

Landownership between Nationalization and De-Liberalization: Changes in Prussian Property Regimes, 1886-1914

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SUMMARY

This article deals with different forms of land ownership in the eastern provinces of Prussia in the three decades before the outbreak of World War One. Research in recent years has assigned a central role in the national conflicts of East Central Europe to the question of land ownership. In the Prussian case, it has focused on the “Royal Prussian Settlement Commission in the Provinces West Prussia and Posen” and reached the verdict that the state’s policy of acquisition and settlement failed. This article examines the various measures used by the Prussian government and administration to restrict the liberal market for land ownership. For this purpose, three forms of ownership are distinguished (private, state and hybrid), which the state promoted in order to increase the share of German land ownership and prevent its sale to Poland. In addition, the quantitative significance of these measures is compared. The results show that, on the eve of World War One, almost one third of the area of both provinces was excluded from acquisition by potential Polish buyers. Prussian minority policy thus contributed to a considerable de-liberalization of the land market by aligning the right of ownership with ethno-national classification criteria. The end result is a complex picture of state measures, in which the settlement policy of the “Settlement Commission” is only one of several building blocks within a more comprehensive land policy and appears to have been much more successful than previously assumed.

KEYWORDS: Prussia, settlement policy, German-Polish relations, nationalism, landownership, property

In 1920, two years after the German defeat in the First World War and the tremendous and near complete loss of the Prussian provinces of Posen, West Prussia, and parts of Silesia in favor of the re-created Polish state, the German economist Ludwig Bernhard lamented: “The belief that the [Prussian] exchequer might win the battle for land [against the Polish population within Prussia] with the aid of its pure financial power has been proved wrong.”¹ Indeed, the official statistics seemed to prove this impression: in 1903, the statistics showed that, around 49,400 ha had changed ownership from “the German hand” to Polish owners since 1896 and, by 1912, this had increased to approximately 99,700 ha. As German nationalists like Ludwig Bernhard had claimed long before the outbreak of the First World War, “Germanness” was in retreat.²

Contemporaries like Bernhard agreed on the fact that the Prussian settlement policy was a complete failure, and the Empire was doomed to lose the “battle for land.” Assured by the events after 1918, historians were willing to follow this view. Debatable was, at the most, the extent of failure: some argued that the work of the Royal Settlement Commission for West Prussia and Posen (Königliche Ansiedlungskommission für Westpreußen und Posen) was too costly and too slow in order to achieve its aims³, others pointed out that the Commission was able to create German majorities in individual counties, but it was not capable of reversing the general trend of a fast-growing Polish population.⁴ And yet others stated that the bureaucratic and sedate

¹ LUDWIG BERNHARD: *Die Polenfrage: Der Nationalitätenkampf der Polen in Preußen*, 3rd edition, München—Leipzig 1920, p. 572. All German quotes were translated by the author.

² See *Statistisches Jahrbuch für den Preußischen Staat* 3 (1905), p. 49, and 12 (1914), p. 107.

³ See e.g. RICHARD W. TIMS: *Germanizing Prussian Poland: The H-K-T Society and the Struggle for the Eastern Marches in the German Empire, 1894–1919*, New York 1941, p. 120; JOHN J. KULCZYCKI: *Social Change in the Polish National Movement in Prussia before World War I*, in: *Nationalities Papers* 4 (1976), pp. 17–53, here p. 38; ROLAND BAIER: *Der deutsche Osten als soziale Frage: Eine Studie zur preußischen und deutschen Siedlungs- und Polenpolitik in den Ostprovinzen während des Kaiserreichs und der Weimarer Republik*, Köln—Wien 1980, p. 16; CZESŁAW ŁUCZAK: *Od Bismarcka do Hitlera: Polsko-niemieckie stosunki gospodarcze* [From Bismarck to Hitler: Polish-German Economic Relations], Poznań 1988, p. 55; WOLFGANG HOFMANN: *Das Ansiedlungsgesetz von 1904 und die preußische Polenpolitik*, in: *Jahrbuch für die Geschichte Mittel- und Ostdeutschlands* 38 (1989), pp. 251–285, here pp. 262–263; SCOTT M. EDDIE, CHRISTA KOUSCHIL: *The Ethnopolitics of Land Ownership in Prussian Poland, 1886–1918: The Land Purchases of the Ansiedlungskommission*, Trondheim 2002, p. 6.

