

## CHAPTER X

### MUNICIPAL ADMINISTRATION IN GERMANY

THE European city<sup>1</sup> has never suffered from the evils described in the previous chapters. It has never been sacrificed to partisan advantage or to ripper legislation. The municipal code is uniform as to all cities within the state, and changes are made with great caution and consideration. In the more important countries the code has remained essentially unchanged for a century. The present municipal laws of Prussia are based on the reforms of Baron von Stein in 1806, the code of France on the Napoleonic reforms of 1800, and the laws of Great Britain on the Municipal Corporations Act in 1835. Subsequent laws have enlarged municipal powers and adjusted them to new industrial conditions, but the form of government in all these countries has remained substantially the same from the birth of the modern city at the end of the eighteenth century.

#### **European Municipal Forms.**

The large council prevails everywhere. The mayor is elected by the council rather than by the people and is either a titular official, who presides

<sup>1</sup> For a more exhaustive study of the government of European cities see *Municipal Government in Continental Europe* and *Municipal Government in Great Britain*, by Dr. Albert Shaw; *The Government of European Cities*, by Dr. W. B. Munro; and *European Cities at Work* and *The British City*, by the author.

over the council, as in Great Britain, or a highly trained expert, as in Germany. Members of the council are chosen by wards or districts, the election at large being unknown. Nowhere do we find anything approaching the commission form of government or the federal plan, with a powerful mayor to whom are intrusted the appointment of subordinates and the direction of city policies. The nearest approach to this is in Germany. The council generally commands the services of capable and honorable men from the business or professional classes, who gladly respond to the opportunity of public service. Nowhere do they receive any salary. And in all countries the council is an active agency in administration. As the councillor is the only person elected by the people, the short ballot prevails, while city elections as well as their policies and programmes are divorced from national politics.

All over Europe, too, the salaried officials enjoy permanent tenure and are selected because of their training and fitness. The merit system everywhere prevails in the selection of employees. In practice there is no recognition of the American idea of checks and balances and division of power and responsibility. There is rarely any suggestion of dishonesty or graft, as we understand the term, while in most of the countries the administration is fairly comparable to that of the most efficient private corporations.

#### **The German City—The Burgomaster.**

The burgomaster is the central feature in the German system, as is the mayor in America. He pre-

sides over the magistrat, or administrative department, and has a seat in the council. He promotes city policies, oversees all departments, and may suspend and punish officials who have been remiss in their duties. He has, however, no veto power. He is directly responsible to the state for police administration. He neither prepares the budget nor introduces it. These functions are performed by members of the magistrat. Some cities have two burgomasters, in which case the senior one is called the over-burgomaster, or first burgomaster.

The salaries paid burgomasters are relatively high. Berlin and Frankfort pay their over-burgomaster \$9,000 a year, while Leipsic, Cologne, and Magdeburg pay \$6,250 a year. In addition, the burgomaster receives a number of substantial perquisites which may amount to from one third to one half the salary. When he retires from office he is entitled to a pension of from one half to three fourths of his salary, depending upon the length of his service.

The office of burgomaster is one of the most alluring positions in Germany. The post carries with it distinction, social position, and dignity. The city engages in a multitude of undertakings, has a large budget, and if the mayor is a man of vision, as he generally is, he has it in his power to employ all his knowledge and energy in the development of the city.

#### **Some Distinguished Municipal Officials.**

Municipal office in Germany is permanent. The burgomaster is elected for from six to twelve years in the first instance, with the expectation that he

will be re-elected on the expiration of his term. And this is the usual practice. The burgomaster of Halle was mayor of that city for a quarter of a century. Doctor Martin Kirschner, until recently the chief burgomaster of Berlin, was first a judge, but in 1873 he entered municipal life as a town-councillor in Breslau. Later he became the legal adviser of the city and in 1893 was called from Breslau to become one of the burgomasters of Berlin. Six years later he was elected to the office of chief burgomaster, which office he held until shortly before his death. Doctor Adickes, until recently the chief burgomaster of Frankfort-on-the-Main, and probably the most distinguished municipal official in Germany, began his official career after the Franco-Prussian War as burgomaster of Dortmund, where he remained for four years. In 1877 he was called to Altona and in 1883 became its chief burgomaster. In 1891 the city of Frankfort elected him to be its burgomaster, which office he held up to 1913.

