.

<sup>41</sup> Article 13.

<sup>42</sup> *Verh. d. Reich., Sten. Ber.*, 313, 5931-5932.

<sup>43</sup> *Ibid.*, pp. 5919-5920.

<sup>44</sup> The party's actual representation and that under full proportionality in elections from 1874 to 1890 are listed in columns one and two, respectively, in the following table:

1874	155	118
1877	128	108
1878	99	91
1881	47	56
1884	51	63
1887	99	88
1890	42	65

<sup>45</sup> Georg Meyer, *Das parlamentarische Wahlrecht*, edited by Georg Jellinek (Berlin: O. Haering, 1901), p. 622.

<sup>46</sup> Hugo Böttger, "Die Nationalliberale Reichstagfraktion von 1868 bis 1919," *Deutsche Stimmen*, January 25, 1917, p. 45.

<sup>47</sup> Erdmannsdörffer, *Preussische Jahrbücher*, 172 (June, 1918), 363-364.

<sup>48</sup> Friedrich Naumann, *Demokratie und Kaisertum. Ein Handbuch für innere Politik* (4th ed.; Berlin-Schöneberg: Buchverlag der "Hilfe," 1905), pp. 41-43.

<sup>49</sup> Erdmannsdörffer, *Preussische Jahrbücher*, 172 (June, 1918), 363-365.

<sup>50</sup> J. Neumann, "Die Wahlkreisreform," *Der Panther*, October 18, 1913, pp. 360-361.

<sup>51</sup> *Verh. d. Reich., Anlagen*, 325, 3153.

<sup>52</sup> August Erdmann, *Die christliche Arbeiterbewegung in Deutschland* (2d ed.; Stuttgart: Verlag von J. H. W. Dietz, 1909), p. 713.

<sup>53</sup> *Ibid.*, p. 714.

<sup>54</sup> *Die Hilfe*, March 14, 1912, p. 168.

<sup>55</sup> Franz Weixler, "Von der Mehrheits- zur Verhältniswahl," *Allgemeine Rundschau*, XV (March 9, 1918), p. 144.

<sup>56</sup> Neumann, *Der Panther*, October 18, 1913, p. 356.

<sup>57</sup> Schauff, "Die parteipolitische Struktur Deutschlands," in Schauff, ed., *Neues Wahlrecht*, p. 152.

<sup>58</sup> Dankwart Rustow, "Some Observations on Proportional Representation," *Journal of Politics*, XII (February, 1950), pp. 121-122.

<sup>59</sup> Z. Leder, "Das Proportionalwahlrecht," *Die Neue Zeit*, 1913, p. 60. The proportional seat figures quoted by Leder were in error. For the elections of 1903, 1907, and 1912 they should have been 121, 115, and 134, respectively.

<sup>60</sup> Advocatus, "Das Proportionalwahlssystem und die deutschen Reichstagswahlen," *Die Neue Zeit*, XIII (1895), 68-73, 100-108, 142-149.

<sup>61</sup> *Ibid.*, pp. 68, 106-107.

<sup>62</sup> See preceding chapter.

<sup>63</sup> Friedrich Kleeis, "Einführung der Verhältniswahl bei den sozialpolitischen Instituten," *Die Neue Zeit*, 1909, p. 519.

<sup>64</sup> Friedrich Naumann, "Das gerechteste Wahlrecht," *Die Hilfe*, February 15, 1912, p. 98.

<sup>65</sup> *Ibid.*; cf. Wilhelm Heile, "Mehrheitswahl oder Verhältniswahl?" *Die Hilfe*, August 1, 1909, p. 483.

#### NOTES TO CHAPTER 6

<sup>1</sup> Willibalt Apelt, *Geschichte der Weimarer Verfassung* (Munich: Biederstein Verlag, 1946), p. 47.

<sup>2</sup> Richard Mueller, *Vom Kaiserreich zur Republic*, ii, 84-85, quoted by Koppel S. Pinson, *Modern Germany, Its History and Civilization* (New York: The Macmillan Co., 1954), p. 393.

<sup>3</sup> Pinson, *Modern Germany*, p. 392.

<sup>4</sup> Fritz Hartung, *Deutsche Verfassungsgeschichte vom 15. Jahrhundert bis zur Gegenwart* (5th ed. revised; Stuttgart: K. F. Koehler Verlag, 1950), pp. 317-318; René Brunet, *The New German Constitution*, trans. by Joseph Gollomb (New York: Alfred A. Knopf, 1922), pp. 21-22.