⁴ See e.g. LESZEK BELZYT: *Sprachliche Minderheiten im preußischen Staat 1815–1914: Die preußische Sprachenstatistik in Bearbeitung und Kommentar*, Marburg 1998, p. 18; UWE MÜLLER: *Modernisierung oder Diskriminierung? Siedlungspolitik in den preußischen Ostprovinzen zwischen nationalitäten- und agrarpolitischen Zielen*, in: IDEM (ed.): *Ausgebeutet oder alimentiert? Regionale Wirtschaftspolitik und nationale Minderheiten in Ostmitteleuropa (1867–1939)*, Berlin 2006, pp. 141–165, here

Commission was inferior to respond to sudden events compared to its more flexible competitors, i.e. Polish parcellation cooperatives, just like a long tanker is inferior to agile sailing boats.⁵ And finally, the statistics of change in ownership were also taken as proof of the Commission's decline.⁶

The "commodity" of land was of particular interest for nationalists like Ludwig Bernhard, especially those who were concerned with ethnically heterogeneous borderlands. Not only was the emotional value of "land" attractive in nationalists' theory, but also its peculiar mixture of familial and national ownership, which found its expression in the German term "Vaterland" or its Polish counterpart "ojczyzna." Jacob T. Levy draws our attention to the effect of the fuzziness around private and public ownership, due to the fact that individual ownership of land meant national rulership over this piece of land.⁷ Apart from those aspects, an advantage of land ownership was its capability of being counted and measured. Declaring the existing situation as dysfunctional and threatening, national theorists found support in statistics of national ownership (as they did in ethno-demographic censuses⁸), which gave reason to call for state-run actions and to evaluate those actions.

For various reasons there has been a revival of interest in the history of property right regimes in East Central Europe. As a recent instance, Hannes Siegrist and Dietmar Müller offer a useful typology of property right regimes for the era beginning with the outbreak of the First World War in 1914.⁹

pp. 155, 161, 171; IDEM: *Wirtschaftliche Maßnahmen der Polenpolitik in der Zeit des Deutschen Kaiserreichs*, in: JOHANNES FRACKOWIAK (ed.): *Nationalistische Politik und Ressentiments: Deutsche und Polen von 1871 bis zur Gegenwart*, Göttingen 2013, pp. 39–62, here p. 60.

⁵ See e.g. HANS-ULRICH WEHLER: *Von den "Reichsfeinden" zur "Reichskristallnacht": Polenpolitik im Deutschen Kaiserreich 1871–1918*, in: IDEM: *Krisenherde des Kaiserreichs 1871–1918: Studien zur deutschen Sozial- und Verfassungsgeschichte*, Göttingen 1970, pp. 181–199, here p. 191; SCOTT M. EDDIE: *Ethno-Nationality and Property Rights in Land in Prussian Poland, 1886–1918: Buying the Land from under the Poles' Feet?*, in: STANLEY L. ENGERMAN, JACOB METZER (eds.): *Land Rights, Ethno-Nationality, and Sovereignty in History*, London 2004, pp. 56–86.

⁶ See e.g. BERNHARD (as in footnote 1), p. 569; ŁUCZAK (as in footnote 3), p. 72; MÜLLER, *Wirtschaftliche Maßnahmen* (as in footnote 4), p. 60; BRIGITTE BALZER: *Die preußische Polenpolitik 1894–1908 und die Haltung der deutschen konservativen und liberalen Parteien (unter besonderer Berücksichtigung der Provinz Posen)*, Frankfurt am Main 1990, pp. 293–294.

⁷ See JACOB T. LEVY: *The Multiculturalism of Fear*, Oxford 2000, pp. 203–206.

⁸ See DAVID I. KERTZER, DOMINIQUE AREL: *Censuses, Identity Formation, and the Struggle for Political Power*, in: IDEM (eds.): *Census and Identity: The Politics of Race, Ethnicity, and Language in National Census*, Cambridge 2002, pp. 1–42; MARK TILSE: *Transnationalism in the Prussian East: From National Conflict to Synthesis, 1871–1914*, Basingstoke 2011, pp. 13–21.

⁹ See HANNES SIEGRIST, DIETMAR MÜLLER: *Introduction: Property in East Central Europe. Notions, Institutions and Practices of Landownership in the Twentieth Century*, in: IDEM (eds.): *Property in East Central Europe: Notions, Institutions and Practices of Landownership in the Twentieth Century*, New York 2015, pp. 1–26.