In 1898 the city of Düsseldorf called Doctor Wilhelm Marx to be its burgomaster. He held the office for twelve years and was succeeded by Doctor Oehler, who was called to Düsseldorf from Crefeld.

The burgomaster need not live in the city to which he is called, and in practice men move from one city to another, much as do managers of private business, professors, or ministers in this country. There is no politics, in our understanding of the term, in the choice of the burgomaster or higher officials, although a socialist would not be chosen under the system

which prevails, and if he were the choice would probably be vetoed by the King.

Men prepare themselves for municipal office as they do for law, medicine, or any other calling. They take special courses in the universities or technical schools. On graduation they enter the civil service or compete for a subordinate municipal position. Administrative offices are also recruited from the city council, the law, or the state civil service. Men rise from one position to another as they demonstrate their abilities. Quite frequently they are called from one city to another. The goal of ambition is to become the burgomaster of a progressive city like Frankfort, Düsseldorf, Munich, or Dresden, and this can only be attained by distinguished success in some line of municipal activity.

#### **The Magistrat, or Administrative Council.**

Associated with the burgomaster in the actual administration of the city are a number of directors, who form the *Magistrat*, or *Stadtrat*. They, too, are elected by the council, under conditions similar to those described for the burgomaster. Approximately one half of the members are salaried; the other half are not. The latter are men of training and experience, experts in general in city administration.

Each of the paid members is selected for a particular line of service. The *Kammerer* occupies the position of city auditor; the *Syndikus* is the head of the legal department; the *Schulrat*, of education; and the *Baurat*, of public works. Other specialists are assigned to charity administration, the relief of the

poor, and the management of the public utility corporations. The salaries paid members of the magistrat are relatively high. In Berlin they range from \$2,500 to \$3,000 a year, and in other large cities from \$1,200 to \$3,000. Members of the magistrat are chosen for long terms, sometimes for life; and in addition to their salaries they receive generous pensions on retirement.

The number of paid members of the magistrat is determined by the council. And a large number are provided for. Berlin, with a population of 2,099,000, has seventeen paid and as many more unpaid members of the magistrat. Magdeburg, with a population of 240,663, has twelve paid and fifteen unpaid officials; Breslau, with a population of 510,939, has fourteen paid and fifteen unpaid ones. The German city has from two to three times as many salaried directors of the first rank in its administrative departments as has the American city. In addition, it has as many more unsalaried ones. The unsalaried members are frequently chosen from the council, much as are the aldermen in Great Britain. They are generally men of comparative leisure or wealth, of high esteem in the community, and their positions are practically permanent. The burgomaster and members of the magistrat sit with the council but do not vote on measures.

#### **Powers of the Magistrat.**

The burgomaster and magistrat occupy a place in the German city somewhat analogous to that of the mayor and department heads under the federal plan

in America. They dominate the administration and are its policy-making body. They initiate much of the legislation, frequently at the request of the council. All ordinances must have the approval of the magistrat, much as legislation in this country must pass both houses of Congress. Rarely is there serious conflict between the two bodies, but when it does arise and cannot be adjusted it is referred to the central authorities, whose decision is final.

The magistrat is the exclusive executive branch of the city. It has control of all of the business enterprises in which the city is engaged; it builds and cleans the streets and controls the schools, parks, and housing. It also performs a number of functions for the state. And in the performance of its activities the members enjoy much freedom. No money can be paid out of the treasury without their approval, although the power to levy taxes or make appropriations is lodged with the council. Members of the magistrat rather than the mayor appoint subordinate officials, which appointments must be confirmed by the council. The magistrat meets as a separate body in much of its work, its meetings being held in secret.