<sup>5</sup> The law has been reprinted in Heinrich Triepel, ed., *Quellen-sammlung zum Deutschen Reichsstaatsrecht*, Vol. I of *Quellen-sammlungen zum Staats-, Verwaltungs-, und Völkerrecht* (Tübingen: Verlag von J. C. B. Mohr [Paul Siebeck], 1922), pp. 2-4; an English translation may be found in Malbone W. Graham, assisted by Robert C. Binkley, *New Governments of Central Europe* (New York: Henry Holt & Co., 1924), pp. 436-439.

<sup>6</sup> *Verhandlungen des Reichstags. Anlagen zu den Stenographischen Berichten*, Vol. 325, No. 2490, p. 3153.

<sup>7</sup> Apelt, *Geschichte der Weimarer Verfassung*, p. 47.

<sup>8</sup> Alsace-Lorraine comprised one district and was allotted 12 deputies.

<sup>9</sup> The August law required only fifty signatures.

<sup>10</sup> See Chapter 1 for an explanation of the d'Hondt method.

<sup>11</sup> See Brunet, *The New German Constitution*, pp. 126-129, and S. William Halperin, *Germany Tried Democracy. A Political History of the Reich from 1918 to 1933* (New York: Thomas Y. Crowell Co., 1946), pp. 25-28

<sup>12</sup> Sources: *Statistik des Deutschen Reichs*, Vol. 250; *Vierteljahrshefte zur Statistik des Deutschen Reichs*, 1919, I. Ergänzungsheft.

<sup>13</sup> Johannes Schauff, "Die parteipolitische Struktur Deutschlands," in Johannes Schauff, ed., *Neues Wahlrecht. Beiträge zur Wahlreform* (Berlin: Georg Stilke, 1929), p. 150.

<sup>14</sup> Ferdinand A. Hermens, *Democracy or Anarchy?* (Notre Dame, Indiana: University of Notre Dame Press, 1941), p. 220.

<sup>15</sup> The Independent Socialist members of the Council had resigned on December 29, protesting against the spilling of blood in an outburst of violence in Berlin during Christmas week between sailors and workers. They were replaced by Majority Socialists.

<sup>16</sup> Compiled from Walther Kamm, *Abgeordnetenberufe und Parlament. Ein Beitrag zur Soziologie des Parlaments* (Karlsruhe, 1927), p. 11.

<sup>17</sup> Compiled from *ibid.*, pp. 12-14.

<sup>18</sup> James Kerr Pollock, *Money and Politics Abroad* (New York: Alfred A. Knopf, 1932), p. 248. See also Hermens, *Democracy or Anarchy?* pp. 54 ff. for an attack upon P. R.'s alleged "antidemocratic" tendencies with regard to the nominating procedure.

<sup>19</sup> See *ibid.*, p. 232.

<sup>20</sup> Hans Gustav Erdmannsdörffer, *Wie ist es mit der Verhältniswahl? Praktische Winke für die Wahlen zur Nationalversammlung* (Berlin: Demokratischer Verlag, 1918), pp. 15-16.

<sup>21</sup> See Hermens, *Democracy or Anarchy?* pp. 235-236.

<sup>22</sup> Complaints against the law have been summarized by A. Dullo, *Zur Kritik des Reichstagswahlsystems. Denkschrift, bearbeitet im Auftrage des Reichsministeriums des Innern* (Berlin: Reichsdruckerei, 1919), pp. 1-6. See also Hans Gustav Erdmannsdörffer, *Das Wahlrecht für den deutschen Reichstag* (Berlin: Reichsverlag, 1920), p. 11, and Georg Kaisenburg, "Vorentwurf des Reichswahlgesetzes," *Preussisches Verwaltungs-Blatt*, January 31, 1920, p. 203.

<sup>23</sup> Taken from *Vierteljahrshefte zur Statistik des Deutschen Reichs*, 1919, I. Ergänzungsheft, pp. 20, 22.

<sup>24</sup> See *Vorwärts*, Abend-Ausgabe (Berlin), January 23, 1919.

<sup>25</sup> See Erdmannsdörffer, *Das Wahlrecht für den deutschen Reichstag*, p. 11; also Anton Erkelenz, "Ein unmögliches Wahlgesetz," *Die Hilfe*, February 19, 1920, p. 118, and Else Lüders, "Licht und Schatten der Verhältniswahl," *Die Frauenbewegung*, February 15, 1919, p.11.

