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CONTENTS

**Modernization and Local Self-Government
in Prussian Germany**

Eiji OHNO 1

**Comparative Accounting History between the Old
Japanese Bookkeeping Method and the Western
Bookkeeping Method**

Sadao TAKATERA 31

Controversy on the *Noblesse Commercante*

Kiyoji KISAKI 37

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MODERNIZATION AND LOCAL SELF-GOVERNMENT IN PRUSSIAN GERMANY GUTSBEZIRKE (MANORIAL DISTRICTS) AND THEIR DISSOLUTION

By Eiji OHNO*

I

Dissolution of Gutsbezirke (manorial districts) was not merely one of the issues concerning reformation of the local administrative system of Prussia. Its social and political significance was so great that the entire structure of Prussian State was at stake.¹⁾ Attempts for dissolution of Gutsbezirke had already been in existence during the revolution of 1848²⁾, but it was only towards the end of the Weimar Republic—following the autumn of 1928—that the dissolution took place in a thorough, unequivocal manner. This thesis intends to study the actual process of the dissolution of Gutsbezirke as a means of tracing the evolution of local self-government in Prussia, and in so doing, to cast a light upon the historical character of the modernization of the Prussian State. It will, hopefully, afford us a clear glimpse of an important aspect of modernization in Germany

* Professor.

- 1) Karlheinz Kitzel, *Die Herrfurthische Landgemeindeordnung*, Berlin 1957, S. 65. For the significance of the Gutsbezirk in the *social-political structure* of the German Empire, see Eiji Ohno, The Historical Stage of German Capitalism, *The Kyoto University Economic Review*, Vol. 40, No. 2, 1970, pp. 32-43.
- 2) Cf. Shinichi Takayanagi, Sangatsu Kakumei ni okeru Preussen Chihōjichisei Kaikaku (The Prussian Reform of Local Self-Government in the March Revolution), in: *Kōhōgaku Kenkyū* (Study of Public Law), Tokyo 1974, pp. 486 ff.

as a whole which took a course quite different from that in Western Europe, in that it was a "conservative modernization through revolution from above".³⁾

It was after the "peasant emancipation" (Bauernbefreiung) in the beginning of the nineteenth century that the *dualism* of structures in Prussian local self-government, as represented by the parallel existence of the Gutsbezirk and Landgemeinde (rural community), became quite apparent. The Rittergut (knightly estate), which had constituted the end unit of the administrative and judicial structures until that time, also ruled peasants' land and formed the so-called "dominialer Herrschaftsbezirk",⁴⁾ although the word "Gutsbezirk" had not then, seemingly, come into use.⁵⁾ The peasants' land was separated from the lords' manor as a result of the "regulation" (Regulierungsedikt vom 14. September, 1811) which took place in the course of the emancipation, thus establishing for the first time the Landgemeinde district as the peasants' autonomous body and resulted in the dual existence of the Gutsbezirk and Landgemeinde.⁶⁾

The first trace of legal acceptance accorded to the independent Gutsbezirk is said to have been found in the Rural Police Order of 1812 (Gendarmerieedikt vom 30. Juli 1812) which refers to "Dominialhof" along with the rural community,⁷⁾ but it was in the poor law (Gesetz über die Verpflichtung zur Armenpflege vom 31. Dezember 1842) that the Gutsbezirk was clearly specified as the bearer of various obligations under public law in line with the Landgemeinde.⁸⁾ One of the principal reasons for bringing about such a legal acceptance of Gutsbezirke was the remarkable increase in their size and number. Because of the peasant emancipation, approximately 12,000 Rittergüter (knightly estates) acquired about 1.5 million Morgen of land as compensation. Furthermore, on the occasion of the division of the common land (Gemeinheitsteilungsordnung vom 7. Juni 1821) these Rittergüter took over the greater part of the common land, of which no more than 14% was attributed to peasants. Also, through the breaking up of large estates during the agricultural recession, the number of Gutsbezirke increased too.⁹⁾ Thus, as the Gutsbezirke which included both the Rittergut and those other estates which did

3) Barrington Moore, Jr., *Social Origins of Dictatorship and Democracy*, Boston 1967, p. 436.

4) Friedrich Keil, *Die Landgemeinde in den östlichen Provinzen Preußens*, in: *Schriften des Vereins für Socialpolitik*, Bd. 43, Leipzig 1890, S. 41.

5) Eugene N. Anderson & Pauline R. Anderson, *Political Institutions and Social Change in Continental Europe in the Nineteenth Century*, Berkeley and Los Angeles 1967, p. 86.

6) Edgar Loening, *Landgemeinden und Gutsbezirke in den östlichen Provinzen Preußens*, in: *Jahrbücher für Nationalökonomie und Statistik*, Bd. 43, Jena 1892, S. 179; St. Genzmer, *Entstehung und Rechtsverhältnisse der Gutsbezirke in den 7 östlichen Provinzen des Preussischen Staates*, Berlin 1891, S. 16.

7) F. Keil, *op. cit.* S. 109. The "Gendarmerieedikt" of 1812 aimed at transforming of the Prussian Landrat (administrative chief of county) into a sort of French subprefect, but it met with violent objections and was suspended by the cabinet order of May 19, 1814. cf. Hans Rosenberg, *Bureaucracy, Aristocracy, and Autocracy*, Boston 1966, p. 226; Paul Schmitz, *Die Entstehung der Preussischen Kreisordnung vom 13. Dezember 1872*, Berlin 1910, S. 6.

8) K. Kitzel, *op. cit.*, S. 16.

9) Reinhart Koselleck, *Preußen zwischen Reform und Revolution*, Stuttgart 1975, S. 498; vgl. v. Nathusius-Obornik, *Die Zustände und die Reform des ländlichen Gemeindewesens in der Provinz Posen*, in: *SdVfS*, Bd. 44, 1890, S. 7f.

not have that status became more conspicuous, the dual structure of local self-government was formed in the eastern part of the Prussian State.

Notwithstanding the situation in Eastern Prussia, the local self-government system in the western part of Prussia had taken on a different aspect. In western Prussia, those institutions such as the Landbürgermeisterei and Westphalia's Amtsgemeinde which had been formed under the influence of occupation by France, as well as the Kirchspiel in the Marsch (marshland) of Hanover and Holstein along the North Sea coast, and the Deichverband which could be found all over the Northwest, were trying to solve the problem of the lack in financial capability of individual rural communities by means of forming a federation, without losing their own independence, called Samtgemeinde.¹⁰⁾ One of the characteristics of these Landbürgermeistereien was that they contributed much toward the realization of equality between towns and villages. Such equality between towns and villages in the administration of Rhineland partially resulted from such factors as a population density much above that of eastern Prussia, the existence of a number of relatively independent peasant communities with well-developed rural industry and others characterizing the historical situations of Rhineland, but on the other hand, it is a recognized fact that the equality was strengthened by the formation of the Samtgemeinde, capable of expenses, by combining small and financially weak rural communities intentionally.¹¹⁾ As it is, the dual structure in the local self-government system in Prussia not only existed in the eastern region, but also constituted the difference between the eastern and western regions.¹²⁾

While the separation between Landgemeinden and Gutsbezirke effectively took place in eastern Prussia, it did not prevent Gutsherr (manorial lord) from continuing to exercise authoritative power (Obrigkeit) as before, not only over the Gutsbezirke but also

10) Heinrich Heffter, *Die deutsche Selbstverwaltung im 19. Jahrhundert*, Stuttgart 1969, S. 222f.

11) *Ibid.*, S. 105.

12) After the Meiji Restoration, the local self-government system in Japan was developed essentially on the Prussian model, under the influence of Rudolf von Gneist and Albert Mosse, as materialized by the Municipality Act and Rural Community Act of 1888 and the Prefecture/District Organization Act of 1890. The disagreement between Aritomo Yamagata and Kowashi Inoue concerning the reception of the Prussian system reflected the antagonism between the Gneist=Mosse theory of integration of rural communities (based on the Kreis in eastern Prussia) and the theory of cooperative federation of rural communities (based on the Samtgemeinde in western Prussia) advocated by Hermann Roesler. See Kouhei Yamada, *Kindai Nippon Chihō Jichi Kenkyū Joron* (Comparative Study of the Local Government in Modern Japan) in: "*Kenkyū Kiyō*" (*The Bulletin of Nihon Fukushi Daigaku (Japan University of Social Welfare)*), No. 27, 1975, pp. 52, 76-77. Yamada states that as the concept of federation of rural communities was rejected in the end and integration of rural communities was enforced with the intention of encouraging self-government of the administrative village not as the natural village run by landed farmers of old rural communities but as an administrative unit controlled on the bases of parasite landowners who were formed on a larger scale as the result of integration of old rural communities "(K. Yamada, *op. cit.*, in: "*Kenkyū Kiyō*", No. 29, 1976, p. 91), there was formed a dual structure of *natural villages* and *administrative villages* in the local self-government system of Japan (*ibid.*, pp. 105-106). Such a dual structure is naturally different from that of the co-existence of Landgemeinden and Gutsbezirke in eastern Prussia. The dissimilarity of the local self-government system in modern Japan and that of eastern Prussia is very clear.

on the Landgemeinden which had previously belonged to the Gutsherrschaft.¹³⁾

The Prussian Constitution of December 5, 1848 granted by the King, the Amendment to the Constitution dated January 31, 1850 as well as the Municipal Government Law (Gemeindeordnung für den preußischen Staat vom 11. März 1850) abolished the patrimonial police power in peasant communities owned by the manorial lord in eastern Prussia as an attempt to deny the administrative independence of Gutsbezirke.¹⁴⁾ However, the abolition was prevented by those reactionary laws introduced between 1852 and 1856. Except for the fact that the patrimonial jurisdiction was abandoned by virtue of the ordinance of January 2, 1849 and the law of April 26, 1851¹⁵⁾, the overall situation was a "resurrection of the Vormärz status".¹⁶⁾ In particular, the law of April 14, 1856 (Gesetz vom 14. April 1856 betreffend die ländlichen Ortsobrigkeiten in den sechs östlichen Provinzen der preußischen Monarchie) restored the patrimonial police power of the Gutsherr in both the Gutsbezirk and in the Landgemeindebezirk, and it also empowered the Gutsherr to appoint the village mayor (Schulz) and assessor (Schöffe).¹⁷⁾

The County Ordinance (Kreisordnung) of December 31, 1872 finally abolished the patrimonial police power and supervisory power of the Gutsherren over the Landgemeinden, and Gutsbezirke as well as Landgemeinden were integrated into cantonal districts (Amtsbezirke). The chief of a cantonal district (Amtsvorsteher), an honorary post, was appointed by the chief of the province (Oberpräsident) based upon the list presented by the county assembly (Kreistag), while the village mayor and assessor were to be elected by the community itself subject to the approval of the Landrat. The power to supervise administration of the Landgemeinden and Gutsbezirke was thus transferred to the county executive committee (Kreisausschuss). Loening stated, in this connection, that "the Landgemeinde was thus freed from the Gutsherrschaft both on the basis of public law and on the political level.... The Gutsbezirk now stood against the Landgemeinde as an independent ruling body".¹⁸⁾

There are, in this respect, different opinions like Schmitz who says that "the new

13) Vgl. E. Loening, *op. cit.*, S. 108f.; Ludwig Häufier, *Die Geschichte der Grundherrschaft Waldenburg-Neuhaus*, Breslau 1932, S. 276; Kiyoshi Suekawa, *Preussen ni okeru Kishiryō-Shoyusha no "Obrigkeit" teki Kenri o megutte* (Concerning the "authoritative" Rights of the Owners of *Rittergüter* in Prussia), in: *"Ritsumeikan Bungaku"* (the Bulletin of the Faculty of Letters of Ritsumeikan-University) No. 228, June 1964, pp. 41-59.