According to them, over the course of the nineteenth century the “liberal-individualistic” type of property was shaped. Monitoring the free market, the state’s main task was to maintain the legal framework of individual property rights.¹⁰ Beginning with the outbreak of the First World War, the “ethno-national” concept of property experienced its final breakthrough with the political re-organization of East Central Europe after 1918. Perceived as defective and inefficient for national needs, the legal framework of the liberal-individualistic type was reshaped by political, legal, and social elites in the name of an ethno-national majority.

Setting aside this development for East Central Europe in general in favor of the Prussian case, prior research located the starting point for the transition outlined above from a liberal-individualistic to an ethno-national conceptualization of property far earlier, in 1886 with the establishment of the Prussian Settlement Commission founding the anti-Polish settlement policy.¹¹ For that purpose, previous research has concentrated on the enumeration of different measures of the Prussian settlement policy and their consequences for the Polish minority against which they were directed.¹² Despite the old and new interest in Prussian settlement policy in the period before 1914, there is still a lack of comparative studies contrasting the outcome of all these courses of action and their implications for German and Polish landownership.

The intention of this paper is to show that the Prussian land policy was far more successful than previous research has noticed. Therefore, replicating and extending previous work, I will explore the far-reaching institutional change from a liberal to an ethno-national concept of property ownership that was interrupted abruptly the moment the European Empires went to war. This article argues that, in Prussia’s eastern provinces, a transition took place from a free market for rural property to an ethnically biased, legally restricted mar-

¹⁰ See also DIETER SCHWAB: Eigentum, in: OTTO BRUNNER, WERNER CONZE et al. (eds.): *Geschichtliche Grundbegriffe*, vol. 2: E–G, Stuttgart 1975, pp. 65–115, here pp. 94–103.

¹¹ See e.g. HANS-ULRICH WEHLER: Die Polenpolitik im Deutschen Kaiserreich 1871–1918, in: KURT KLUXEN, WOLFGANG J. MOMMSEN (eds.): *Politische Ideologien und nationalstaatliche Ordnung: Studien zur Geschichte des 19. und 20. Jahrhunderts*. Festschrift für Theodor Schieder zu seinem 60. Geburtstag, München 1968, pp. 297–316, here pp. 304–305; LECH TRZECIAKOWSKI: Die Nationalitätenpolitik Preußens im preußischen Teilungsgebiet (1772–1918), in: PETER NITSCHKE (ed.): *Preußen in der Provinz: Beiträge zum 1. Deutsch-Polnischen Historikerkolloquium im Rahmen des Kooperationsvertrages zwischen der Adam-Mickiewicz-Universität Poznań und der Christian-Albrechts-Universität zu Kiel*, Frankfurt am Main 1991, pp. 6–21, here pp. 10, 21.

¹² See e.g. MICHAŁ PIKRO: Niemiecka polityka wywłaszczeniowa na ziemiach polskich w l. 1907–1908 [The German Expropriation Policy in the Polish Lands, 1907–1908], Warszawa 1963; WITOLD JAKÓBCZYK: Pruska Komisja Osadnicza 1886–1919 [The Prussian Settlement Commission, 1886–1919], Poznań 1976; BOLESŁAW GRZEŚ, JERZY KOZŁOWSKI, ALEKSANDER KRAMSKI: Niemcy w Poznańskim wobec polityki germanizacyjnej 1815–1920 [The Germans in the Posen Region in Relation to the Policy of Germanization, 1815–1920], Poznań 1976.

ket between 1886 and 1914 as an instrument of Prussia's anti-Polish minority policy. In other words, as a result of this policy, the acquisition of rural landed property was de-liberalized for people who were perceived by Prussian authorities as ethnic Polish citizens, but even—albeit less oppressively—for ethnic Germans.