<sup>26</sup> They lost one to the Social Democrats in one district and gained another elsewhere from the same party.

<sup>27</sup> E. Thoma, "Die Ursache der Störung des Proportionalitätsgedankens bei den Wahlen zur deutschen Nationalversammlung," *Deutsche Revue*, May, 1919, pp. 160-161.

<sup>28</sup> *Verhandlungen der Verfassunggebenden Deutschen Nationalversammlung, Anlagen zu den Stenographischen Berichten*, Vol. 342, No. 2490, p. 2750.

<sup>29</sup> See, for example, Karl Pfister, "Der gegenwärtige Stand des Verhältniswahlproblems," *Die Hilfe*, August 21, 1919, p. 456, and another article by the same author, "Verhältniswahl ohne Wahlvorschläge," *Annalen des Deutschen Reichs für Gesetzgebung, Verwaltung und Volkswirtschaft*, 1918, pp. 405-414.

<sup>30</sup> Dullo, *Zur Kritik des Reichstagswahlsystems*, p. 1.

#### NOTES TO CHAPTER 7

<sup>1</sup> Preuss had been appointed to office on November 15, 1918, by the Council of Commissars and entrusted specifically with the task of drafting a provisional constitution.

<sup>2</sup> The draft, and also an earlier unpublished one bearing the date, January 3, 1919, may be found in Heinrich Triepel, ed., *Quellensammlung zum Deutschen Reichsstaatsrecht*, Vol. I of *Quellensammlungen zum Staats-, Verwaltungs-, und Völkerrecht* (Tübingen: Verlag von J. C. B. Mohr [Paul Siebeck], 1922), pp. 7-9, 10-16.

<sup>3</sup> See *Verhandlungen der Verfassunggebenden Deutschen Nationalversammlung, Anlagen zu den Stenographischen Berichten*, Vol. 336, No. 391, pp. 112-113.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*, p. 244.

<sup>6</sup> *Ibid.*, pp. 242-244.

<sup>7</sup> *Ibid.*, p. 243.

<sup>8</sup> In his work, *Demokratie und Kaisertum. Ein Handbuch für innere Politik* (4th ed.; Berlin-Schöneberg: Buchverlag der "Hilfe," 1905), pp. 52-53, however, Naumann clearly outlined the function of parties in democratic systems, pointing up the dynamic effects of political power possessed by the parliament in stimulating parties in the minority to aspire to the majority.

<sup>9</sup> *Verh. d. Verf. Deut. Nationalvers.*, Vol. 336, No. 391, p. 243.

<sup>10</sup> *Ibid.*

<sup>11</sup> Quoted by René Brunet, *The New German Constitution*, trans. by Joseph Gollomb (New York: Alfred A. Knopf, 1922), p. 103.

<sup>12</sup> See *Verh. d. Verf. Deut. Nationalvers.*, *Anlagen*, Vol. 342, No. 2490, pp. 2750-2752.

<sup>13</sup> Preuss left office in June, 1919, with the fall of the Scheidemann Cabinet.

<sup>14</sup> *Verh. d. Verf. Deut. Nationalvers.*, *Anlagen*, Vol. 342, No. 2490, p. 2751.

<sup>15</sup> Anton Erkelenz, "Ein unmögliches Wahlgesetz," *Die Hilfe*, February 19, 1920, p. 118.