14) Vgl. H. Heffter, *op. cit.*, S. 316; S. Takayanagi, *op. cit.*, p. 492.

15) E. Loening, *op. cit.*, S. 184 Anm. 2.

16) H. Heffter, *op. cit.*, S. 330f.

17) F. Keil, *op. cit.*, S. 187f.; E. Loening, *op. cit.*, S. 184f.; Suruki Akagi, *Gyosei Sekinin no Kenkyū (Study of Administrative Responsibility)*, Tokyo 1978, p. 356. Anderson pointed out that "in Austria, the revolution of 1848 abolished the vestiges of the lords' control over the villages.....In Russia at emancipation the lords lost all authority over the mir. Prussian and Magyar noble landlords retained power over the emancipated peasantry, whether organized as a village community or left without political or administrative rights and duties in the manorial district." (E. N. Anderson & P. R. Anderson, *op. cit.*, p. 85). These facts would necessitate more detailed, comparative studies from a standpoint of social history.

18) E. Loening, *op. cit.*, S. 187.

Kreisordnung removed the last residue of old patrimonial administrative order and organization based on social status in farm villages".¹⁹⁾ However, such a viewpoint not only lacks insight into the reality, pointed out by an author²⁰⁾ that although the Kreisordnung removed "de jure" the patrimonial police power, it did continue "de facto", but it completely overlooks the fact that no fundamental change took place as the result in the *dual structure* of local self-government system in eastern Prussia.

Heffter attaches importance to the fact that the demands of liberal groups who sought to form the Samtgemeinde also in eastern Prussia as a means of integrating the Gutsbezirke were a failure and independence of the Gutsbezirke remained in fact. He states that "Junkers, along with the bureaucrats, could rule as before the villages in the eastern provinces under the new system of county administration.....The same large landlords who used to enjoy such privileges as Gutsobrigkeit and attending the county assembly (Kreisstandschaft) now occupied most of the seats in the Kreisausschuss and the posts of Amtsvorsteher.....the Rittergut, *along with the peasant village, still continued to exist independently as communal and cantonal district*.....The possibility to develop Amtsbezirke (cantonal districts) into federations of communal and cantonal districts failed to become a reality"²¹⁾. Kitzel too emphasizes the complete defeat of the liberals over the issue of promulgation of Kreisordnung and the victory of Junkers in establishing a new stronghold in the county executive committee (Kreisausschuss): "Adoption of the Kreisordnung without regulating the Landgemeinde at the same time meant not just a stalemate for the liberals demanding fundamental reorganization of the Prussian administrative system and elimination of the Junkers' rule in the eastern Provinces...it meant for the liberals a significant retreat and worse, a decisive defeat. Although people could not assess the full meaning of the retreat at that time, there is no question that for the Junkers, it was a complete victory which assured them of their hegemony extending beyond the end of Bismarck's regime.....Not only did Junkers keep everything; they succeeded in building a new stronghold in the Kreisausschuss to dominate rural districts. In other words, the Kreisausschuss became thereafter the genuine bearer of local self-government in the eastern Provinces".²²⁾

According to Fujise, the division between Landgemeinde and Gutsbezirk was practically accomplished when the Kreisordnung abolished the patrimonial police power. He states: "the terminal point and accomplishment of Prussian legislations aimed at agricultural reform was reached during the period of *revolution from above*."²³⁾ We must remember, however, that the outcome of the "*revolution from above*" was understood not as abolition of the dual structure in the local self-government of eastern Prussia,

19) P. Schmitz, *op. cit.*, S. 1.

20) Hermann Graf von Arnim & Willi A. Boelcke, *Muskau, Standesherrschaft zwischen Spree und Neisse*, Frankfurt/M. 1978, S. 232.

21) H. Heffter, *op. cit.*, S. 555.

22) K. Kitzel, *op. cit.*, S. 24.

23) Hiroshi Fujise, *Kindai Doitsu Nōgyō no Keisei (Formation of the Modern German Agriculture)*, Tokyo 1967, p. 260.

but rather as confirmation of its existence.

Akagi, therefore, considers that the evolution of local self-government in Prussia did not proceed on the course aimed at by the revolution of 1848. Instead, it became a powerful medium connecting the Junkers and the bureaucracy, with the result that "the outcome of the 'administrative reform' between 1872 and 1875 can be said, in conclusion, to have become the nucleus of crystalization for feudalistic powers instead of becoming the nucleus for liberal bourgeoisie who played the role of promoters of the reform".²⁴⁾

At any rate, the most important task for us would be to clarify the meaning of the fact that the *dual structure* was securely maintained, and that it constituted the Gutsbezirk as an independent administrative unit rather than large scale ownership of land or farm, as it evolved in reality. Max Weber once emphasized that "generally speaking, the Gutsbezirk gives a much more reliable image of the 'social quality of possession' compared with scale of land management".²⁵⁾ The question to be asked, indeed, is what precisely was the change that took place in the "social quality of possession" in the course of the reform of local self-government in Prussia.

II

Ludwig Herrfurth, Prussian Minister of the Interior stated in his proposal of the new Landgemeindeordnung made on November 29, 1890, at the Prussian Landtag (Lower House), that the need for a fundamental reform of the local self-government system arose from "development of social and economic situations"²⁶⁾, and above all, because of the remarkable expansion of the so-called "Leistungsverwaltung" (public administration to provide services) such as service to the poor, construction of roads, subsidy to schools, etc. in the charge of local community.²⁷⁾

There are three types of difficulty identified with regard to the Gutsbezirk: the lack of financial capability for services (Leistungsfähigkeit), the disappearance of unity of possession (Einheit des Besitzes), and the intermixture (Gemeenge) with the Landgemeinde. With regard to the *financial capability for services*, there were 15,600 Gutsbezirke in the

24) S. Akagi, *op. cit.*, p. 407; cf. Tsutomu Kitani, *Doitsu Daini Teiseishi Kenkyu (Study of the History of the Second German Empire)*, Tokyo 1977, pp. 107f.; Yasutoshi Ueyama, *Kempō Shakaishi (A Social History of German Constitutional Thought)*, Tokyo 1977, pp. 85-93. Keiichi Kitazumi, *Doitsu Daini Teisei-Preussen ni okeru Chihō Tōchi Taisei (The Prussian Local Government in the Second German Empire)*, in: "Hōgaku Kenkyū" (*Law Review of the Aichigakuin University*), Vol. 21, No. 1-2, 1977, pp. 261-332.

25) Max Weber, *Agrarstatistische und sozialpolitische Betrachtungen zur Fideikommissfrage in Preussen* (1904), in: *Gesammelte Aufsätze zur Soziologie und Sozialpolitik*, Tübingen 1924, S. 368 Anm. 2.

26) *Stenographische Berichte über die Verhandlungen, Haus der Abgeordneten (Preussen)*. Neunte Sitzung am 29. November 1890. S. 202.

27) The shift from type of "Ordnungsverwaltung" (public administration to maintain order) to that of "Leistungsverwaltung" which accompanies expansion of the function of a state is one of the indicators of ideal type of so-called "organized capitalism" (cf. Eiji Ohno, *Soshiki Shihonshugi Ron no Mondaiten (Problems of the "Organized Capitalism")*, in: "Shisō" No. 625, 1976/7, p. 43; Jürgen Kocka, *Organisierter Kapitalismus oder Staatsmonopolistischer Kapitalismus? Begriffliche Vorbemerkungen*, in: H. A. Winkler (Hrsg.), *Organisierter Kapitalismus*, Göttingen 1974, S. 23.). As it was, the problem was closely related to the development of high-industrialization in Germany at that time.

eastern Provinces, of which more than 600 were smaller than 75 ha and more than 800 were between 75–125 ha in size. Even among those somewhat larger Gutsbezirke, about 2,000 had the annual revenue of 225 marks or less from the land and house tax which fell short of the minimum qualification of large landownership under the Kreisordnung. As it is, a considerable number of these 3,400 smaller Gutsbezirke are assumed to have had very limited financial capability. As for the second factor, *unity of possession*, which had once existed in Gutsbezirke as the total inhabitants were constituted of those who depended on estate farming as the center of their life, it was considered to be one of the justifications for independence of Gutsbezirke. Nevertheless, the unity was very probably lost in those 1,300 Gutsbezirke that had 300 or more inhabitants as well as in most of those 1,500 Gutsbezirke having integral colonies. Finally, approximately one-third or 5,000 of the total number of Gutsbezirke were *intermixed* with Landgemeinden.²⁸⁾

As for the Landgemeinden of which 24,400 existed in the eastern Provinces, more than 1,500 had inhabitants of less than 50. More than 3,000 reported inhabitants of 50 to 100 each, and the number of inhabitants were 100 to 150 in approx. 3,200 Landgemeinden. The majority of these 7,800 Landgemeinden clearly lacked *financial capability for services*. Furthermore, apart from those Landgemeinden *intermixed* with Gutsbezirke, there were an additional 1,300 or more Landgemeinden intermixed with other rural or municipal communities. As was the case of intermixture with Gutsbezirke, it was maintained that these Landgemeinden should overcome their difficulty by means of combination.²⁹⁾

Under these circumstances, legislations were proposed to promote integration of rural communities and dissolution of Gutsbezirke, subject to certain limitations, with a view to resolving the problems arising from their lack of financial capability for services, loss of unity of possession and intermixture of farms and fields. According to the proposal, there were three approaches envisaged to that end, namely, (1) combination between an adjacent Gemeinde and Gutsbezirk where they were unable to perform full obligations as an independent entity of local self-government, (2) integration of those Gemeinden and Gutsbezirke where farms and fields were so intermixed with each other that it was no longer possible to distinguish their respective advantages and handicaps as different units of local community and (3) transformation of scattered Gutsbezirke and colonies within Gutsbezirke into Landgemeinden. At any rate, we can realize the character of this reform by the fact of considerable importance that it was actually the Kreisausschuss (county executive committee), the very "bastions" of Junkers' interests, who were to collect the opinions of those concerned and to promote the program. The reform which Herrfurth thought it possible to implement without significant difficulty at hand was very lukewarm: (1) combination of approximately 1,000 Gutsbezirke and 2,100 Landgemeinden incapable of financing with other Landgemeinden, (2) integration of 500 or more Gutsbezirke intermixed with Landgemeinden and 500 or more Land-

28) *Sten. Ber.* (29 Nov. 1890), S. 202f.

29) *Ibid.*, S. 203.

gemeinden intermixed with other Landgemeinden and towns, and (3) transformation of about 140 Gutsbezirke into Landgemeinden, which amounted, all told, to dissolution of no more than approx. 1,640 Gutsbezirke.³⁰⁾

Herrfurth advocated also the need for Gutsbezirke and Landgemeinden to form the *Zweckverbände* (local administrative federations with specific purposes) in order to enable joint implementation of aid to the poor, education, road construction/maintenance and other responsibilities of rural communities, although he showed a negative attitude to the idea of forming Landbürgermeistereien (federation of rural communities) as they existed in the western part of Prussia. Moreover, with regard to the election system of eastern Landgemeinden, he insisted on the three-class election system based on valuation of assets, and said that those constituent members of the community with an income of 660 marks or above should be allowed to have the suffrage and electoral eligibility even if they were not permanent residents.³¹⁾ No regard was given to the inhabitants of Gutsbezirk who had no political right to speak of, including the voting right at communal elections. Herrfurth further pointed out that the bill had the purpose of "strengthening the solidarity in large and small land ownership and encouraging the rural communities in the eastern Provinces to promote self-government", and stated that since the Social Democratic Party was trying to agitate farm villages under the slogan of "auf die Dörfer" (into the villages), "legislations of the State must also be directed to the villages in order to stop it".³²⁾ This indicates very clearly the nature of "revolution from the above".

