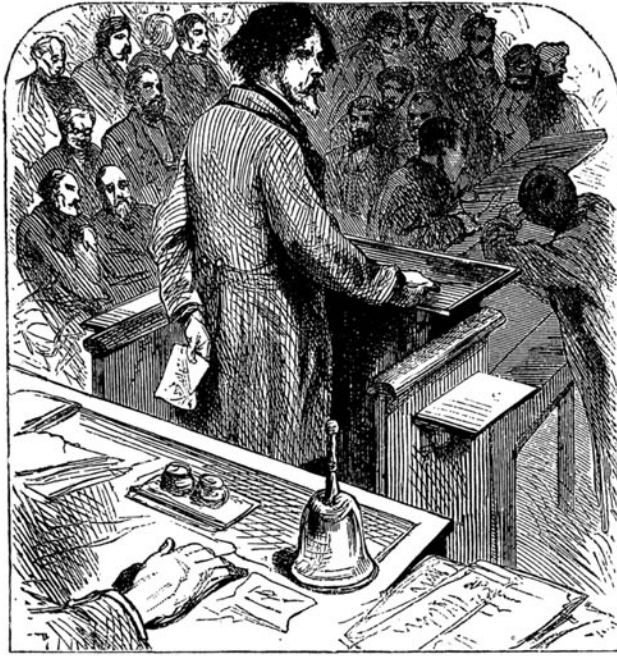


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Excerpt

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A DEMOCRATIC SPEAKER IN THE HAUS DER ABGEORDNETEN.

BERLIN UNDER THE NEW EMPIRE.

I.

THE PRUSSIAN LANDTAG.



FRIEDRICH WILHELM III. died without having bestowed upon Prussia the constitutional government for which his subjects had been expectantly waiting for many years. So decided had popular opinion become respecting the necessity and urgency of this step that his son and successor, Friedrich Wilhelm IV., found it necessary, in order to allay the prevalent discontent, to convoke in 1847 the first national representative gathering composed of the eight provincial assemblies, to which was given the name of the United Landtag. This timid attempt at a Parliament, for it had only a consultative voice, was divided into two councils, that of the Lords and that of the States, the

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latter being composed of the representatives of the knights, middle classes and peasants. The storm at the commencement of 1848 swept away this conclave, but it had left behind it an electoral law, thanks to which the first Constituent Assembly of Prussia, elected by universal suffrage, was convoked and met on the 22nd of May. This Assembly, born of the Revolution, failed to complete the task delegated to it, for the King, backed by the bayonets of the army, dissolved it on the 5th December, granting at the same time, however, a constitution containing the greater portion of the clauses of the charter which the dissolved Assembly had left incomplete.

The new parliament, convoked in accordance with this constitution at the beginning of 1849, consisted of two elective chambers, the members of the upper one being appointed by certain representatives of provinces, districts, and circles. A year having been spent in discussing and revising the charter, it was definitely promulgated on the 31st January, 1850. This revised constitution bore the traces of reaction, much that had been conceded in the hour of panic being eliminated from it. It reduced the elective members of the Upper Chamber to 120, and added to them the Prussian princes who had attained their majority, the heads of families whose territories had been annexed, and all those upon whom the King chose to confer hereditary and life peerages, a dissolution only affecting the elective members. Still even this was not considered reactionary enough and the Upper Chamber was re-modelled by a royal ordinance, which, issued on the 12th October, 1854, has continued in force to the present day.

In May, 1855, a novel debate took place with reference to the style and title of the legislative assembly, which resulted in the old names of First and Second Chamber being exchanged for those of Herrenhaus and Haus der Abgeordneten, the Minister of the Interior arguing that the term "chamber," derived from the French, offered a special meaning which it was feared might cause many misunderstandings. The committee of the Second Chamber was however of a different opinion. The term chamber, it maintained, had already served in Germany, and its French origin need not fill the ministry with fear concerning exaggerated parliamentary pretensions, for parliamentary government was but a fiction in France, and only existed really in England from whence the ministry had taken the name of "Haus" which it desired to substitute for the old one of "Kammer." The committee furthermore objected that the House proposed to be called "of Lords" counted amongst its members many plebeians and that the term "Herren" would alienate public sympathy by causing the people to believe that the interests of the aristocracy were exclusively represented. The *plenium*, however, decided differently to the committee, and the

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title of *Herrenhaus* was finally adopted. The lassitude and indifference which followed the stormy period of 1848 enabled the ministers of the old bureaucratic school to govern for eight years with willing and submissive Houses and to defer the presentation of the numerous organic laws needed to complete the constitution. It is only since the accession to power of the Prince Regent in 1858, that an opposition unquestionably preferable to the indifference of former times has shown itself.

