

*Short Report***THE DEVELOPMENT OF THE GERMAN SUFFRAGE (1815 – 1918)**

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The main trend in the German suffrage development both in the period studied and at present time is granting the elective rights to more citizens and democratization of suffrage. The slogan “Mehr Demokratie beim Wählen” (More democratic elections) has been successfully realized over XIX-XXI centuries.

Right after the collapse of the Holy Roman Empire the suffrage development process activated and separate German states got granting their citizens the rights to elect local representative government bodies.

Due to the Union Act of 8 June 1815 that stipulated adoption of class-representative constitutions providing for representative government bodies in some German states, gradually (first in the South-German lands) suffrage was implemented. It was rather limited: not universal, not equal, in most cases not direct and in most cases by secret ballot. Practically everywhere the right to vote personally was given to men only. Though in some German lands suffrage (the right to vote through a representative) was granted also to women. On the eve of the revolution of 1848 the portion of people granted suffrage in the German states varied from 0.5 to 17 percent (depending on the character of a state or district). But, despite all this, the suffrage in many German states was fairly democratic if compared with other European countries.

The development of suffrage in Prussia can provide us with a general notion of the German elections on every level in 1815-1918. Elections of local government bodies, of provincial bodies and elections of the united landtags in the first half of the XIX century cannot be described as free or fair, although they were elections by secret ballot, because nearly 90 percent of population had not the right to vote (on the religious and national grounds as well). Also it should be noted that the elective representative bodies in Prussia and in other German states did not play any important role as it were the monarchs who really had power and authority. It was not until 1848 when in Prussia people's representations were formed on the basis of rather democratic (though not direct) elections.

The Prussian pattern of the suffrage development was like this. First they intended to calm the population by granting the rights to form the representative local government bodies, but it proved insufficient. Then these rights were extended to the regional representative bodies, but it proved insufficient either. Later the united landtags of the German states were set but the citizens still demanded the people's representation and the monarchs gave in again. Eventually as revolts occurred, the idea of elective all-

German people's representative organ was realized. The population of most German states in 1848 was granted temporarily rather large elective rights to elect representative government bodies of every level.

As early as in 1849 three-class suffrage was implemented to elect the Prussian landtag. According to the suffrage the minority (those who belonged to the first and second classes) selected quite a few times more electors than the majority of voters (those who belonged to the third class). This suffrage determined the membership of the landtag. It consisted mostly of deputies who defended the interests of the well-to-do citizens.

The Prussian suffrage evolved against a background of the revolutionary movement in the following way: no democratic elections – the revolution of 1848 – implementation of comparatively universal, equal suffrage – decline in the revolutionary movement – three-class undemocratic suffrage – the revolution of 1918 – universal equal suffrage.

Because of considerable faults in limited class suffrage in Prussia the people were not very active in elections. Under the three-class suffrage it were the third-class voters who above all ignored elections because they saw that they could not affect the situation. The limited suffrage met the interests mostly of the wealthiest citizens thus the wishes of the far greater part of the population – the poorer citizens – were considerably ignored.

Yet, despite its undemocratic character the Prussian three-class suffrage did allow the greater part of men to express their opinion in elections. We analyzed the statistics and established that in Prussia the portion of the citizens having the elective rights was about 30 percent larger than in England at the same period of time.

The Prussian three-class suffrage was almost universal (granted to the greater part of the men's population), indirect, unequal; elections were held by open voting (the right for the secret vote went through a number of curious transformations: secret vote by ballot – secret vote by voting paper – open vote).

According to the legislation on the election of the first All-German National Assembly in 1848 citizens of some German Union states were granted the universal (for men), equal, direct suffrage by secret vote, while in other states the citizens (men only) were content with the relatively universal (there were some qualification requirements about financial independence or tax qualification), equal, indirect suffrage by open vote. Despite the relatively democratic suffrage in the German states only about 70 percent of voters took part in the election of the Frankfurt National Assembly.

On 12 April 1849 a law was passed “On election of the People's Chamber of Germany”. This law contained almost every principle of democratic suf-

frage. Men were granted relatively universal, equal, direct suffrage by secret vote. However the law never entered into force.

This law which came to be a sample of democratic suffrage for many countries for many years can be defined as one of the most outstanding events in the world's development of the law science and democracy.

It is traditionally believed that the election of the North-German Union Reichstag and then the election of the German Empire Reichstag were held on the basis of the universal, equal, direct, men suffrage by secret vote. But actually the suffrage was limited, unequal from 1871, elections were held by secret vote as late as from 1903.

Most faults of the Empire suffrage and of the legal status of the elector were eliminated with the passage of the law "On the Reichstag membership and proportional elections in large constituencies" on 24 August 1918. This law substituted the mixed election system for the majority one.

It is significant that the legal principle of equality of electors was broken in many elections in the German states because of the inequality of constituencies or because in case of equality of votes the winner was determined by lot. The inequality of constituencies stemmed from the fact that some of them were formed on the basis of the standard norm of representation while the others were based on the regulation that every area of the German Empire must have at least one representative in the Reichstag. We believe that this inequality of constituencies was justified even from the point of view of the modern legal norms.

The German states suffrage in 1815-1918 allowed the people only to participate in forming the representative bodies which were not important. Besides, the suffrage acted against a background of almost total absence of the political rights of the citizens during all the period studied (except the election for

the Frankfurt National Assembly); this is further evidence that the German suffrage was not free and fair. These were the main reasons why some people's demands were satisfied and the government devised more democratic suffrage in the German states than in other countries (in most German states the suffrage was democratized).

Social and political character of suffrage and elections based on it cannot be determined only by the procedure of elections and the elective rights stated in the legislation. It is political regime that is crucial.

In the early XIX – the early XX centuries the development of the suffrage in the German states was closely connected with the people's revolutionary demands. As these demands grew more insistent the suffrage grew more democratic. As the revolutionary movement slowed down the suffrage got limited. This happened because of fear that democratic suffrage may damage the essence of the state power. Deprivation women of the elective rights was considered natural and had not to be legally laid down. In most cases when granting citizens the elective rights the most important consideration was that people who have no economic influence must not participate in governing the state.

In our opinion the suffrage is an institution which can be constantly perfected but which can never achieve the ideal. For instance, in today's Germany which is a country with democratic suffrage many citizens still campaign for democratization of the suffrage as it was in XIX – the early XX centuries ("Suffrage not for everyone" [Wahlrecht nicht für alle]; "More democracy" [Mehr Demokratie]; "More democratic elections" [Mehr Demokratie beim Wählen]. These slogans today are as urgent as they were in the past and will surely be such in the future (The slogans of the initiative group which has been running a campaign for more democratic elections. URL: <http://www.neues-wahlrecht.de/vi-nrw-mitglied.html>).