Anyhow, Herrfurth's reform constituted a part of "the New Course" of internal policies under the cabinet headed by Leo von Caprivi who succeeded Bismarck following the latter's fall which had put the brake on various reforms, along with the bill for elementary school system presented by the Minister of Education, Gustav von Gossler and the one on reform of taxation law proposed by Johannes Miquel, the Minister of Finance. As such, the reform proposed by Herrfurth was considered as the first major trial for both the new cabinet and the conservative dominated by the Junkers, as well as for the progressive factions and the conservative factions within the von Caprivi cabinet.³³⁾

Now, we shall see in more detail the social background which necessitated the reform of local self-government in eastern Prussia.

(1) First of all, let us consider the nature of disbursements made by the local communities in the seven eastern Provinces. As for Landgemeinde, during the 1888/89 fiscal year, total disbursements amounted to 33,594,227 marks, of which 7,008,761 marks (20.86%) was spent for general administration, 3,909,706 marks (11.64%) for aids to the poor, 10,076,220 marks (29.99%) for elementary schools, 4,893,419 marks (14.57%) for public roads and 7,706,121 marks (22.94%) for other purposes. This means that 56.20% of the total was spent for the poor, elementary schools, and roads. During the same fiscal year,

30) *Ibid.*, S. 204; vgl. Hans-Ulrich Wehler, *Das Deutsche Kaiserreich 1871-1918*, Göttingen 1973, S. 53.

31) *Ibid.*, S. 204 f.

32) *Ibid.*, S. 206.

33) Peter Leibenguth, *Modernisierungskrisis des Kaiserreichs an der Schwelle zum wilhelminischen Imperialismus*, Dissertation-Köln 1975, S. 147.

Gutsbezirke spent 11,770,382 marks in total, of which 1,234,681 marks (10.49%) was for general administration, 3,382,378 marks (28.74%) was for the poor, 2,294,258 marks (24.84%) was for elementary school, 3,387,922 marks (28.78%) for public roads and 841,142 marks (7.15%) for other purposes. Again, 82.36% of the total expenditures was for the three principal domains.³⁴⁾ As the need for these administrative disbursements continued to grow, the lack of financial capacity became increasingly apparent. As an indication of the lack of financial capability of the local communities, contemporary statistics cite those Gutsbezirke smaller than 125 ha, and those others, while larger in size, paying annual amount of land and house taxes less than 225 marks. These Gutsbezirke (3,430 in number) represented 21.97% of the total (15,612) in 1889, and the ratio was notably higher in East Prussia and Silesia.³⁵⁾ With reference to the "Gemeindelexikon", we can see that as referenced in Table 1 (I, III) which shows a part of the survey results for Silesian Province in 1885, there were, in one part, extremely large Gutsbezirke like Görlitzer Kommunalheide (27,961 ha), while there were, on the other hand, a number of Lilliputian and uninhabited ones such as Kaiserswaldau (1 ha). As examples of the border line case, Herrfurth cited two Gutsbezirke in Upper Silesia at the third reading of his reform bill. One of them was a "purely imaginary Gutsbezirk without any reality, and consisting merely of some slopes and obligation to a local school. The other Gutsbezirk was real, but the land was no more than 16 ha of inferior quality, and yet, it had full right and obligation of patronizing the school and church. Both of the Gutsbezirke had existed since the beginning of the nineteenth century under the ownership of large estates. The owner of the latter transferred the ownership to a shoemaker who had no personal assets and because of his inability to patronize, he had to request that the status of Gutsbezirk be removed.³⁶⁾ There are numerous examples of such "caricatures of Gutsbezirke"³⁷⁾ as this.

Situations looked quite similar for the Landgemeinden too. On one hand, there were numerous gigantic villages such as Rixdorf in Teltow County near Berlin, known as the largest village in the monarchy with the population of 35,827, and Schöneberg (population: 28,844). There were 37 Landgemeinden in Prussia at that time with populations in excess of 10,000.³⁸⁾ Table 2 (I) shows the Landgemeinden in Silesian Province having a population of more than 5,000. The largest was Langenbielau, a weavers' village in Reichenbach. Its population in 1785 already exceeded 6,700, and the settlement ran along the highway passing through a mountain valley for a distance of one mile.³⁹⁾ Altwasser in Waldenburg was one of the villages which grew first on linen industry and

34) *Anlagen zu den Stenographischen Berichten über die Verhandlungen des Hauses der Abgeordneten (1890-91)*. Bd. 1. S. 400-403. Tateo Fujimoto, Huene Hō to Chiso. Kaokuzei Ijō-Ron (Lex Huene and Transfer of Land and House Tax to the Local Authorities) in: "*Kōnan Keizaigaku Ronshu*" (*Kōnan Economic Papers*), Vol. 19, No. 2, 1978, pp. 54-87.

35) *Anlagen*, S. 334f.

36) *Sten. Ber.* (20 April 1891), S. 1842.

37) K. Kitzel, *op. cit.*, S. 39.

38) *Sten. Ber.* (20. April 1891), S. 1848.

39) Johannes Ziekursch, *Hundert Jahre schlesischer Agrargeschichte*, Breslau 1915, S. 62.

Table 1. Gutsbezirke in Silesia

Gutsbezirke	Kreis	Land Area	Cultivated Land	Pasture	Forest	Population	Male	Female
I Karlswalde								
Hrz. Sagansche Haide	Sagan	15 712 ha	12	524	14 966	83	34	49
Haselbach	Sprottau	12 990	1 725	1 396	9 503	9	6	3
Wehrau	Bunzlau	10 369	190	399	9 603	70	31	39
Görlitzer Kommunalheide	Görlitz	27 961	94	1 473	25 534	917	458	459
Pleß, Schloß	Pleß	11 842	118	694	10 598	423	192	231
II Bernsdorf	Hoyerwerda	1 687	167	30	1 372	199	606	593
Groß Stanisch	Groß Strehlitz	5 800	751	83	4 533	1 579	716	363
Sandowitz	Lublinitz	5 842	513	140	4 564	2 240	1 088	1 152
Deutsch Piekar	Beuthen	1 095	721	89	165	4 679	2 294	2 385
Orzegow	Beuthen	366	121	15	156	3 653	1 850	1 803
Schwalzwald, Beuthener	Beuthen	546	89	9	387	4 118	2 091	2 027
Schwientochlowitz	Beuthen	386	345	17	—	1 787	933	854
Ruda	Zabrze	995	368	50	366	1 573	760	813
Antonienhütte	Kattowitz	143	35	1	2	5 116	2 505	2 611
Bittkow mit Hohenloehütte	Kattowitz	396	202	13	0.1	2 292	1 246	1 046
Laurahütte	Kattowitz	215	54	1	28	9 644	4 811	4 833
Michalkowitz, Schloß	Kattowitz	471	290	28	7	1 167	616	551
Siemianowitz	Kattowitz	384	264	21	42	1 440	679	761
Emanuelssen	Pleß	5 908	59	185	5 504	1 443	775	670
III Gunthersdorf	Striegau	3	1	2	—	—	—	—
Kaiserswaldau	Hirschberg	1	—	—	—	—	—	—
Eselsberg, Antheil Muskau	Rosenberg	1	—	—	1	—	—	—
Guttauer Haide	Rosenberg	1	1	1	—	—	—	—
Rengersdorf (exclave)	Rosenberg	3	—	2	1	—	—	—
Schironowitz	Groß Strehlitz	5	3	1	—	—	—	—

* Gemeindelexikon für die Provinz Schlesien. Auf Grund der Materialien der Volkszählung vom 1. Dezember 1885 und anderer amtlicher Quelle bearbeitet vom Königlichen statistischen Bureau, Berlin 1887.

Table 2. Landgemeinden in Silesia

Landgemeinden	Kreis	Land Area	Cultivated Land	Pasture	Forest	Population	Male	Female
I								
Ernsdorf	Reichenbach	944 ha	767	44	—	6 097	2 850	3 247
Langenbielau	Reichenbach	1 855	1 445	215	37	14 410	6 550	7 860
Altwasser	Waldenburg	272	133	25	66	8 672	4 359	4 313
Dittersbach	Waldenburg	387	211	40	62	6 573	3 345	3 228
Nieder Hermsdorf	Waldenburg	531	216	44	116	6 554	3 528	3 026
Weißstein	Waldenburg	771	437	133	25	6 123	3 087	3 036
Lipine	Beuthen	325	188	5	—	10 454	5 169	5 285
Alt Zabrze	Zabrze	627	459	66	—	9 390	4 598	4 792
Biskupitz	Zabrze	345	251	18	1	6 470	3 212	3 258
Klein Zabrze	Zabrze	73	37	—	—	6 237	3 150	3 087
Ruda	Zabrze	403	276	33	5	6 434	3 092	3 342
Zaborze	Zabrze	498	341	6	5	12 552	6 449	6 103
Bogutschütz	Kattowitz	534	358	26	2	6 358	3 212	3 173
Schopinitz	Kattowitz	255	147	24	12	5 200	2 770	2 430
II								
Riesenthal	Trebnitz	4	4	—	—	7	4	3
Karlsruh	Steinau	2	0.2	1	—	39	15	24
Wehrdorf	Münsterberg	4	3	—	0.1	52	22	30
Gräditz, Kolonie	Schweidnitz	2	2	—	—	191	96	95
Klein Friedrichsfeld	Schweidnitz	3	—	—	—	288	145	143
Hummel	Striegau	4	3	—	—	35	14	21
Neu Friedersdorf	Waldenburg	2	0.4	1	—	87	47	40
Kirchberg	Freistadt	2	—	—	—	53	21	32
Schönbrunn	Freistadt	2	2	—	—	85	39	46
Kunzendorf	Glogau	4	2	1	0.1	—	—	— (exclave)
Groß Vorwerk	Bunzlau	3	2	0.3	—	35	16	19
Kirsch	Bunzlau	4	3	0.1	—	32	16	16
Ober Poitzenberg	Löwenberg	1	—	—	—	31	15	15
Neu Bertelsdorf	Lauban	4	2	—	—	183	84	99
Gutauer Haide	Rothenburg	3	—	3	—	—	—	— (exclave)

* Gemeindelexikon für die Provinz Schlesien, Berlin 1887.

then on coal mining⁴⁰⁾, while Zaborze, Lipine and others were villages which developed as workers' colonies in the heart of the mining industry in Upper Silesian district.⁴¹⁾

At antipodes with these excessively large villages, there were a large number of excessively small ones which very often were no more than mere attachments to large Gutsbezirke. Table 2 (II) illustrates, the situation in Silesian Province as an example. Schroda County of Posen Province had in 1888 two Gemeinden without any inhabitants, and each of the other counties in the Province had many Gemeinden with only a few peasants living in them. Some of these tiny communities were in reality annexed to adjacent villages and administration was done by the village mayors. Furthermore, a number of Gemeinden had reclaimed cultivation land located more than four miles away from the village.⁴²⁾ The existence of so many tiny communities having no capability to bear tax and to survive was mostly the outcome of the peculiar characteristics of agrarian reform in Prussia, or else—as some historians suggest—it represented the attempts to segregate German settlements from Polish Gutsbezirke and to germanize place names.⁴³⁾ In addition to these factors, however, we should not forget the problem of "Landflucht" (rural exodus) which increased along with the German industrialization in the mid-nineteenth century, further promoting the decrease of rural population.