The form of the Prussian government is nominally a constitutional monarchy, differing, however, materially from that of Great Britain, and in many respects from those of Belgium and Italy, notably in the fact that the Lower House enjoys far less power than in these countries, and that many of the incomplete clauses of the hastily drawn up constitution can be interpreted in several senses, practice not having as yet definitely decided in favour of one or the other. The sovereign has the supreme command of the army, the right of declaring war and making peace, of pardoning any offences and of appointing public functionaries. He is irresponsible, and enjoys an absolute veto, together with a civil list from the public domains raised in 1859 from £360,000 to £450,000—rather a contrast to the modest £27,000 with which the economical Friedrich the Great was content. On the other hand he is obliged to lay before the Landtag all bills, financial measures, treaties with foreign powers, except treaties of peace which he himself concludes, and such ordinances as may have been issued during the parliamentary vacations in cases of urgent necessity. He is surrounded by a theoretically responsible ministry, and all royal ordinances have to be countersigned by one of the members of the cabinet. But, *de facto*, ministerial responsibility, the corner-stone of parliamentary government, does not exist in Prussia. It is indeed laid down as a maxim in the constitution, but the law by which it was to have been regulated was not voted either in 1850 or in 1862, the proposals brought forward at these dates by the ministry appearing inadequate in the eyes of the Landtag. The application of the principle proclaimed in the constitution is therefore rendered impossible by the total absence of any laws regulating the method of impeaching a minister, fixing the competent tribunal and the method of procedure, or specifying the offences which would justify impeachment, and the penalties to be inflicted. Real ministerial responsibility may be said to be in the praise or blame which the parliamentary majority has it in its power to express, but the possibility of having recourse to other measures is perhaps the only efficacious guarantee to prevent a ministry from acting without consulting the Landtag, as the Prussian ministry did for four years.

It must never be lost sight of that though the Landtag and the Reichstag have a certain amount of power, this power is

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totally distinct from that wielded by the British parliament. Prussia is really governed under the King, by an active, painstaking, carefully-selected, and admirably-organised bureaucracy, the ministers being merely superior public functionaries appointed by the sovereign, and the parliament a consultative body, useful in fixing the details of all legislative enactments. If a Bill brought forward either officially or through a body of private members is rejected by the Herrenhaus after passing through the Haus der Abgeordneten, it ought to fall to the ground till the next session, unless a royal warrant—an exercise of his prerogative towards which the King is somewhat averse—makes it law in the interim. But if the Government are really interested in the measure and it is not one likely to bring about any disturbance, it is quietly put into execution by the administration, as if nothing unfavourable to it had happened in the Legislature. The Bill does not become State law but by practice becomes a law of custom; the Upper House, content with having had its own way with the Lower House, wisely avoids any squabble on the subject with the Government, the latter gains its object, and as for the people they do not care two straws about the matter.

Even as the Mormon prophet, described by Artemus Ward, rejoiced in being “very much married,” so the Prussian in his secret soul delights in being very much governed. As with military matters, so is every detail of civil administration organized to perfection. Nor does the resemblance end here. The same *esprit de corps* that knits together the wearers of the silver sword knot in such close fellowship, prevails as strongly in the “Regierungsrath,” and the rule of individual responsibility holds good in the civil as well as in the military hierarchy. Two indispensable qualifications are exacted from all aspirants to posts under government, firstly, scientific instruction imparted at a University, and secondly, practical knowledge acquired by experience, and tested by examination. The rule laid down by Baron Stein that no subordinate should appeal to his superior for advice and instructions necessarily obliges a man to concentrate his whole energies upon his duties, and this application is further stimulated by the fact that promotion goes as much by selection as by seniority, and that reprimand and recompense are meted out according to how services are performed and capacity is displayed.