#### **Efficiency of the German City.**

The German city is one of the most efficient corporations in the world. There is no waste, no extravagance, rarely any suggestion of graft or corruption.<sup>1</sup> Both the magistrat and the council con-

<sup>1</sup> The nearest approach to irregularity is the ascendant influence of property-owners in the council, who frequently prevent city-widen-

tain men trained for almost any problem which may arise, whose hopes, ambitions, and social aspirations are satisfied with the opportunities which city administration offers. There is no spoils system in the selection of employees nor is there any rotation in office. Tenure is during good behavior. This is part of the traditions of the country, for in Germany men choose their callings early in life and do not change them as they do in this country. In addition, the universities and technical schools train men for public office, while every tradition leads men to aspire to state service as the highest calling to which they can attain. All classes, too, have a sense of the dignity of the city. There is a recognition of its permanence and the necessity for building with a big vision of the future. It is this rather than the character of officials that most distinguishes the cities of the Old World from our own.

### **The City Council, or Stadtverordnete.**

Members of the town council are elected by wards, as in the United States and Great Britain. They are chosen for six years, and one third of the members retire every two years. None of the members are elected at large. The council is a large body, much larger than in the United States. In Berlin it numbers 144 members; in Mannheim and Karlsruhe, 96; in Dresden, 78; in Leipsic, 72; and in Munich, 62. The size of the council is fixed by law

ing plans, the extension of transit, and other needed improvements, for the purpose of keeping up rents and values within the city. This is a not uncommon complaint.



and depends upon the population of the town. In Prussia there is a minimum of twelve councilmen in the smaller communities.

The council attracts men of a high order of ability from the business and professional classes, who deem it an honor to be elected to that body. University professors and teachers are frequently chosen. Members of the council receive no salaries, and there is no chance for pecuniary emolument of any kind. Service, too, is obligatory, for a man can be fined if he refuses to accept an election.

The council usually meets once a week except during the summer months. There is much committee work, and members take a spirited interest in the discussions and promotion of municipal policies. Much of the work of the council is prepared for it by the magistrat, but, despite this fact, the work of the councillor is very exacting.

### **The Suffrage.**

Qualifications for the suffrage differ in the various German states. Proportional representation prevails in Bavaria, members of the council being chosen according to the respective voting strength of the various parties. In Prussia, on the other hand, the suffrage is adjusted to a property or tax-paying basis. Members of the council are chosen under the three-class system of voting, which permits the large taxpayers to elect a majority and usually two thirds of the council. The voting power of the individual is fixed by the amount of his income tax, which is determined in the following manner:

Income taxpayers are divided into three classes, each one of which elects one third of the council. The classification is arranged as follows: Beginning with the highest single taxpayer, men are checked off in order until one third of the total taxes is ascertained. The taxpayers in this group constitute the first class and elect one third of the council. Then those whose aggregate taxes comprise another third of the total are checked off and constitute the second class and elect a second third of the council. The great mass of electors, whose aggregate income taxes comprise the final third of the total, make up the third class and elect the remaining third of the council. This is the substance of the Prussian law. It is designed to exclude the socialists and working classes from control of the cities.

#### **Class Rule.**

As a result of this arrangement an insignificant number of persons elect one third of the council, while a very small minority elects two thirds of it. The first class of electors rarely comprises more than 3 per cent. of the total number of voters, while the first and second classes combined include from 10 to 20 per cent. of the total. In Essen, where the Frederick Krupp steel works are located, there were in 1900 only three electors in the first class, with 401 in the second. These three men elected one third of the council, while 404 out of a vote of nearly 20,000 elected two thirds of its membership. In Berlin in 1903 there were 1,857 electors in the first class and 29,711 in the second. Altogether 31,568

electors out of a total of 349,105 chose two thirds of the council. An examination of the election returns in Berlin shows that for every elector of the first class there are 21 of the second and 214 of the third. The city council contained 144 members and one third of these, or 48, was apportioned to each class. As a result, 34 electors, on an average, selected a member of the council in the first class, while 721 electors selected a member in the third class.<sup>1</sup>

### **Other Limitations on the Suffrage.**

There are many other limitations on the suffrage in Prussia in the interest of the property-owning class. The right to vote is confined to male citizens of twenty-four years of age who have paid municipal taxes, who own a dwelling-house, or have a trade or profession which yields an income. Some private corporations are allowed to vote. The ballot is open rather than secret, which makes it even more difficult for the working classes to express their will. The propertied classes derive an additional advantage from the fact that one half of the members of the council must be owners of real estate.