(2) Otto Boldt, who had once been the administrative chief of a county, considered that the independence of a Gutsbezirk presupposed unity of possession in that the landowner had full title to the property and no one could live in the territory without the owner's approval, and that the entire population was in fact structured by the owner's intention. He thought that the lack of unity of possession would lead to administrative difficulties.⁴⁴⁾ This opinion represents a conservative position which admits the *dual structure* in the eastern Provinces as it originally was, and in this connection, it would be quite meaningful to see the reality of the loss of unity of possession in Gutsbezirke. According to Herrfurth, the majority of Gutsbezirke having population in excess of 300 and at the same time colonies in them had lost the unity of possession. If we apply the yardstick, there were, in 1890, 568 Gutsbezirke that had a population of 301 to 400, 211 that had a population of 401 to 500, 216 that had a population of 501 to 1,000, and 43 that had a population in excess of 1,000, while there were 1,524 integral colonies (of which 211 belonged to the Treasury).⁴⁵⁾ The loss of unity of possession was particularly significant in high-industrialized areas, and among the eastern provinces, Silesia had the worst situation. Table 1 (II) shows only those Gutsbezirke in Silesia having populations in excess of 1,000, and most of these large Gutsbezirke were found in the mining district of Upper Silesia consisting of Beuthen, Zabrze and Kattowitz Counties.

Seyda, who was a member of the Polish Party shortly before the First World War,

40) L. Häufler, *op. cit.*, S. 237, 245ff., 364ff.

41) Walter Kuhn, *Siedlungsgeschichte Oberschlesiens*, Würzburg 1954, S. 254.

42) *Anlagen*, S. 275.

43) K. Kitzel, *op. cit.*, S. 37.

44) Otto Boldt, *Zur Neuregelung des ländlichen Gemeindewesens*, Berlin 1890, S. 8f.

45) *Anlagen*, S. 273.

made an interesting statement at the Prussian Landtag concerning the problems with those Gutsbezirke in the mining district. It shows that the problems still persisted at that time.

He pointed out that among those unusual Gutsbezirke which had lost their unity of possession, there were two types. The first type related to those Gutsbezirke in which not merely colonies but towns had been formed, and the second type included those in which there existed only mining and manufacturing facilities, plants and housing for upper class employees of the companies while the labor population was forced to live in adjacent Landgemeinden.

The Antonienhütte district in Kattowitz County was typical of the Gutsbezirke belonging to the first type (ref. Table 1 (II)). This area had a population of about 10,000 in 1912, and apart from farms, there were large mines, zinc refineries, fire clay and refractory plants. All administrative and police functions in the Gutsbezirk were in the monopoly of an employee who reported directly to the Gutsherr. He had absolute control over all aspects of the administration of the Gutsbezirk, and other Gutsinsasse (inhabitants) were completely deprived of a voice in the internal matters, living virtually at the mercy of the Gutsherrschaft. A notorious example of the tyranny and exploitation was the fact that the Gutsinsasse were compelled to purchase all electricity for lighting purposes and a part of the electricity for production from the power station attached to the coal mine and owned by the Gutsherr, and this at a price far in excess of the rates applied by the Oberschlesisches Elektrizitätswerk (Upper Silesian Electric Power) to the adjacent village of Neudorf. OEW had a power line passing through Antonienhütte district for electricity supplied to Neudorf, but the Gutsherr did not allow the inhabitants to take advantage of the OEW line, and the situation was quite similar also for gas and water supply. In addition, there was a marked disproportion in tax burden between the Gutsherr and Gutsinsasse. Despite the fact that the Gutsherr had a number of large factories and residences, he paid only 5,580 marks house tax, while other house owners paid almost twice as much taxes for their houses (10,702 marks). The Gutsherr owned, on the other hand, mines producing 7.8 million Ztr. of coal, and 365,000 Ztr. of zinc per year as well as the factories producing fire clay and bricks, yet his income tax was no more than 17,900 marks or only about a half of the income tax paid by the Gutsbezirk's inhabitants (34,038 marks).⁴⁶⁾

As typical examples of the Gutsbezirke belonging to the second type, there were 15 Gutsbezirke including Bobrek in Beuthen County. All of them had coal mines, iron works, zinc refineries and other facilities being in Upper Silesian Province. The entire labor population of these Gutsbezirke lived in adjacent Landgemeinden, and for this reason, the latter had to face disproportionate expenditures for helping the poor and for education. The burden on the inhabitants of the Landgemeinden increased in proportion to the needs for expenditure. For example, surtax on income tax was said to

46) *Sten. Ber.* (26. April 1912), S. 4650f.

be 210–260%, while that on land and house tax reached 275–280%.⁴⁷⁾

(3) In the eastern provinces, there were 1,328 Landgemeinden and 4,945 Gutsbezirke intermixed with other Landgemeinden or towns. Houses in these Gutsbezirke were located almost side by side with other villages, and moreover, their land intermixed with Feldmarken (fieldmarks) of Landgemeinden to such an extent that it was no longer possible in many instances to distinguish the Landgemeinde's interests from those of the Gutsbezirke on the level of local self-government.⁴⁸⁾ On this problem, Sombart,⁴⁹⁾ owner of a Gutsbezirk and generally considered as an outsider to the National Liberal Party, made a policy proposal based on his 10 years' experience from 1838 in the "Separation." He stated that, firstly, whereas the Gutsbezirke and Landgemeinden used to belong to the same Feldmark prior to the separation and forming a farm-pasture community, it was now claimed that both had to be integrated when and where artificial boundaries were established as the result of the separation, and for that reason, "what is now important is not what my valued friend Gneist points out, that is, the possibility, but the will".⁵⁰⁾

Secondly, Sombart stated that where an independent Gutsbezirk continued to exist to some extent, it should be integrated into an Amt (canton) along with the Gemeinde, and the administrative emphasis of local self-government should be given to the Amt having the characters similar to that of such a Samtgemeinde, and further, that in such an Amt, cooperation between the Gutsbezirk and the Landgemeinde could be established, thus eliminating, above all, the lack of voting right in communal election for 2 million or more inhabitants of Gutsbezirke who were regarded as the *Parias*, so that more could be done for their well-being and settlement.⁵¹⁾

(4) Such a state of the lack of rights for inhabitants of Gutsbezirke was obviously not only a problem in communal election. The Gutsherr was actually the only employer in the territory and as such, he had the largest influence on the appointment of pastors and teachers under his rights and obligations as patron of the churches and schools. Moreover, he exercised various rights in local police and communal matters as the representative of Obrigkeit.⁵²⁾ For instance, Paul Hirsch, a member of parliament from the Social Democratic Party, stated as late as in 1913 as follows in his comment on the status of Obrigkeit in Gutsbezirke: "the true mercilessness of Gesindeordnung (Servant Ordinance)—which torments, in addition to Gesinde, one-quarter of the entire farm laborers as well—appears in its reality only in Gutsbezirke, in which the employer or his agents exercise the

47) *Ibid.*, S. 4654. cf. Makoto Ōtsuki, Daini Teiseiki no Pommern Shū no Junker teki Tochishoyu (The Junker in Pomeranian Province under Bismarck Regime), in: *Ryukoku Daigaku "Shakai Kagaku Kenkyu Nenpō" (Annual Bulletin of the Research Institute for Social Science of Ryukoku University)*, No. 6, 1975, pp. 146, 164–166.

48) *Anlagen*, S. 274.

49) K. Kitzel, *op. cit.*, S. 121.

50) *Sten. Ber.* (29. Nov. 1890), S. 223.

51) *Ibid.*, S. 224.

52) G. A. Ritter u. J. Kocka (Hg.), *Deutsche Sozialgeschichte*, Bd. II: 1870–1914, München 1974, S. 178.

power to enforce tentative judgement and compulsory execution as a police organization."⁵³⁾

III

The Landgemeindeordnung proposed by Herrfurth was, as Loening pointed out, "completely conservative in character."⁵⁴⁾ Nevertheless, inasmuch as the proposed law touched upon independence of Gutsbezirke in eastern Prussia, it was regarded by the conservative groups professing "quieta non movere" as a serious menace to their very existence.

(1) Even among the conservative groups, some of the Landräte (administrative chief of county), Amtsvorsteher (chief of cantonal district), Oberpräsidenten (chief of province) and other administrative officials, there was a bureaucrat wing who had a kind of conservative programs for reforming the existing systems based on their experience and the need to improve administration. Most of the bureaucrats, however, were opposed to substantial elimination of Gutsbezirke and believed that the problem could be solved by improvement of the way the current laws were being implemented. Only a few administrative officials felt the need for general settlements and land reform.⁵⁵⁾

A. E. von Ernsthausen was one of the most enlightened of the progressive bureaucrats. Since his appointment as the Landrat of Altenkirchen County in Rhine Province in 1851 till the end of his career in 1888 as Oberpräsident of West Prussian Province, he worked for 37 years as an administrative official of Prussia.⁵⁶⁾ Von Ernsthausen attended the Generalversammlung des Vereins für Sozialpolitik held at Frankfurt am Main on September 26, 1890 and gave a supplemental report concerning the reform of Landgemeindeordnung.

Von Ernsthausen did not adopt the most radical approach, i. e., to integrate a Gutsbezirk and Landgemeinde into a new self-governing community in order to make it capable of financing. He recognized, to be sure, the need to improve—such as dissolution of those Gutsbezirke that had extremely poor financing capability or that had lost their unity of possession, or integration of excessively small Landgemeinden. He was also aware of the need for local communities to form an intermediary federation (Zwischenverband) between these communities and counties without removing in principle the *dual structure* of Gutsbezirk and Landgemeinde. With regard to the choice of the vehicle of such Zwischenverband, i. e., whether to opt for a *Samtgemeinde* which would undertake most of the tasks for a self-governing community or for a *Zweckverband* only responsible for a specific purpose such as aids to the poor, construction of road, education etc., von Ernsthausen stressed the fact that, unlike in the *western provinces* where the administrative emphasis was on the Landgemeinde, the emphasis in the *eastern provinces* was on the

53) G. A. Ritter (Hg.), *Das Deutsche Kaiserreich 1871–1914*, Göttingen 1975, S. 89; vgl. *Lage und Kampf der Landarbeiter im ostelbischen Preussen*, Bd. II, Berlin 1979, S. 300ff.

54) E. Loening, *op. cit.*, S. 239.

55) K. Kitzel, *op. cit.*, S. 59, 63.

56) Vgl. A. Ernst von Ernsthausen, *Erinnerungen eines Preussischen Beamten*, Bielefeld 1894, S. 102 ff.

Kreis (county). He also pointed out that the *Samtgemeinde* should not be established in a compulsory manner and the *Zweckverband* might be necessary only for the purpose of helping the poor, since road construction, support to schools and so on could be accomplished by the subsidy of county, province and State.⁵⁷⁾

Otto Gierke, Professor of the Berlin University, said in the Plenary Discussion that he was in agreement with von Ernsthausen on the key issues, and then gave a few interesting comments. He first argued that it was utterly impossible to treat eastern and western Prussia uniformly in the matter of local self-government, and that a part of the evolution which had taken place in the west was the result of "revolution from below" under the influence of the French Revolution as well as of "revolution from above" dictated by the absolutism of the members of the Rheinbund (Rhine Alliance), which meant "it was impossible to imitate these revolutionary incidents in our eastern Prussia in the course of its peaceful development."⁵⁸⁾ He concluded thus that it would be nothing but a reckless adventure in the east to try to integrate large estates into rural communities, and on this ground, he directed his criticism in particular to the opinion professed by Sombart.