The result is that the work is admirably done, but that countless rules and regulations, novel to any one used to the free and easy fashions of Great Britain, show the vast amount of power wielded by those who discharge official functions. This power, however, so far as certain matters are concerned, is controlled in some degree by the provincial parliaments. These, formerly eight in number, were increased to eleven by the conquests of 1866. Each province has its president, its assembly, and its budget,

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and each moreover has its peculiar usages and institutions. The provinces are in turn subdivided into counties or departments known as "Regierungsbezirke," and it is in the internal administration of these that the bureaucracy exercises an almost arbitrary power. The internal affairs of the various minor territorial divisions have mostly been in the hands of the inhabitants, and here the influence of the landed interest has hitherto told most powerfully, the owner of a knightly estate having a vote equal to that of an entire commune. The County Reform Bill was in a great measure aimed against this preponderance.

Legislative power is confided to the two houses of which we have already spoken. The first, the *Herrenhaus*, comprises three classes of members, the princes of the royal family, whom the king may nominate as they attain their majority, which is fixed at eighteen years of age, the hereditary peers, and the peers created for life by the sovereign. Amongst the second class are Prince Karl Anton, the head of the princely house of Hohenzollern Sigmaringen and the father of the Prince Leopold whose candidature for the Spanish crown was the cause of the Franco-German war, and the heads of twenty other families ranking as sovereign previous to 1803, and taking their seats by virtue of the Federal Act of 1815, which gave them the right of representation in the Prussian Diet. The remainder of the hereditary peers consists of those princes, counts, and lords whom the royal ordinances summoned in 1847 to the United Landtag and who were the leading members of the eight provincial Landtage. Fifty-six seats were allotted to them in the *Herrenhaus*, some of which are vacant.

The life peers created by the king form the most numerous faction of the *Herrenhaus*, being indeed unlimited as to number. First amongst them may be counted the holders of the four great honorary state offices, those of *Landhofmeister* or grand master of the court, *Oberburggraf* or grand burgrave, *Obermarschall* or grand marshal, and *Kanzler* or chancellor. A second division consists of those persons especially honoured with the royal confidence. To these belong the batch of peers created in the autumn of 1872 to ensure the passing of the famous "Kreisordnung" or County Reform Bill. On that occasion twenty-five life peers were added to the *Herrenhaus*, carefully selected from amongst landed proprietors, veteran generals, and ministerial officials; the manufacturing, mercantile, and financial interests being entirely unrepresented in the new creation, which was the fourth, and by far the largest since the formation of the House. The result of this superb parliamentary "job" has been in the words of the leading official organ to "make the *Herrenhaus* innocuous for once and all." It secured a considerable increase of power to the bureaucracy without strengthening the Liberal party.

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A third section of life peers comprises those created by the King upon the presentation of certain corporate bodies. Thus the large towns present forty-one, and the universities nine delegates for nomination, though curiously enough some nine or ten towns of importance, and the celebrated University of Marburg, where Luther studied, are not represented in the Herrenhaus. The other corporate bodies enjoying the right of presentation are the cathedral chapters of Brandenburg, Merseburg and Naumberg, certain provincial associations of counts holding noble properties, and of families distinguished by the extent of their domains, and the so-called "Associations of old and consolidated properties." A few words of explanation concerning the latter are necessary. When Friedrich Wilhelm IV. formed the Herrenhaus it was decided that all the "noble properties" which had belonged to the same family for a period of at least fifty years should form a distinct class of "ancient landed estates," and that those of which the hereditary transmission in the male line was in accordance with special rules should form another class, namely, that of "consolidated landed estates," both class of owners forming corporations invested with the right of presentation.

The Herrenhaus consists of upwards of 300 members, fully one-third of whom have been appointed by the landed aristocracy. Great differences of opinion prevail concerning this class, which corresponds in some respects to our baronetage or squirearchy. "The Junker, wrapt up in himself and his order, impregnated with all sorts of old-fashioned notions about hereditary privileges, and the superiority of those entitled to bear coat armour over those who are not, recognizes but two classes of human beings, the Vons who alone enjoy the monopoly of living, and the non-Vons who only have their *raison d'être* in ministering to the requirements and serving as foils to the ineffable qualities of the Vons. Amongst the latter, however, he admits no distinctions of caste, and the smallest Pomeranian squire, lord of a few sandy acres, occupies in the realm of Junkerthum a social status equal to that of the mightiest *Reichsgraf*. He is born court-worthy, and by excluding the non-Vons from participation in this privilege, the Prussian court but confirms him in his belief that he belongs to a superior class of humanity." The sympathy between the Ultramontanes and a large section of the Herrenhaus is due to the fact that the greater portion of the Prussian Catholics inhabit the eastern provinces, Pomerania, Posen, Silesia and East Prussia, which are also the provinces sending most representatives to the Upper House. The western provinces, where feudal titles have been more generally extinguished, contain fewer Catholics and return fewer members, and the conquered territories fare still worse, Hanover with its population of two millions furnishing no more than eight peers.