- <sup>16</sup> *Ibid.*, p. 119.
- <sup>17</sup> *Ibid.*, p. 118.
- <sup>18</sup> *Ibid.*, p. 120.
- <sup>19</sup> The draft may be found in *Verh. d. Reich., Anlagen*, Vol. 342, No. 2490, pp. 2726-2749.
- <sup>20</sup> The groups averaged in size from four to ten districts.
- <sup>21</sup> See Brunet, *The German Constitution*, p. 38.
- <sup>22</sup> The revised draft may be found in *Verh. d. Reich., Anlagen*, Vol. 343, No. 2717, pp. 2985-2996.
- <sup>23</sup> Brunet, *The German Constitution*, p. 108.
- <sup>24</sup> The debates are recorded in *Verhandlungen der Verfassunggebenden Deutschen Nationalversammlung, Stenographische Berichte*, 333, 5331-5362.
- <sup>25</sup> *Ibid.*, p. 5331.
- <sup>26</sup> *Ibid.*, p. 5338.
- <sup>27</sup> *Ibid.*, p. 5345.
- <sup>28</sup> *Ibid.*, pp. 5339-5340.
- <sup>29</sup> *Ibid.*, p. 5334.
- <sup>30</sup> *Ibid.*
- <sup>31</sup> *Ibid.*, pp. 5336-5337.
- <sup>32</sup> *Ibid.*, p. 5339.
- <sup>33</sup> *Ibid.*, p. 5337.
- <sup>34</sup> *Ibid.*, p. 5342.
- <sup>35</sup> *Ibid.*, p. 5346.
- <sup>36</sup> *Ibid.*, p. 5340.
- <sup>37</sup> *Ibid.*, p. 5338.
- <sup>38</sup> *Ibid.*
- <sup>39</sup> *Ibid.*, pp. 5342, 5345.
- <sup>40</sup> *Ibid.*, p. 5342.
- <sup>41</sup> A second ordinance was issued on December 21, 1920. The latter and the electoral law of April 27 may be found in Triepel, *Quellensammlung zum Deutschen Reichsstaatsrecht*, pp. 100-109 and 145-157, respectively.
- <sup>42</sup> The machinery and its function have been described with clarity and brevity by James K. Pollock, *German Electoral Administration* (New York: Columbia University Press, 1934).
- <sup>43</sup> Combinations were to be presented to the district committees within a 14-day period prior to the election.
- <sup>44</sup> At least twenty signatures were required in support of Reich lists.
- <sup>45</sup> One of the most understandable explanations of the complex electoral law of 1920 has been written by the Frenchman, Brunet, *The German Constitution*, pp. 103 ff. The explanation is marred, however, by two rather important misstatements. On p. 113 Professor Brunet asserts that combinations within the various groups of districts were restricted to lists presented by the same parties. The law, however, contained no such provision. He is likewise in error by stating on p. 114 that vote fractions remaining after seat allocations among the group tickets were to remain unutilized. To the contrary, they could be forwarded to the credit of Reich lists.



The sections, moreover, dealing with the Reich electoral system appear to have suffered in translation.

<sup>46</sup> The areas affected were District 1 (East Prussia), District 10 (Upper Silesia), and District 14 (Schleswig-Holstein). The number of deputies elected from each district were 14, 15, and 11, respectively. Two deputies from Danzig also remained in the Reichstag.

<sup>47</sup> Compiled from *Statistik des Deutschen Reichs*, Vol. 291, No. 1, pp. 4-5.

<sup>48</sup> By 1920 the Christian People's party had returned to its former designation, the Center party.

<sup>49</sup> Compiled from Walther Kamm, *Abgeordnetenberufe und Parlament. Ein Beitrag zur Soziologie des Parlaments* (Karlsruhe, 1927), p. 11.

<sup>50</sup> See *Statistik des Deutschen Reichs*, Vol. 291, No. 1, pp. 4-5.

<sup>51</sup> Compiled from *ibid.*

<sup>52</sup> See preceding chapter.

<sup>53</sup> Compiled from *Statistik des Deutschen Reichs*, Vol. 291, No. 1, pp. 4-5.

<sup>54</sup> See preceding chapter.

#### NOTES TO CHAPTER 8

<sup>1</sup> Quoted by Clarence Gilbert Hoag, and George Hervey Hallet, Jr., *Proportional Representation* (New York: Macmillan Co., 1926), p. 162.

<sup>2</sup> Karl Gageur, *Reform des Wahlrechts im Reich und in Baden* (Leipzig: J. C. B. Mohr, 1893), p. 85.

<sup>3</sup> See Erwin Cuntz, *Das Idealwahlsystem* (Wiesloch in Baden: Selbstverlag des Verfassers, 1907), p. 11, and Ernst Frey, *Die Verhältniswahl als Wahlverfahren zum Badischen Landtag* (Karlsruhe: G. Braunsche Hofbuchdruckerei und Verlag, 1912), p. 7.

<sup>4</sup> Hermann U. Kantorowicz, "Demokratie und Proportionalwahlsystem," *Zeitschrift für Politik*, III (1910), 560.

<sup>5</sup> C. Lübeck, "Die Proportional-Vertretung," *Die Zukunft. Socialistische Revue*, 1877, p. 145.

<sup>6</sup> *Ibid.*, p. 196.