In Munich, the capital of Bavaria, where proportional representation prevails, one must live in the city for two years, have an income of \$300, and have paid \$37.50 for admission to the rights of suffrage. Hamburg, Frankfort, and some other cities have local qualifications on the right to vote.

There are no primaries, caucuses, or conventions in the making of nominations. Nor are there any

<sup>1</sup> *Government of European Cities*, by Doctor W. B. Munro, p.131.

printed ballots. Any qualified person can be voted for, although in practice candidates are selected beforehand by the parties and are well known as such. Prior to the election partisan meetings are held, but in so far as the ballot is concerned the voter is left unaided in the making of his choice. Each candidate must receive a clear majority of the votes cast, and if this is not obtained on the first balloting a second one is held, to which only the two candidates who receive the largest number of votes are eligible.

#### **Lack of Democracy in German Cities.**

It is against these property limitations on the suffrage that the socialists and radicals are protesting. It is this that chains Prussia, as well as her cities, to reaction. For, while nearly every large city in the empire sends socialist members to the Imperial Reichstag, for which practically universal suffrage prevails, none of the cities are as yet controlled by socialists, and in Prussia such control is impossible. The city is really governed by business men, and in so far as special interests influence administration it is the land-owning classes. They protect their interests in a variety of ways by restricting the extension of transportation facilities, by preventing town widening, and other proposals which tend to depreciate real-estate values. This is the most serious criticism that can be made on the honesty and efficiency of the German city.

#### **State Supervision.**

We have seen in a previous chapter that the German city enjoys large freedom from the state in the

administration of its local affairs. There are, however, certain limitations on its powers, limitations, however, which make for its advantage.

The approval of the King must be secured to the election of a burgomaster or member of the magistrat, but this approval is usually given as a matter of course. The state also supervises the police administration and in some cities the police are under the direction of state officials. Cities are required to maintain a minimum standard of education, but beyond this minimum they are permitted to experiment in the greatest variety of ways. If the income tax exceeds a certain rate the central authorities have a right to interfere. The issuance of bonds for new undertakings is also subject to approval, but in practice the department of the interior aids and encourages cities to experiment and engage in new activities which are for the welfare of the community. Housing experiments are encouraged, while authorities are urged to acquire and develop land. The same policy is adopted in the working out of transportation and in the acquisition and development of docks and harbors. State supervision in Germany is for the purpose of encouraging the city rather than repressing it. Standards are established and new ideas are promoted. The state has a solicitous interest in progressive administration and aids the cities in many ways. In addition, the supervision is administrative rather than legislative, and by reason of this fact the regulations of the state are flexible and easily adjusted to local needs and requirements.

**Summary.**

The German city is governed by experts. This and its many socialistic activities is what most distinguishes the German city from the other cities of the world. The administrative officers are permanent; they enjoy a high social position, receive generous salaries, and are trained to the profession of city administration. Members of the council are also men of ability and experience selected from the business and professional classes.

By reason of these conditions, as well as the universal desire for public service, the German city is highly efficient. It is also progressive, even socialistic, in its activities. This is in spite of the fact that it is governed by the business classes, who, through the three-class system of voting, control the city council, which in turn selects the burgomaster and members of the magistrat. A large part of the taxes is collected from incomes, which leads to economy in expenditure, while the freedom of the city to project great undertakings and borrow such money as is needed for them has enabled the German city to project and plan itself in a big-visioned way.

While the German city is not subject to legislative interference as it is in America and Great Britain, it is subject to supervision by the interior department, which oversees the police, approves of all loans and new undertakings, supervises education, and insists upon a high standard of efficiency in all departments. Unlike this country, the state is an agency for the promotion of municipal activities and the encouragement of cities in new undertakings.