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Previous indeed to the reforms effected in the autumn of 1872, the Herrenhaus was completely swayed by the Junker party High Tories to a man they formed a phalanx, the sullen resistance of which the more accommodating members of the House strove in vain to overcome. For a long time they were the staunchest supporters of the government, the King being as Tory as themselves, but, failing to appreciate Bismarck's bolder policy, they were rendered harmless in the manner already noted. The representations of the larger towns, forty-one in number, never mustered in full force owing to the intricacies of the law, whilst the princes of the blood, and the representatives of princely houses have never taken any very active part in the proceedings. Of the members appointed direct by the crown many proved as reactionary as the landed aristocracy itself. Others are too old and infirm, or too indifferent to come to the capital and take their seats, owing to which circumstance, and to the fact that some of the hereditary peers are minors, the attendance of members never exceeds 200, and is ordinarily below one-fourth of that number.

Such are the elements of the complex body which, with the Prussian helmet, forms the most remarkable invention of Friedrich Wilhelm IV. In modelling the Herrenhaus as in conceiving the *pickelhaube* the monarch was inspired more by certain historical reminiscences than by practical considerations, and the consequence is that German officers complain of losing their hair, and Prussian ministers of impediments thrown in the way of passing measures anti-feudal in their character. The infusion of fresh blood in the shape of large batches of life peers is not a remedy but a mere palliative, which can only result in constitutional absurdities, if each ministerial defeat is to be followed by a new creation. The Herrenhaus would in this case be approximate to the Thiergarten, where by digging fresh beds for a superfluity of foul and stagnant water, the evil which it was sought to remove only became extended.

The sittings of the Herrenhaus are held in a so-called palace belonging to that body, situate at the corner of the Leipzigerstrasse and the Leipziger-platz and adjoining the Reichstag Gebäude. The session lasts from October, with a short break at Christmas, until February or March, or about the period when the Reichstag assembles. It may be convoked, however, for extraordinary purposes at any time, but such meetings are scarcely in favour, and would only be justified by highly important occurrences, like the death of the Emperor, or the outbreak of war. There are no fixed days for the House assembling during the session, and sometimes it meets only once in the course of the week, the hour varying from eleven in the morning to two in the afternoon. The hall in which the sessions take place is a somewhat small one. In the body of it are twelve rows of

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benches arranged in a horse-shoe form, there being in addition seats round the wall and at the angles left by the curve of the horse-shoe. The seat of the president faces the benches of the members, and has behind it a canopy of red damask. On each side of the "Rednerbühne," or speaker's tribune, are six seats, while immediately beneath it is a raised table, at which the official shorthand writers have to stand, for the members of the Herrenhaus would never tolerate individuals who are not court-worthy sitting in their illustrious presence. The newspaper reporters occupy half the gallery immediately to the left of the president's chair, the right-hand gallery being set apart for the public, while a third gallery facing the president is divided into three boxes, the centre of which is for the Emperor, and the others for the Corps Diplomatique, and the members of the Haus der Abgeordneten respectively.

The sitting at which I assisted should have commenced at one o'clock, but the members were very slow in assembling, and it was quite half past one or a quarter to two when the proceedings began. Whilst the House was mustering the members chatted familiarly with one another, but directly the president's bell rang as the signal for the commencement of the debate they immediately broke off their conversation, made each other profound bows and walked off to their places without another word, nor did any of them open their lips again unless to make a speech. There were only twenty-five members in the body of the hall when the sitting opened, and five more arrived afterwards, bringing the total up to thirty. I was informed that this might be regarded as an average attendance, there being seldom more than forty members present. Out of the thirty there were six in uniform, but at times half of those present are in regimental array. I could not help being struck by the large proportion of grey and white beards and white moustaches, and by the generally venerable appearance of the members, hardly one of whom could have been under fifty, and this senile aspect of the house extended to the door-keepers and attendants, who were without exception all old men. The members combine with their antiquated presence an eminently aristocratic air which harmonizes happily enough with the dignified dulness of the habitual proceedings in the Upper House of the Prussian Landtag.