<sup>7</sup> Cuntz, *Das Idealwahlsystem*, p. 7.

<sup>8</sup> See Max Schneider, *Kritische Untersuchung über die Einführung der Proportionalwahl zum Reichstage und den Landtagen der Mittelstaaten* (Augsburg: Gebrüder Reichel, 1912), pp. 7-8.

<sup>9</sup> Frey, *Die Verhältniswahl als Wahlverfahren zum Badischen Landtag*, p. 12.

<sup>10</sup> See the speech on P. R. given on February 16, 1912, on the floor of the Reichstag by Deputy Friedrich von Payer. *Verhandlungen des Reichstags, Stenographische Berichte*, 283, 63.

<sup>11</sup> A. Lawrence Lowell, *Governments and Parties in Continental Europe* (Boston and New York: Houghton, Mifflin & Co., 1897), II, 47-48.

<sup>12</sup> See Gageur, *Reform des Wahlrechts im Reich und in Baden*, p. 12; Cahn, *Das Proportionalwahlsystem*, p. 163; Theodor Petermann, "Individualvertretung und Gruppenvertretung. Ein Beitrag

zur Theorie des Wahlrechts," *Neue Zeit- und Streitfragen* (Dresden: von Zahn und Jaensch, 1906), p. 31; "Die sozialpolitische Bedeutung der Proportionalwahl," *Die freie Wort*, November 20, 1902, pp. 481-487.

<sup>13</sup> See von einem Sozialmonarchisten, *Entwurf eines Wahlgesetzes nach dem Grundsatz der verhältnismässigen Vertretung (Proportionalwahl)* (Munich: J. Schweitzer Verlag, 1899), pp. 3-4.

<sup>14</sup> See Ernst Cahn, "Die politische Bedeutung des Verhältniswahlsystems," *Patria, Jahrbuch der Hilfe*, 1909, pp. 107-108.

<sup>15</sup> See Emil Klöti, *Die Proportionalwahl in der Schweiz. Geschichte, Darstellung und Kritik* (Bern, Switzerland: Kommissionsverlag von Schmid und Francke, 1901), pp. 410-418.

<sup>16</sup> Quoted by Wilhelm Hasbach, *Die moderne Demokratie. Eine politische Beschreibung* (Jena: Verlag von Gustav Fischer, 1912), p. 466 note.

<sup>17</sup> Cahn, *Das Proportionalwahlsystem*, p. 122.

<sup>18</sup> Reformator, "Erfahrung mit der Verhältniswahl," *März*, 1910, p. 337.

<sup>19</sup> See Cahn, *Patria, Jahrbuch der Hilfe*, 1909, p. 93; A. Dullo, *Zur Kritik des Reichstagswahlsystems. Denkschrift, bearbeitet im Auftrage des Reichsministeriums des Innern* (Berlin: Reichsdruckerei, 1919), pp. 34-35

<sup>20</sup> J. G. Weiss, "Verhältniswahl," *Politisch-anthropologische Revue*, May, 1911, p. 99.

<sup>21</sup> Karl Wertheim, *Mehrheits- oder Verhältnisvertretung?* (Nürnberg: Verlag der Friedr. Korn'schen Buchhandlung, 1887), pp. 22-23.

<sup>22</sup> *Verhandlungen der Verfassunggebenden Deutschen Nationalversammlung, Anlagen zu den Stenographischen Berichten*, Vol. 336, No. 391, p. 243.

<sup>23</sup> Von Recklinghausen, "Reform des Wahlverfahrens," *Die Hilfe*, June 13, 1918, p. 276.

<sup>24</sup> Cahn, *Patria, Jahrbuch der Hilfe*, 1909, pp. 95-96.

<sup>25</sup> *Ibid.*

<sup>26</sup> An exception may be found in the assertions of Hugo Preuss to the Constitutional Committee of the National Assembly. During a sitting on March 20, 1919, he stated, "A parliament without the power of decision can lead only to party splintering; a parliament with political responsibility must at least evolve in the direction of the two-party system. There need not always be two distinct parties; coalitions also are possible. There will naturally be reversals, but generally if the parliament can maintain its political power, then such a consolidation will take place, with or without proportional representation." *Verh. d. Verf. Deut. Nationalvers., Anlagen*, Vol. 336, No. 391, p. 243.