As for the choice of *Samtgemeinde* or *Zweckverband*, which was the second of the major issues along with the dissolution of *Gutsbezirke*, Gierke also objected to the compulsory establishment of *Samtgemeinde*, and maintained that the needs could be met either by *Kreis* or *Zweckverband*. With respect to the election system of the *Landgemeinde*, his position was similar to that of von Ernsthausen. Gierke stressed that the classification of suffrage should be based on the hierarchy of land ownership and tax rate.⁵⁹⁾

Incidentally, Gierke took interest in the fact that development of mobility of land ownership had stimulated on the one hand the concentration of *latifundia* and on the other hand the growth of dwarf ownership, resulting in the disappearance of the peasants' status inbetween the two opposing trends. He supported, in order to prevent the undesirable phenomenon, various measures to maintain peasantry such as *rente farm* (*Rentengut*), inheritance by one child only (*Anerbenrecht*), creation of homesteads (*Heimstättenrecht*) etc., and stated as follows: "Gentlemen, I believe that what all of us want, namely, that the *Landgemeinden* and peasantry of Germany become a strong barrier against infiltration of the Social Democrats who are aiming to control the villages, would happen only if we are successful in combining the *Landgemeinde* with the private property of land as well as with the complementary ownership by the community and in consequence, only if the sense of growing together with the soil survives and continues working not only among the peasants but also among the growing number of small-holders, and only if community life can be built on the basis of the peasants' occupational association."⁶⁰⁾

Thus, Gierke, while accepting continuation of the independence of *Gutsbezirke* in the east and maintenance of the dual structure in the system of local self-government, favored on the other hand prevention of the dissolution of peasantry and advocated the

57) *Verhandlungen von 1890. Die Reform der Landgemeindeordnung in Preussen*, in: *SdVfS*, Bd. 47, 1890, S. 36-52.

58) *Ibid.*, S. 84.

59) *Ibid.*, S. 85-89.

need to encourage continuation of the wide peasantry. Wouldn't they be incompatible desires, however? We should probably be reminded, in this respect, of a very appropriate and critical comment Max Weber made in 1904 in his "Betrachtungen zur Fideikommissfrage".⁶¹⁾ What he pointed out there concerning the entailed estate (Fideikommiss) could be said to apply to the Gutsbezirk as well. Weber said that the Prussian land policy to promote expansion of Fideikommiss—anything but dissolution of the Fideikommiss—actually prevented strengthening of the peasant population, and concluded as follows: "to give up the *best* land to the vanity and to the dominating interests of agrarian capitalism—while being the result of the freedom of founding Fideikommiss as it was essentially sanctioned by the bill—deprives the best interest of the nation's stand, i. e., the best interest of *numerous and strong peasant population*, of all future promises."⁶²⁾

Anyhow, it would have been almost impossible to carry out the domestic settlement policy on a large scale and to foster a strong peasantry in the east while the *independent* Gutsbezirke were allowed to exist extensively to maintain the dual structure in the local self-government system.

(2) Kitzel classified the conservatives into three wings of the bureaucrat wing, the standing wing and the agrarian capitalist wing.⁶³⁾ Von Meyer (Arnswalde), considered to be a typical representative of the standing wing and who once had been a Landrat, argued at the Lower House session on November 29, 1890, that the seven eastern provinces did not need any *comprehensive* regulation on rural community and it would be sufficient to add new rules from time to time, stressing special characteristics of local development which differed from one province to another.

Von Meyer stated, with regard to the bill presented by Herrfurth, that it would be difficult to justify, at least in principle, allowing those *non-residents* in the Landgemeinden, who were paying as low as 4 marks income tax, to have access to the communal rights unconditionally. This could perhaps be necessary in a few exceptional places like Rixdorf or Schöneberg near Berlin, but to extend the exceptional case to other areas, where the true community of peasants continued to exist extensively, would be a complete mistake. In support of the argument, he commented as follows: "I think that the Landgemeinde is more properly the Gemeinde of the land rather than that of persons. The latter have only a secondary position, and those who live in a Gemeinde without having land ownership are dually dependent on the landowners for their business and other aspects of life. For this reason, those who do not have land have no voice in the Gemeinde."⁶⁴⁾ Thus, he clearly said that a local self-governing body must, above all, be a community of those who own the land.

Von Meyer also stated that as for the integration of Gutsbezirke and Landgemeinden,

60) *Ibid.*, S. 90.

61) Eiji Ohno, *Doitsu Shihonshugi Ron (German Capitalism)*, Tokyo 1965, p. 403f.

62) M. Weber, *op. cit.*, S. 393.

63) K. Kitzel, *op. cit.*, S. 57.

64) *Sten. Ber.* (29. Nov. 1890), S. 207.

the number of 1,500 which Herrfurth, Minister of the Interior, thought it necessary to integrate was excessively large and that a Gutsbezirk should be integrated into a Gemeinde only when both existed side by side, forming a same locality. Even if the integration would seem to be advantageous, either or both the Gutsbezirk and Gemeinde might raise objections especially because of the burden of aids to the poor. In short, his position was to let Gutsbezirke remain as they had been, as long as possible.⁶⁵⁾ According to von Mayer, the foregone rule of rural districts by the landed gentry of high esteem, particularly *ruling by social status* as typified by the status of propertied and resident Landrat, many of whom also owned Gutsbezirke, was the local self-government in its true sense; for those who held such a view, the real enemy were the bureaucrats who multiplied as the reform of local administration encouraged the bureaucratization. The conservatives who belonged to the standing wing therefore stood firm without fearing rupture with the government and challenging the disciplines of the Conservative Party.⁶⁶⁾

In contrast to those *old-fashioned* "Junker mit altem Schrot und Korn", there was a new power represented by Wilhelm von Hammerstein, chief editor of the "Kreuzzeitung" and Hans von Kanitz, well-known for the Kanitz Proposal, forming the so-called agrarian capitalist wing. They belonged to an utterly new type of Junkers who, unlike the old-fashioned stock, ignored all sorts of decorum. Obviously, and in spite of their rhetoric and apparent concern for public welfare and national interests, the main interest of these people was to make their own Gutsbezirke more profitable and valuable than other farms in the Landgemeinden.⁶⁷⁾ As it is, in the case of the Landgemeindeordnung, their attention was predominantly directed to profit.....for instance, as to whether a 100 ha plot of land in a Gutsbezirk would constitute a better source of revenue than another plot of land of the same size in a Landgemeinde. Given that all other conditions were equal, if a 100 ha plot of land located in a Gutsbezirk represented, for that reason, an asset more valuable as well as profitable compared with the other in a Landgemeinde, that was sufficient incentive for the agrarian capitalist wing to try to maintain the Gutsbezirk system.

(3) It would seem that such an interest inherent in the agrarian capitalist wing could be interpreted as something essentially identical in character to the interest which Max Weber called "Agrarkapitalismus"⁶⁸⁾ in his "Betrachtungen zur Fideikommiss". How was agrarian capitalism's urge to make a profit reflected in the local self-government system? In this connection, Weber wrote as follows:

"As it is well known, owners of Fideikommiss are not active in Gemeinden; as owners of large estates generally do, they form 'Gutsbezirke' for their own benefit. They leave to the peasants most of the education of the laborers at the primary school, they leave also to the peasants as many as possible of the tasks of aiding the poor laborers, and if, for instance, the peasants complain about the severe damages caused by foreign seasonal

65) *Ibid.*, S. 208f.

66) Vgl. K. Kitzel, *op. cit.*, S. 58f.; S. Akagi, *op. cit.*, p. 402.

67) Vgl. K. Kitzel, *op. cit.*, S. 64 f.

68) Vgl. M. Weber, *op. cit.*, S. 340 Anm. 2, 255 Anm. 1, 360f., 379, 386 Anm. 1, 391 Anm. 2, 393.

workers employed by the knightly estate, then the Deputy Minister of Agriculture would declare at the House of Lords: 'the Gemeinde's (read: peasants') interests should come after that of agriculture (read: ownership of large estates)' ".⁶⁹⁾

This expresses clearly the fact that the community's burden in conjunction with aid to the poor and primary education was mostly transferred from Gutsbezirk to Landgemeinde. We are now going to study the problem in more detail.

According to an address made by Barth (Merseburg), owner of a Rittergut and a member of the Liberal Conservative Party at the Lower House session on November 29, 1890, it had been customary for farm workers either to live in their housing located on Gutsbezirk farms or to own small plots of land in their village and commute to the Gutsbezirk farms. As more workers were attracted from outside, however, it became necessary to build workers' barracks, but the barracks were not built in the Gutsbezirk. Instead, land was purchased within a Landgemeinde and the barracks were constructed on it, because in this way the Landgemeinde was to bear all burden to assist the poverty-stricken people who worked for the Gutsbezirk.

Barth also discussed the so-called "Domänenpächter" (tenants in a demesne of the Crown) contract. According to the terms of this contract, the tenant was obligated to bear all responsibility for the aid to poor workers he hired during the tenure, and the obligation continued for two years after the leasehold had expired. In order to escape from the responsibility, the tenant used to make any worker old and likely to become unfit for work fairly soon quit the workers' barrack although he was not immediately laid off. The worker would then find a room and live in the neighboring village and continue to work on the farm, so the Landgemeinde could not chase him out. After two years, however, the worker would acquire the eligibility to receive aid (Unterstützungswohnsitz), and thereupon his employment would be terminated and the charge would fall upon the Landgemeinde.

In an extreme case, an owner of a farm built workers' barracks both in the Gutsbezirk and Landgemeinde, and every worker was forced to move his home from one place to another at the interval of a year and nine months so that neither the Gutsbezirk nor the Landgemeinde were responsible for the aid to the poor.⁷⁰⁾

In another case, the owner had two Gutsbezirke and the workers were moved from one to the other once every year or year and a half, which allowed him to prevent the workers from acquiring the eligibility to receive aid.⁷¹⁾

Thus, owners of farms and tenants in Gutsbezirke could avoid the charge of helping the poor by moving workers in such a way as to deprive them of eligibility. On the contrary, Landgemeinden could not restrict inflow of population because of the "Freizügigkeit" (freedom of movement) and were obligated, in consequence, to bear the responsibility which should have been on the Gutsbezirke.

The inequality between Gutsbezirk and Landgemeinde also existed in the area of

69) *Ibid.*, S. 381.

70) *Sten. Ber.* (29 Nov. 1890), S. 211f.