The members paid a most becoming but rather languid attention to everything that transpired from the moment the president opened his mouth to read the notices and minutes until the very conclusion of the sitting. If they relaxed this attention at any time, it was to doze and not to talk. On the occasion of my visit I observed four of them go gradually fast asleep, in which condition they remained until the debate had terminated. There were at least half-a-dozen more who seemed inclined to doze off, but the remaining twenty sat silent and motionless, and with

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stately and aristocratic tranquillity gazed placidly at the speaker for the time being. Occasionally one heard "Hör, hör," but this was the only sign of life they condescended to manifest. The debate, however, was sufficiently feeble to account for this. It opened well, but some of the subsequent speeches were remarkably weak. The members began their orations with "Meine Herren," according to the practice in the Lower House, and also observed the custom of not rising to speak till their names were called out by the president. Whenever one of them rose for this purpose it was with the greatest deliberation and gravity that he did so. All the speeches, too, were delivered in an ordinary tone of voice, no attempt whatever being made to emphasize the more important passages. The Herrenhaus possesses no voting lobbies, and during my visit all the voting was decided by ayes and noes, or by a show of hands, there being no necessity to ballot on account of the smallness of the number present.

The Haus der Abgeordneten numbers 432 members, 325 being for the old kingdom of Prussia, while the remainder added in 1867 represent the annexed provinces. They are all elected by universal suffrage in accordance with the law of 1849 which still remains in force, for like so many other promised measures the new electoral law announced as forthcoming by the constitution has never been voted. By the terms of the existing and somewhat complicated legislation there are two categories of electors, the first including every male Prussian subject who has reached his twenty-fifth year, and has resided for six



months in the electoral circumscription without receiving poor relief during that period. These *Urwähler* or electors of the first degree are subdivided, according to the respective amount of direct taxes paid by them, into three classes, each of which appoints an equal number of electors of the second degree. Thus in an electoral circumscription paying 90,000 thaler in direct taxes the hundred or two hundred wealthy electors paying among themselves the first third of the amount, the thousand or fifteen hundred paying the second third, and the ten or twenty

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thousand paying the remainder nominate an equal number of delegate electors of the second degree, who can be chosen indifferently from amongst all classes. Their proportion, however, must not exceed one for every 250 inhabitants in the electoral circumscription. These delegate electors in their turn elect the deputy, who must have attained thirty years of age and be in full enjoyment of civic rights. All public functionaries are eligible as deputies without it being necessary for them to resign their official posts. The constitution has left undecided the point whether they themselves or the State should remunerate the persons temporarily replacing them in their official duties during the parliamentary session, still the practice is for these substitutes to be paid by the State. The deputies formerly received three thaler per diem as subsistence-money, but the enormous rise in the rates of living and lodging in Berlin since the war led to the introduction in the early part of 1873 of a bill for augmenting this to five thaler. It was carried by 210 votes to 116, the Junker party, then strongly represented in the House, warmly opposing it, anxious to keep away impecunious candidates from the assembly honoured by their presence. One of them, addressing the supporters of the bill, remarked that if they had neither the means nor the leisure to devote themselves to public affairs the best they could do was to stay at home.

The term of existence of the Lower House is limited to three years, and re-elections must take place within three months of a dissolution. Members of either House cannot be called to account either for their votes or for opinions expressed by them in the House, nor can they be arrested for any act entailing legal penalties, unless seized within four-and-twenty hours of its perpetration, without the consent of the body to which they belong. Criminal proceedings and civil arrest may alike be suspended against a member during the session of the House to which he belongs. Both Houses may be convoked in extraordinary session as often as circumstances may require, and must be convoked, opened, adjourned, and prorogued simultaneously. Both regulate their own order and discipline, and elect their presidents, vice-presidents, secretaries, and committees. They have the right to interpellate the government, but it is very sparingly exercised, of adopting resolutions, provided always that the legal majority is present, of presenting addresses to the King, of discussing the petitions and complaints that may be presented to them, and appointing committees of investigation, and finally, though only in theory, of impeaching the ministry. The legislative power is not the more or less exclusive appanage of one or the other of the two Houses, but belongs in an equal degree to the three powers—King, Lords, and Commons.

A majority in the Lower House against a Government Bill