Therefore, this paper focuses with a quantitative as well as qualitative analysis on the measures taken by the Prussian state to de-liberalize the land market for national reasons. The term “de-liberalizing” will be used to refer to legal or administrative actions taken for the purpose of reducing individual rights to buy or sell land. For this reason, we will set aside the well-known Expropriation Law (*Enteignungsgesetz*) from 1908 that allowed the Prussian government to expropriate 70,000 hectares of Polish land estates as well as the lesser-known Settlement Law (*Ansiedlungsgesetz*) from 1904, which made the building of dwellings dependent on the permission of Prussian authorities, which was rarely given to Polish applicants.¹³ Instead, this article highlights efforts of the Prussian government to increase the number of German-owned rural properties. These efforts—all of them aimed to hinder Polish land purchases—might be subdivided into three strategies: strengthening and subsidizing individual German landowners, increasing the amount of state-owned property, and hybrid forms whereby disposal rights were shared between private owners and the Prussian authorities.

For this reason, the paper has been divided into five sections. It begins by describing the hybrid forms of shared disposal rights as the first strategy after the establishment of the anti-Polish settlement policy in 1886. Section 2 gives an overview of social incentives offered to German purchasers by the government for buying landed property and subsequently excluding it from the free market, while Section 3 moves on to consider the land purchases of the Prussian state as State landholdings. Section 4 provides a comparison of all these different measures over the course of time. Firstly, we will look at the financial efforts that were made for different strategies (except the social incentives noted in Section 2). Then, we will turn to the results, the amount of “secured” land that could not be sold, at least not freely, to potential Polish purchasers. The Prussian province of Silesia—a territory concerned with similar national struggles, but beyond the operating area of the Prussian Settlement Commission—serves here as an object of comparison. Finally, the concluding Section 5 outlines several plans to amend the anti-Polish property regime that were discussed by contemporaries but not realized. In the concluding section we also outline the transformation from a narrow settlement

¹³ See WILLIAM W. HAGEN: *Germans, Poles, and Jews: The Nationality Conflict in the Prussian East, 1772–1914*, Chicago 1980, pp. 186–190; SCOTT M. EDDIE: *The Prussian Settlement Commission and Its Activities in the Land Market, 1886–1918*, in: ROBERT L. NELSON (ed.): *Germans, Poland, and Colonial Expansion to the East: 1850 through the Present*, New York 2009, pp. 39–63, here pp. 46–48, 50–51.

policy in 1886 to a broader landed property policy that had come about by the turn of the century.

1 New Settlers, Old Owners, and Shared Property Rights

In 1886, when the Settlement Commission was established, Germany was—within its European borders—a multi-ethnic empire that rather wanted to be an ethnic homogeneous nation state. Decades after Prussia had annexed considerable parts of the old Polish-Lithuanian state in East Central Europe in the late eighteenth century, neither a more *laissez-faire* style of minority policy nor the increasingly oppressive policy (which had been pursued by the government since the mid-nineteenth century in fields such as church, schools, and language) brought the desired success of a complete assimilation of the Polish population. Thus, the Prussian government expanded its efforts to impose an anti-Polish demographic policy in West Prussia and Posen, the provinces with the largest Polish population in the mid-1880s.¹⁴

According to Scott M. Eddie, one of the foremost experts on the history of Prussian settlement policy and its impacts on the land market, the main mandate of the Settlement Commission was “to buy up mainly Polish-owned land, subdivide it into small farms, and sell these small farms to German settlers from other parts of Germany.”¹⁵ This procedure was closely linked to the contemporary slogan of “internal colonization” (*Innere Kolonisation*).

Without turning aside from our purpose, we must briefly pause to refer to the important social, political, and economic preconditions of “internal colonization.” As Elizabeth B. Jones points out, within this broad and ambiguous project national and social issues were closely, almost intrinsically linked to each other. However, nationalists and social reformers might have had quite different imaginations and conceptions connected with the term “Germanization” (*Germanisierung*).¹⁶ Nevertheless, prime minister Otto von Bismarck initially opposed a broad settlement policy. His intention was to buy up large Polish estates to weaken the financial basis of the Polish nobility, who in his eyes (together with the Polish Catholic clergy) represented the leadership of Polish national insurrections and aspirations. Advocating a traditional agricultural conservatism, Bismarck wanted to maintain the land as large estates without subdividing it. The domain land (*Staatsdomänen*), state-owned estates, were to be leased.¹⁷

¹⁴ See RICHARD BLANKE: *Prussian Poland in the German Empire (1871–1900)*, New York 1981, pp. 44–45.

¹⁵ EDDIE, *Prussian Settlement Commission* (as in footnote 13), p. 40.