71) E. Loening, *op. cit.*, S. 208.

road construction. The State and the provinces were responsible for construction and maintenance of national and military roads, for which inhabitants of Landgemeinden and those of Gutsbezirke had to provide manual labor and animals, while owners of Gutsbezirke and inhabitants of towns were exempt from this obligation. The only exception was the province of Posen in which the law of June 21, 1875, eliminated the inequality, and the obligation (Hand-und Spanndiensten) was extended to Gutsbezirke and towns alike.⁷²⁾

As for the roads under the jurisdiction of local communities, Gutsbezirke and Landgemeinden were responsible for construction and maintenance within their respective district. However, by virtue of the agreement concerning compensation and separation concluded for the purpose of regulating the relationship between Gutsherr and peasants and also division of the common land, the obligation was shared between Gutsherr and Gemeinde in such a way that the former would provide for construction materials while the latter was to supply all labor, which tended often to transfer substantially the entire part of the obligation to the Landgemeinde.⁷³⁾

(4) Notwithstanding the resistance of the conservatives, the Landgemeindeordnung proposed by Herrfurth was finally adopted by a majority of 206 to 99 in the Prussian Lower House on June 1, 1891, and the Upper House also approved the bill on June 13 by a majority of 99 to 38 after an open vote.⁷⁴⁾ In the Lower House vote, the bill was opposed by all members of the Conservative Party, one of the Center Party (Das Zentrum), von Schalscha and another member of the Liberal Conservative Party, Spangenberg, while all members of the Liberal Party, National Liberal Party and Polish Party, plus the Center and Liberal Conservative Parties excluding one dissident in each named above, and two independent members, von Köller and Cremer=Teltow. Thus, the Landgemeindeordnung came into effect as part of the Prussian internal policy referred to as "the New Course", as the result of the Liberals' victory over the conservatives' resistance. However, the reform by Herrfurth failed to produce much meaningful results, just as Loening predicted at that time, saying that the law only gave a "legal possibility"⁷⁵⁾ to implement the reform and in practice, it would face severe resistance.

Herrfurth was said to have had the intention to dissolve at least one half of the 16,000 or more Gutsbezirke then existing in the eastern provinces, but the conservatives at least succeeded in forestalling the objective.⁷⁶⁾ This reform could not be implemented without consent of the Kreisausschuss⁷⁷⁾ on which large landowners had a decisive influence, and furthermore, establishment of the Farmers' League (Bund der Landwirte) closely following the enactment of the Landgemeindeordnung vigorously attacked "the New Course" policy and tried to realize a conservative reorganization of Prussian German politics.

72) *Ibid.*, S. 209, 210 Anm. 1.

73) *Ibid.*, S. 210.

74) *Schulthess' Europäischer Geschichtskalender 1891*, München 1892, S. 93, 98.

75) E. Loening, *op. cit.*, S. 206.

76) J. Ziekursch, *Ziele, Kräfte und Gestaltung der inneren Politik des Reiches*, in: *Volk und Reich der Deutschen*, Bd. I, Berlin 1929, S. 132.

77) E. Loening, *op. cit.*, S. 204.

It was only natural that the real impact of Herrfurth's reform was extremely limited under these circumstances. Molt explains this situation as follows: "there were approx. 8,000 Gutsbezirke which were intended for dissolution into Landgemeinden, but in reality, only 641 out of 15,612 Gutsbezirke had disappeared by the outbreak of the First World War. This means that the status-based structure of Prussian local government remained in full power and strength until the Revolution of 1918. For instance, 36% of the total population in Pomerania lived without enjoying any right under local self-government, and so it was for 28% of the population in Posen, and for 20% of the entire rural population of Prussia. These people, who lived as dependents of Gutsherren, were the natural reservoir to support the political hegemony of large landowners".⁷⁸⁾

Incidentally, the number of the dissolved Gutsbezirke varies from one source to another. Kitzel, for instance, says that during the fifteen years following the enactment, there were 708 Gutsbezirke eliminated and 305 which were newly established, so that the net decrease was only 403⁷⁹⁾, but von Dallwitz, the Minister of the Interior, stated in the Prussian Lower House in 1913 that 964 Gutsbezirke had been dissolved since 1892,⁸⁰⁾ and the number is larger than the one quoted by Molt. At any rate, however, it was clear that the task was carried forward after the First World War.

IV

The Proclamation to the Nation, issued by the Prussian Government dated November 13, 1918, stated that administrative reform was one of the most important tasks of the new government, and emphasized: "democratization of all administrative bodies, elimination of Gutsbezirke, completely equal suffrage for both sexes in the elections of representatives for municipal and rural communities, and corresponding democratic remodelling of the administrative bodies in counties and provinces".⁸¹⁾ Dissolution of Gutsbezirke, one of the major ideals of the new government, was achieved at last in 1927, nine years after the Proclamation, under the law titled "Gesetz über die Regelung verschiedener Punkte des Gemeindeverfassungsrechts vom 27. Dezember 1927".

The bill concerning new municipal and rural communities (Städte-und Landgemeindeordnung) was published by the Prussian Government on March 30, 1922, and in December of the same year, another bill relative to a new Landgemeindeordnung was submitted to the Landtag, but it was pigeonholed and never came through. In January 10, 1925, the same bill as was submitted at the end of the preceding Landtag session was re-submitted by the Center Party (Das Zentrum) —the so-called "Urantrag Herold"—, and the bill was considered several times by the house committee in the course of 1926 and 1927.

78) Peter Molt, *Der Reichstag vor der improvisierten Revolution*, Köln 1963, S. 119.

79) K. Kitzel, *op. cit.*, S. 236.

80) *Sten. Ber.* (13. Jan. 1913), S. 9310.

81) Gerhard A. Ritter/Susanne Miller (Hrsg.), *Die deutsche Revolution 1918-1919. Dokumente*, Hamburg 1975, S. 105.

The major issues of discussion were formation of the Landbürgermeisterei (the federation of rural communities without losing their own independence) and the dissolution of Gutsbezirke. We shall now review these two issues, with reference to the summary of comments made by each party on the "Urantrag Herold" made at the committee sessions of April 13-15, 1926, and January 5, February 2-3, 1927.

(1) With regard to the Landbürgermeisterei, (a) the German Nationalist Party (Deutschnationale Volkspartei, DNVP) criticized it as quite obsolete, unacceptable to all parties other than the Social Democratic Party, and that the Social Democratic Party was ignorant of the situation in the eastern provinces. DNVP would approve of those already existing Landbürgermeistereien in Rhine Province, Westphalia, Schleswig-Holstein and other provinces but it must reject any attempt to extend the application to other parts of Prussia.⁸²⁾ (b) the German People's Party (Deutsche Volkspartei, DVP) was basically in agreement with DNVP, but pointed out that people's dislike for the Landbürgermeisterei was quite prevalent in Hanover and Schleswig-Holstein, and insisted that the bill must have some provisions which would enable the system to be abolished if necessary.⁸³⁾

(c) The Zentrum supported the bill, criticizing that the allegation of DNVP and DVP was nothing but one-sided representation of the opinions of people from the east, but at the same time, the party pointed out that much of the basic premises which had been thought to justify the Landbürgermeisterei in the past were actually in the process of extinction. In other words, because those tasks such as electric power supply, social welfare, construction of roads and others which had previously been entrusted to local communities were gradually taken over by the large organizations concerned, local communities would progressively lose the urge to promote development of Bürgermeistereien. For this reason, the Zentrum maintained that Rhine Province and Westphalia, where the institution was in existence, should decide at their provincial Landtag whether it should yet be allowed to continue.⁸⁴⁾

(d) The German Democratic Party (Deutsche Demokratische Partei, DDP) was skeptical about the validity of the opinion held by the Zentrum. DDP was sympathetic to the Bürgermeisterei as it existed in the western provinces and stated that the institution should not only be maintained in the west but the possibility to introduce it into the east must also be left open, although coercive introduction of the Bürgermeisterei into entire part of Prussia should be avoided, at least until such time as it was beyond doubt that the institution, if introduced, would benefit the east too.⁸⁵⁾

(e) The Social Democratic Party (Sozialdemokratische Partei Deutschlands, SPD) was the most assiduous promoter of the Landbürgermeisterei. The party stressed that introduction of this institution would mean major progress in the east too, as there was urgent need to have those numerous Landgemeinden in the east, which lacked all financial

82) *Sammlung der Drucksachen des Preussischen Landtags*, 13. Bd., Drucksachen Nr. 6260A, Berlin 1928, S. 7070-7072.

83) *Ibid.*, S. 7071f.

84) *Ibid.*, S. 7071f.

85) *Ibid.*, S. 7072, 7074.

capability for services, combined into the Bürgermeisterei which would be in a much more comfortable position in that respect. SPD argued that the east's objection to the Bürgermeisterei was motivated by political reasons, since these people knew exactly how the institution would strengthen the life of the Landgemeinde and its independence.⁸⁶⁾

(f) The Communist Party (Kommunistische Partei Deutschlands, KPD) argued that the federation of rural communities (Bürgermeisterei) would not result in any saving of expenditures, and that the integration of rural communities (Eingemeindung) should be the only correct choice⁸⁷⁾, thus showing clearly its posture to oppose the SPD.

(2) Now, with regard to the issue of dissolution of Gutsbezirke, the political parties took the following positions: (a) DNVP argued that transformation of Gutsbezirke into Landgemeinden could be undertaken only when the former had lost their *unity of possession*. When such a prerequisite condition did not exist in a particular Gutsbezirk, the latter would have to be maintained.

A DNVP member of parliament, in this connection, recounted his own experience as an ex Landrat. He had been in this position in Ost-Prignitz County of Brandenburg Province in 1919 when the abolition of Gutsbezirke and their integration into Landgemeinden became an issue in this region. As the Landrat, he asked the opinion of about 70 village mayors (Gemeindevorsteher) of the Landgemeinden and all of 36 chiefs of the Gutsbezirke (Gutsvorsteher) in the county, and it turned out that only two each of the Gemeindevorsteher and Gutsvorsteher approved of integration while all the rest were categorically opposed to it. Not only did the owners of Gutsbezirke want independence of their districts, but the majority of the Landgemeinden feared, above all, the charge of road construction and that of bridges in particular; they were also afraid of an increase in the political strength of floating population consisting of farm workers in large Gutsbezirke etc., which would have the effect of altering the constitution of traditional Gemeindevertretung (village assembly), leading to the loss of a decisive voice on the part of old families of landed peasants. For these reasons, they did not like at all the idea of combination with Gutsbezirke.

In view of these experiences, DNVP was against the forced integration of Gutsbezirke and Landgemeinden, and stressed that the Gemeindevertretung of a Landgemeinde should have the right to decide whether the integration would be accepted or not, as well as the right to file an objection to any proposed integration. According to DNVP, there was nothing surprising in the fact that in East Prussia, more than 4,000 Landgemeinden were opposed to the combination with Gutsbezirke, and if Gutsbezirke were dissolved by force, it would give rise to a storm of indignation on the part of Landgemeinden themselves. The position of DNVP was partly wishful thinking, but the party was nonetheless against the dissolution of Gutsbezirke in principle.⁸⁸⁾

(b) DVP pointed out that the bill left many things to be desired inasmuch as the

86) *Ibid.*, S. 7071.

87) *Ibid.*, S. 7073.

88) *Ibid.*, S. 7075f., 7078ff.

procedures for dissolution of Gutsbezirke were to take place only once and no provisions were made for those Gutsbezirke which were to remain; it stated that certain authoritative functions still left to owners of Gutsbezirke—such as a kind of police power which authorized provisional arrest by the Gutsherr as the deputy of local police authorities—must be removed, but if these shortcomings were to be corrected, Gutsbezirke should probably be allowed to continue their existence.