<sup>27</sup> Peter Braun, "Für zahlenrechtes Wahlverfahren," *Die Neue Zeit*, XIII (1894), p. 338.

<sup>28</sup> Adolf Tecklenburg, *Die Proportionalwahl als Rechtsidee* (Wiesbaden: Verlag von Heinrich Staadt, 1905), p. 21.

<sup>29</sup> *Verh. d. Verf. Deut. Nationalvers., Anlagen*, Vol. 336, No. 391, p. 113.

<sup>30</sup> Hasbach, *Die moderne Demokratie*, p. 462.

<sup>31</sup> Advocatus, "Das Proportionalwahlssystem und die deutschen Reichstagswahlen," *Die Neue Zeit*, XIII (1895), 105.

<sup>32</sup> Heinrich Triepel, *Wahlrecht und Wahlpflicht* (Dresden: v. Zahn und Jaensch, 1900), p. 33

<sup>33</sup> E. Bernatzik, "Das System der Proportionalwahl," *Schmoller's Jahrbuch für Gesetzgebung, Verwaltung und Volkswirtschaft*, XVII (1893), 425.

<sup>34</sup> Weiss, *Politisch-anthropologische Revue*, May, 1911, p. 100.

<sup>35</sup> Triepel, *Wahlrecht und Wahlpflicht*, pp. 31-34.

<sup>36</sup> Oskar Poensgen, "Das Wahlrecht zu Volksvertretungen mit besonderer Berücksichtigung Preussens," *Hammacher Festschrift* (Berlin: Hermann Paetel, 1904), p. 165.

<sup>37</sup> Hermann Rehm, "Wahlrecht," *Die Grundlagen der Politik*, Vol. I of *Handbuch der Politik* (Berlin, 1912), p. 409; cf. Georg Meyer, *Das parlamentarische Wahlrecht*, ed. by Georg Jellinek (Berlin: O. Haering, 1901), p. 412.

<sup>38</sup> Oskar Poensgen, *Das Wahlrecht* (Leipzig: B. G. Teubner, 1909), p. 15.

<sup>39</sup> Adolf Grabowsky, "Deutsche Wahlrechtsreformen," *Zeitschrift für Politik*, November, 1907, pp. 137-139.

<sup>40</sup> Cf. Paul Laband, "Die Wahlreform in Preussen," *Deutsche Juristen-Zeitung*, XV (1910), p. 7.

<sup>41</sup> Grabowsky, *Zeitschrift für Politik*, November, 1907, p. 139.

<sup>42</sup> Meyer, *Das parlamentarische Wahlrecht*, p. 642.

<sup>43</sup> Triepel, *Wahlrecht und Wahlpflicht*, p. 34.

<sup>44</sup> See Leo von Savigny, *Das parlamentarische Wahlrecht im Reiche und in Preussen und seine Reform* (Berlin: Carl Heymanns Verlag, 1907), pp. 13 ff.

<sup>45</sup> Heinrich Rosin, *Minoritätenvertretung und Proportionalwahlen. Ein Ueberblick über deren Systeme, Verbreitung, Begründung* (Berlin: J. Guttentag, 1892), p. 36.

<sup>46</sup> Max von Seydel and Georg Hirth, "Vorträge aus dem allgemeinen Staatsrechte," *Annalen des Deutschen Reichs für Gesetzgebung, Verwaltung und Volkswirtschaft*, 1899, p. 257.

<sup>47</sup> Quoted by Cahn, *Patria, Jahrbuch der Hilfe*, 1909, p. 92.

<sup>48</sup> *Demokratie und Kaisertum. Ein Handbuch für innere Politik* (4th ed.; Berlin-Schöneberg: Buchverlag der "Hilfe," 1905), pp. 52-53.

<sup>49</sup> From a letter to H. G. Erdmannsdörffer quoted by Theodor Heuss, *Friedrich Naumann. Der Mann, das Werk, die Zeit* (Berlin and Stuttgart: Deutsche Verlags-Anstalt, 1937), p. 609.

<sup>50</sup> Walter Rathenau, *Wirtschaft, Staat und Gesellschaft*, Vol. V of *Gesammelte Schriften* (Berlin: S. Fischer, 1925), p. 344.

<sup>51</sup> See Friedrich C. Sell, *Die Tragödie des deutschen Liberalismus* (Stuttgart: Deutsche Verlagsanstalt, 1953), pp. 447-448 for comparable conclusions regarding the problems of German democracy.

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