¹⁶ See ELIZABETH B. JONES: *The Rural “Social Ladder”: Internal Colonization, Germanization and Civilizing Missions in the German Empire*, in: *Geschichte und Gesellschaft* 40 (2014), pp. 457–492. See also BALZER (as in footnote 6), p. 291.

¹⁷ See HAGEN (as in footnote 13), p. 135.

The reason for Bismarck's change of mind was the prime minister's dependency on the National Liberals (Nationalliberale) in parliament. In the eyes of Liberals like Johannes Miquel, one of their most influential leaders, the plan of a generously financed state intervention offered the opportunity to realize the long-held wish of a large-scale "internal colonization." They hoped that the parcellation of large estates into medium-sized farms would strengthen the middle class's position at the expense of large landowners, who usually tended to vote for conservative candidates. Pressed by National Liberal deputies, who held the parliamentary majority together with their conservative colleagues, the prime minister agreed to a broad settlement policy, while the National Liberals conceded to create a fund of one hundred million marks. In this way, the German share of population in both settlement provinces was to be increased and West Prussia and Posen tied closer to the rest of the monarchy. Despite differences within the conservative-liberal alliance over the organization of "internal colonization," from this point onwards the Settlement Commission was and remained an essential pillar of anti-Polish policy until the beginning of World War One.¹⁸

The social as well as the national implications of the settlement policy were reflected by the annuity property (*Rentengut*). This was a new form of property that allowed the Commission to sell parcels of land to settlers. According to Eddie, "a *Rentengut* was a special German form of property ownership, in which the owner acquired and protected his ownership by a series of annual payments, which could even be perpetual."¹⁹ By administering an annuity property, settlers, whose minor financial resources did not, on the whole, allow them to purchase a farm, were able to acquire the property stepwise. Using the harvest surpluses, the farmer could reduce the annuity he was paying to the Prussian state by buying up the shares the state held in the property.

Crucial for an ethnically biased de-liberalization of the land market were the national implications of annuity properties. In contrast to fully state-owned domain land, annuity properties were potentially able to be purchased by Poles and it is no wonder that, in 1886, the administration took steps to avoid such transactions. To prevent a property falling into the hands of Poles, annuity property contracts contained a clause that made every sale dependent on state permission and granted the state the right of re-purchase. Those clauses remained valid as long as the settler paid an annuity. In order to maintain control over the property, the settler was only allowed to liquidate

¹⁸ See ROBERT L. KOEHL: Colonialism inside Germany, 1886–1918, in: *Journal of Modern History* 25 (1953), pp. 255–272, here p. 261; HAGEN (as in footnote 13), pp. 134–135; BLANKE (as in footnote 14), pp. 61–64; MÜLLER, *Modernisierung* (as in footnote 4), pp. 151–153.

¹⁹ EDDIE, *Prussian Settlement Commission* (as in footnote 13), p. 61.

up to nine tenths of the annuity but not the last ten percent.²⁰ Until 1913, the Settlement Commission sold 19,022 annuity estates to farmers, while another 2,235 small estates in full ownership of the state were administered by tenants.²¹

As we have seen, the Prussian state established the Settlement Commission in 1886 for the purpose of an anti-Polish demographic policy by buying up land and “colonizing” it with German farmers. The ethnically biased de-liberalization of the land market was made obvious in the exclusion of Polish farmers as prospective settlers. In addition, the legal conditions around annuity properties prevented land from being purchased by Poles as they stipulated that rights of disposal were shared between the state and the German farmer. Moreover, this hybrid type of property also affected German farmers: because of the exclusion of potential Polish purchasers, owners of annuity properties were disadvantaged by diminished land values as a consequence of a (virtual) decreased demand on the land market. This is not to deny that the settlement policy was obviously driven by anti-Polish attitudes, nevertheless, the far-reaching impacts of the settlement policy have to be emphasized.

The annuity property was complemented by the “consolidation” (*Besitzfestigung*) of rural property, a very similar form of landownership. After the turn of the century, the Prussian administration observed that a growing number of Germans were leaving the eastern provinces, diminishing the demographic results of the settlement policy. Therefore, not only bringing new farmers into the “threatened” provinces appeared desirable from the point of view of the Prussian administration, but also maintaining the existing German population.²² After first attempts were made in 1902, two “consolidation banks” were established: the German Middle Class Fund (*Deutsche Mittelstandskasse*) in Posen in 1904, and the German Peasants’ Bank (*Deutsche Bauernbank*) in West Prussia 1906. Both were closely linked to the Settlement Commission.²³ Once more the legal form of annuity estates provided a basis for state intervention in the land market. While the settlement farmland served as an incentive to recruit farmers, the “consolidation” allured with the promise of financial relief. According to Eddie:

²⁰ See Zwanzig Jahre deutscher Kulturarbeit: Tätigkeit und Aufgaben neupreußischer Kolonisation in Westpreußen und Posen, Berlin [1907], p. 70.