DVP also noted the resistance against elimination of Gutsbezirke came not only from the Gutsherren but also from the inhabitants of Gutsbezirke and adjacent Gemeinden and emphasized that elimination of Gutsbezirke should be done gradually. Even if Gutsbezirke were dissolved, the question of difference in economic scale would not disappear and there was consequently danger of new conflicts. Moreover, those peasants who had been subordinated to Gutsherren were afraid of possible infringement of individual freedom due to the economic superiority of owners of estates (Gutsbesitzer) in Gemeinden, if Gutsbezirke and Landgemeinden were forced to integrate.⁸⁹⁾

(c) The Zentrum, including those members who were from the east, thought that the Gutsbezirk was an institution no longer compatible with the time and for that reason, it must be disbanded as far as possible, except that for those Gutsbezirke consisting of heaven and earth only, there was really no way to do so.⁹⁰⁾

(d) SPD considered the dissolution of Gutsbezirke as the most important political issue and emphasized the following points: (i) For a democratic country, it was an intolerable fact that about 12,000 Gutsbezirke continued to exist, leaving its total population of approximately 1.2 million without any communal rights whatsoever. Gutsbezirke were the stronghold of reactionary conservatives which still supported DNVP, and many people were totally ignorant of the real nature of this institution. (ii) In the Gutsbezirk, the Gutsbesitzer as chief of the district functioned also as an auxiliary organ of the police, and in the case of a large Gutsbezirk, he was the chief of cantonal district (Amtsvorsteher), which would enable him to exercise police power over his own laborers, employees, tenants and so on. His economic power as an individual would never be stronger and more powerful than it was in such a closed Gutsbezirk. (iii) The Gutsbesitzer wanted to keep independence of their Gutsbezirke in which their political power consisted. Even though inhabitants of Gutsbezirke, including laborers etc. had been allowed to vote for the Reichstag, Landtag, Kreistag and Provinziallandtag, their civil rights should also extend to suffrage in communal election. (iv) It was evident that Landgemeinden often did not want to integrate with Gutsbezirke, but if a reform had to be subject to the will of Landgemeinden, no political reform would be accomplished at all. The time, however, required dissolution of Gutsbezirke and if people were afraid of a conflict in implementing reform, then there would be no reform to be spoken of.⁹¹⁾

(e) KPD pointed out that the recent economic situation clearly dictated the large-scale integration of rural communities (Eingemeindung), and claimed that dissolution

89) *Ibid.*, S. 7075, 7077.

90) *Ibid.*, S. 7078.

91) *Ibid.*, S. 7076f., 7078.

of Gutsbezirke was a must in order to save inhabitants of Gutsbezirke from further political as well as economic disadvantage.⁹²⁾

In the course of the committee's deliberation, the Herold Bill underwent certain modifications. As Kleinmeyer of SPD summarized on the occasion of the second reading of the Herold Bill at the Landtag of Prussia on June 22, 1927, the original bill had maintained both the Landbürgermeisterei in Rhine Province and the Amtsbezirk in Westphalia and required a majority vote of two-thirds at the Provinziallandtag to introduce these institutions into other provinces, but the committee changed this provision drastically so that the Provinziallandtag could now decide not only on introduction but on dissolution of the Landbürgermeisterei as well. Also, while the committee attached primary importance to the dissolution of existing Gutsbezirke, it required actual dissolution to be made only when the following four restrictive conditions were met, namely, (1) the plan for dissolution had already been adopted by the Kreisausschuss (county executive committee), Bezirksausschuss (district executive committee), and Provinzialrat (council of the province), (2) when the dissolution seemed inconsistent with the basic purpose and impractical, (3) if it did not allow development of distinct communal life due to the scarcity of inhabitants or geographical distance between places of residence, and (4) when the overall benefit expected to be realized did not seem appropriate at all in terms of the disadvantages on national economy.⁹³⁾

In conjunction with such deliberations, Wick (Oberursel) said that while SPD conceived the Bürgermeisterei as a preliminary step toward the establishment of a unity of local communities, it would be impossible to introduce this institution into the eastern provinces of Prussia because of the requirement for a two-thirds majority vote at the Provinziallandtag. Wick attacked in particular KPD who did not cooperate with others in dissolution of Gutsbezirke, by saying that DNVP and DVP were helped by KPD in obstructing passage of the bill, notwithstanding the fact that the Landtag had been dealing with legislations for communal self-government ever since 1922.⁹⁴⁾

On October 6, 1926, the Prussian Minister of the Interior, Carl Severing was ousted from his position and succeeded by Albert Grzesinski on account of his being remiss in promoting dissolution of Gutsbezirke which was one of the principal interests of Otto Braun, the Prime Minister. The new Minister of the Interior in consequence put forward, as one of the key tasks of the government, elimination of the Junkers' old privileges which still existed in Prussia, by dissolving Gutsbezirke.⁹⁵⁾ Thus, while SPD tried to drive forward the Herold Bill along with the Zentrum, DDP and other members of the "Koalitionsparteien", DNVP, DVP and KDP attacked the move from both wings.

Kilian, a member of KPD said that his party was free from all restraints shared by the "Koalitionsparteien" and thus it was under no obligation, unlike the other parties constituting the right to central wings, to represent the interests of capitalists, and argued

92) *Ibid.*, S. 7079f.

93) *Sitzungsberichte des Preussischen Landtags* (22. Juni 1927), S. 21133f.

94) *Ibid.*, S. 21135-21141.

95) Hagen Schulze, *Otto Braun oder Preussens demokratische Sendung*, Frankfurt/M. 1977, S. 513f.

that the working class must be aware of the fact that so long as the capitalistic state was in existence, it would be impossible to expect any communal politics that would fully respond to the proletarian interests. Based on such a rigid dogmatism, he emphasized that the Herold Bill had nothing to satisfy workers' needs with respect to the fundamental law applicable to communal self-government, and in particular, the proposed legislation provided for nothing but the interest of capitalists in terms of economic activities envisaged for local communities, which placed completely in line with the policy of the German Association of Industry (Reichsverband der Industrie).⁹⁶⁾

Moreover, KPD dared to submit its own bill, known as the "Urantag Pieck" relative to dissolution of Gutsbezirke. At the first reading of the bill held on June 29, 1927, in explaining the Party's purpose in presenting the bill, Kilian aimed his attack at the SPD.

Kilian first pointed out that ever since the revolution of November, 1918, administrative reform had been the order of the day, and Severing, who had become the Prussian Minister of the Interior in 1920, in spite of his statement that the reform was an urgent task, neglected in fact to introduce any reform over the years. He accordingly claimed that SPD had committed a monstrous crime, along with the other ministerialists of failing to crush the reactionary hope of maintaining the ancien régime of the German Empire also in the bureaucracy. He said, regarding the dissolution of Gutsbezirke, that if SPD had ever been faithful to its slogan to liberate villages and their proletariat, the dissolution could have been realized years ago.....in 1920, 1921 or even in 1923; the Landtag, backed up by the pressure of the revolutionary mass, could have carried out the task without difficulty, although it was no longer easy any more to establish a legislation requiring radical elimination of Gutsbezirke.

Kilian then went on to say that although the provisions of the Landgemeindeordnung proposed by Herrfurth were reactionary, it would not be impossible to eliminate most of the Gutsbezirke if the government and the ministerialists were firmly determined to dissolve the Gutsbezirke, but because the current government was taking a compromising attitude and lacked sufficient support from the Koalitionsparteien, it had to seek the additional help of the reactionary parties. Kilian also attacked SPD, by saying that it never possessed the republican will unlike Napoleon who had completely eliminated from Rhineland all Gutsbezirke, strongholds of the reactionary powers in the region. Thus, while KPD did consider dissolution of Gutsbezirke as an important political task, it was not prepared to let the Landgemeindeordnung be enacted in the form and context desired by the Koalitionsparteien. The Communist Party's aim in fighting against the Herold Bill was to fight with the "Koalition" in order to disintegrate SPD from the Prussian coalition.⁹⁷⁾

Haas (Köln), a member of SPD, retorted that if KPD had not offered help to the right wing parties, the Landtag would have enacted already a new and comprehensive Landgemeindeordnung in spite of the resistance from the right wing parties. He stated that the "Urantag Pieck" was nothing but a literal transcription from the bills and

96) *Sitzungsberichte* (22. Juni 1927), S. 21156ff.

97) *Sitzungsberichte* (29. Juni 1927), S. 21431-21442.

proposals submitted by the ministerialists, prepared for the sake of obstructing the deliberation. Haas declared that, if the policy to enact the new Landgemeindeordnung and Städteordnung and then to prepare the way for enactment of the Kreisordnung as well as the Provinzialordnung became frustrated midway, then a new special legislation would have to be considered, not only for the dissolution of Gutsbezirke but for other points as well.⁹⁸⁾

After the Herold Bill had suffered a setback as Haas predicted due to objections of the two wings, the Koalitionsparteien submitted, on December 6, 1927, a new proposition concerning dissolution of Gutsbezirke, details about Landbürgermeisterei and integration of rural communities titled "Urantrag der Abg. Haas (Köln), Schüling, Schmiljan und Gen. auf Annahme eines Gesetzentwurfs über die Regelung verschiedener Punkte des Gemeindeverfassungsrechts". The bill was subsequently discussed twice on December 12, and was adopted by the majority including the Communist Party, and became a law on December 27, 1927.⁹⁹⁾

The Vorwärts, organ of SPD, carried an article titled "Gutsbezirke disappear! A Success of the Prussian Government—Failure of Right Wing Obstruction in Parliament" to report that most of the 12,900 Gutsbezirke would be dissolved with the result that the inhabitants of the Gutsbezirke were to be granted, for the first time, suffrage in communal election and the people would be able to exercise their power in the communal election scheduled for the spring of the next year, 1928.¹⁰⁰⁾

According to the law, dissolution of Gutsbezirke would take either one of the three procedures as follows: (1) combination with rural community (Landgemeinde) or with municipal community (Stadtgemeinde). (2) formation of a new Landgemeinde or Stadtgemeinde by integration of another Gutsbezirk, or (3) transformation either on its own or in conjunction with others into a Landgemeinde or Stadtgemeinde.¹⁰¹⁾ Each Landrat was asked to prepare by January 15, 1928, a draft proposal concerning the dissolution of all Gutsbezirke within his county. Thereafter, he was to request decisions of the communities concerned as well as opinions of the owners of Gutsbezirke by February 6. The Kreisausschuss, on these bases, was to complete the plan for dissolution by March 12. The government explained that it was necessary to set the program quite tightly because of the need to give suffrage to inhabitants of the Gutsbezirke by the time of the election of local communities scheduled to be held in May, 1928, at the latest.

98) *Ibid.*, S. 21448–21454.

99) *Ibid.*, S. 22221ff. According to Schulze, Severing, the Minister of the Interior, made a mistake in that he had tried to achieve dissolution of Gutsbezirke within the framework of the overall Landgemeindeordnung, requiring a majority of two-thirds at the Landtag as a constitutional amendment, which would have hardly been expected considering the political situation at that time. On the contrary, the new proposition on the communal law drafted under his successor, Grzesinski, and submitted by the Koalitionsparteien, contained only those measures allowed under the constitution and for this reason, the bill managed to overcome various attempts of the right wing parties to obstruct the proceedings (H. Schulze, *op. cit.*, S. 576).

100) *Vorwärts*, 13. Dezember 1927, 44. Jg. Nr. 587.

101) Friedrich Steinberg, *Die Auflösung der Gutsbezirke*, Berlin 1928, S. 12.

By April 15, the Oberpräsidenten had submitted confirmation of the dissolution of Gutsbezirke to the Ministry of State, and whereupon, the latter undertook the final review.¹⁰²⁾ As of January 1, 1928, there were still 11,894 independent Gutsbezirke in Prussia along with approx. 29,000 Landgemeinden and 1,000 Stadtgemeinden, but most of those Gutsbezirke were dissolved soon after the law came into force on September 30, 1928, and as of August 1, 1930, there were only 275 remaining, most of which being the large Forstgutsbezirke.¹⁰³⁾

Not much is known as to what type of conflicts occurred in the course of the dissolution, except for facts recorded in documents of the Geheimes Staatsarchiv.¹⁰⁴⁾ Also, considerable time to have been spent in coordinating interests between the parties concerned.¹⁰⁵⁾ In my opinion, however, the most enlightening statement concerning the historical significance of dissolution of the Gutsbezirke would be the one made by Hans Rosenberg, which goes as follows: "it was only in 1927 that the residues of Gutsherrschaft as an administrative institution were finally removed by the dissolution of knightly estates which had been functioning as independent districts of local administration and local police organization. Thus, the Weimar Republic at last succeeded in depriving Grossagrarien of their aristocratic privileges and of the symbol of their exclusive domination."¹⁰⁶⁾

Thus, towards the end of the Weimar Republic, the dissolution of Gutsbezirke abolished finally the *dual structures* existing in local self-government in the eastern part of Prussia, and this served as an important step in the modernization of Prussian Germany. Nevertheless, the dissolution of Gutsbezirke did not link up with remodelling of industrial structures in the east by means of large-scale internal colonization, and while top priority should have been given to such a structural change as a means of overcoming the serious unemployment problem caused by the Great Depression which began in 1929, the Weimar Republic collapsed and the Nazi regime succeeded it. The one-time Prussian Minister of the Interior, Herrfurth, stressed that the State's legislation should be directed "into the villages" (auf die Dörfer) in response to the same slogan of the Social Democratic Party. Neither the Social Democratic Party nor the Weimar Republic, however, succeeded in implementing the slogan in practice. It was the Nazis who achieved wide penetration among the peasantry.¹⁰⁷⁾

102) *Ibid.*, S. 22. ff.

103) Ulrich von Dassel, *Aufgelöste Gutsbezirke in der Auseinandersetzung*, Berlin 1934, S. 1.

104) Example [I] The Landrat of Teltow county in the vicinity of Berlin submitted on October 15, 1928, a document to the Prussian Minister of Justice containing opinions of the Kreisausschuss concerning dissolution of Gutsbezirk Düppel. The City of Berlin, owner of this Gutsbezirk, had previously proposed to absorb it into the city itself, but the Cabinet decided to integrate Düppel with other related Landgemeinde and thus it remained in Teltow county. Later on, the Cabinet tried to change the decision, and the document stated that the Kreisausschuss unanimously resolved to protest against the Cabinet policy in defense of its fundamental interest (*Geheimes Staatsarchiv, Preussischer Kulturbesitz*, P. 135, Rep. 84a Nr. 10094. 182 a-d).

Example [II] Grzesinski, the Prussian Minister of the Interior, circulated a document dated January 28, 1929, to the Prime Minister and other Cabinet members concerning the dissolution of Gutsbezirke. The document reports about objections raised by the Ministers of Agriculture and of Commerce

against the plan drawn by the Minister of the Interior to dissolve the three Gutsbezirke of Wöltingerode (Kreis Goslar), Gottesgnaden (Kreis Calbe) and Lauchhammer (Kreis Liebenwerda), and the failure to establish a compromise between the Ministers involved.

(1) Wöltingerode was a Gutsbezirk belonging to the Klosterkammer Hannover (946 ha, population 356), in which a new shaft of the Herzynia potassium plant in Preussag was located. The Minister of the Interior was in agreement with the opinion held by the Kreisausschuss and the Regierungs- and Oberpräsidenten that the Gutsbezirk could be combined with the adjoining Landgemeinde Vienenburg. The economic ties between the Gutsbezirk and the Landgemeinde, as well as other relationships in the matter of church and schools, supported the view. Moreover, Vienenburg was essentially a village consisting of homes of people working for the Herzynia shaft without much financial capability, so its tax revenue had to be increased. The proposal of the Minister of the Interior was therefore consistent with the Cabinet policy to combine residential community with entrepreneurial community in order to achieve an equilibrium of financial burden between different communities. The Minister of Agriculture, on the contrary, took the view that the Gutsbezirk should be integrated with Gemeinde Wiedelah. The Minister of the Interior said that there were no recognizable economic and cultural relationships between Wöltingerode and Wiedelah, and there was no reason to strengthen the latter either. He recommended to the Cabinet, in consequence, not to divide Wöltingerode but to combine it with Vienenburg.

(2) The Minister of the Interior proposed to break up Gutsbezirk Gottesgnaden (875 ha, population 344), of which the main part was to be integrated, into the adjacent city of Calbe, while the Vorwerke Trabitze and Kolno, located far apart, were to be integrated into their adjacent Gemeinde of Trabitze and Zuchau, respectively. The Minister of Agriculture objected to the division and proposed instead that it should be integrated into another Gemeinde of Schwarz, because in his opinion, the integration with Calbe would make the tax burden on the demesne of the Crown of Gottesgnaden an excessively heavy one. In spite of the objection, however, the Cabinet was recommended to adopt the Minister of the Interior's proposal.

(3) Gutsbezirk Lauchhammer (1,125 ha, population 1,251) was mostly an agricultural and forestry area, but a small part of it also had industrial characteristics because there were facilities of Mitteldeutsche Stahlwerke, and most of the inhabitants lived in this area. The Landgemeinde of Naundorf was located at a distance of 1 or 2 km. Some of the employees of Lauchhammerwerk lived in the company housing colonies within the industrial area, while others were living in Naundorf. Because of these circumstances, the Minister of the Interior, the Regierungs- and Oberpräsidenten all agreed that the industrial area should be combined with Naundorf in order to combine the entrepreneurial community and the residential community of workers. The Minister of Commerce, on the other hand, thought that Lauchhammerwerk should be converted into a Landgemeinde by annexing the adjacent parts of the Gutsbezirk. The Minister of the Interior, however, was against it. He thought it was unnecessary to establish a new Gemeinde in the limited area, and proposed to divide Gutsbezirk Lauchhammer so that Grünewalderlauch, situated far apart, could be combined with Landgemeinde Grünewalde, which the remaining part would be integrated into Landgemeinde Naundorf (*Geheimes Staatsarchiv*, P. 135, Rep. 84a Nr. 10094, 2-7).

The Minister of Commerce, in his comment dated February 13, 1929, and circulated to the Cabinet members, took a stand against the Minister of the Interior, stating that while he was in agreement with the Minister of the Interior to combine as far as possible an entrepreneurial community and a residential community for the workers when a Gutsbezirk was to be dissolved, in this particular case, he could not find any such relationship between Gutsbezirk Lauchhammer and Gemeinde Naundorf. Among those approximately 3,000 employees and workers of Mitteldeutsche Stahlwerke, less than 720 lived in Naundorf, and others lived in different villages. Of those others, no more than 612 lived in Lauchhammer itself, although, in addition, 211 workers of Bubiag (Braunkohlen- und Brikett-Industrie A. G.) also lived in Lauchhammer. Under these circumstances, it would be a mistake to consider Naundorf as the residential community of the Lauchhammer workers, or conversely, to say that the latter constituted the entrepreneurial community of Naundorf, because in Naundorf there were several hundred inhabitants working for other enterprises. On the other hand, Lauchhammer had 1,208

inhabitants which made it one of the largest Gutsbezirke and suitable for constituting an independent community on its own. It had its own schools, churches, facilities for sports, welfare and social activities. Moreover, 626 people representing 94% of the total eligible voters, regardless of their political or social position, signed a petition for communal independence of Lauchhammer. The Minister of Commerce concluded, on these grounds as well as in consideration of financial and other aspects, that the most desirable solution would be to convert Lauchhammer into an independent community (*Geheimes Staatsarchiv*, P. 135, Rep. 84a Nr. 10094, 10-12).

The Minister of Education also circulated a document dated February 18, 1929, to the Cabinet members involved concerning the dissolution of Gutsbezirk Wöltingerode, stating that in view of the conflict of opinion between the Minister of the Interior, who wanted to integrate the Gutsbezirk with Gemeinde Vienenburg, and the Minister of Agriculture who proposed the combination with Gemeinde Wiedelah, he now decided to ask for transformation of the Gutsbezirk into an independent Landgemeinde, which was his original position in the matter (*Geheimes Staatsarchiv*, P. 135, Rep. 84a Nr. 10094, 13).

According to Grzesinski's circular to the Cabinet members dated March 28, 1929, concerning the dissolution of Gutsbezirk Gottesgnaden (Kreis Calbe), the Minister of the Interior stated that the Cabinet's decision was to combine it with Landgemeinde Schwarz without dividing it, in recognition of the opposition of the Minister of Agriculture (*Geheimes Staatsarchiv*, P. 135, Rep. 84a, 17).

Example (III) A document submitted on July 26, 1929, by Gemeinde Eggersdorf to the Prussian Minister of Justice contains the following request on the matter of dissolution of Eggersdorfer Forst = Forstbezirk "Rüdersdorfer Forst". According to the Cabinet decision of December 7, 1928, the Forstbezirk "Rüdersdorfer Forst" would not be dissolved, and the dissolution was limited to the part of Eggersdorf-Peterhagen only. Consequently, the Landrat drew up a new plan calling for partial integration of Eggersdorfer Forst—the northern part and two exclaves located in Eggersdorf village—into Gemeinde Eggersdorf, and the Gemeinde approved the plan on February 12, 1929. However, the city of Strausberg also wanted a part of the aforementioned territory—mainly the railway station of Strausberg and a Gelände directly connected to it. This was because the station carried the city's name, and some of the children of the local railroad employees went to the city high school. Moreover, the city maintained a streetcar service between it and the station which were 7 km apart.

However, this part had the largest tax payment capability and the only residential zone of the area, and Gemeinde Eggersdorf must, for this reason, ask for integration of this area, also considering various traditional ties it had with this area and its geographical location. The Cabinet Order of December 7, 1928, should be interpreted to mean that a residential area separated from a remaining Gutsbezirk was to be combined with an adjacent Gemeinde. It was clear that the actual communal life could take place only in conjunction with Gemeinde Eggersdorf and not with Strausberg. The Kreisausschuss agreed, that year and also in the preceding year, to combine this area with Eggersdorf. The Forestry Department, originally supportive of this, had later changed its position unreasonably. Thus, since there was the fear that the station and the Gelände might be assigned to the city, the Gemeinde had no alternative but to request fair treatment of its own interest and that the railway station be combined with the Gemeinde (*Geheimes Staatsarchiv*, P. 135, Rep. 84a, 19-22).

- 105) It has been known that a great deal of difficulty was experienced in the course of dissolving Gutsbezirke particularly in resolving conflicts over sharing of burden between the owners of Gutsbezirke and Gemeinden. For instance, in the case of Standesherrschaft Muskau, 15 Gutsbezirke belonging to it had to deal with two cities and 24 Gemeinden. As an example of such difficulty, due to the dissolution, approx. 120 km out of 420 km of public road passing through Gutsbezirke before their dissolution was transferred to Gemeinde's charge, and a conflict occurred concerning the charge to maintain a bridge (Spreebrücke in Sprey) and could not be resolved until the Landrat finally made the decision on March 31, 1940 (vgl. Hermann Graf von Arnim & Willi A. Boelcke, *op. cit.*, S. 462f).

- 106) H. Rosenberg, *Probleme der deutschen Sozialgeschichte*, Frankfurt/M. 1969, S. 19.

- 107) Cf. Eiji Ohno, *Nachisu no Nōgyo Kōryo* (The Agricultural Program of the Nazis), in: "*Keizai-Ronsō*" (*The Economic Review*) Vol. 115, No. 1-2, 1975, pp. 1-24.