²¹ See Denkschrift des Jahres 1913 über die Ausführung des Gesetzes, betreffend die Beförderung deutscher Ansiedlungen in den Provinzen Westpreußen und Posen, vom 26. April 1886 und seiner Nachträge vom 20. April 1898, 1. Juli 1902, 20. März 1908 und 28. Mai 1913, in: Sammlung der Drucksachen des Preußischen Hauses der Abgeordneten, Berlin 1914, pp. 1801–2121, here p. 1807.

²² See KARL-ROLF SCHULTZ-KLINKEN: Preußische und deutsche Ostsiedlungspolitik von 1886–1945, in: Zeitschrift für Agrargeschichte und Agrarsoziologie 21 (1973), pp. 198–215, here p. 202.

²³ See EDDIE, Prussian Settlement Commission (as in footnote 13), p. 48; MÜLLER, Modernisierung (as in footnote 4), pp. 159–160.

“The consolidation program was, in its essence, a credit subsidy scheme. The [Settlement Commission] would buy a debt-laden property, pay off the debt, and then turn the farm over—in the overwhelming majority of cases back to the original owner—as a *Rentengut*, on which the annual payments were less, and at a lower interest rate, than the owner had paid on the previous debt. The [Settlement Commission] used a standard ownership contract that reserved 1 mark of ownership to the [Settlement Commission]. By so doing, the [Settlement Commission] had to agree to any subsequent sale of the property to someone else, allowing it to veto any ‘undesirable’ (read ‘Polish’) potential new owner.”²⁴

Signing an annuity estate contract allowed the farmer to profit from financial benefits. Not only could he lower his debt burden, but also profit from security guarantees the state gave: while loans on the private sector could be recalled in the short term by the creditor (often causing the debtor’s ruin), the Prussian state waived this right.

There were two minor differences between the annuity estates established by the Prussian Settlement Commission, as we have seen above, and those established by consolidation banks, which were founded in 1904 and 1906. Firstly, while the settlement primarily tended to bring new settlers from the outside into the settlement provinces West Prussia and Posen, the “consolidation” was targeted at holding farmers within both provinces. Secondly, while settlers were only permitted to liquidate ninety per cent of the annuity, the “consolidated” could liquidate the full annuity—apart from one mark that, indeed, still allowed the state to prevent land purchases to Poles by making use of its right to re-purchase.²⁵ For both reasons, even Polish farmers could make use of the consolidation procedure because it enabled the administration in case of transfers to enforce sales to Germans. Approximately 200 Polish landowners were willing to sign annuity estate contracts, even though such a behavior was treated as treason within the Polish community and could have entailed social exclusion.²⁶ As local authorities have reported to the government, even among German landowners there was widespread scepticism that the sale restrictions might diminish their properties’ value.²⁷ However, after putting aside those initial doubts, many German farmers agreed to convert their farms into annuity estates as will be discussed in Section 4.

In conclusion, the fundamental principle has not changed although the “consolidation” differed slightly in details from parcellation of the Settlement Commission. In both cases, the Prussian state used the annuity estate form to prevent properties from falling into the hands of Poles. Therefore, the state “bought” property rights, more precisely: disposal rights from the owner; in

²⁴ EDDIE, Prussian Settlement Commission (as in footnote 13), p. 50. See also JAKÓB-CZYK, *Pruska Komisja Osadnicza* (as in footnote 12), pp. 174–184.

²⁵ See HAGEN (as in footnote 13), p. 184.

²⁶ See *Denkschrift des Jahres 1913* (as in footnote 21), pp. 2111, 2116.

²⁷ See *Archiwum Państwowe w Poznaniu* [State Archive in Poznań], *Naczelne Prezydium Prowincji Poznańskiej*, no. 4702.

the case of settlement in exchange for farmland, in the case of “consolidation” in exchange for loans at low interest rates. Thus, the legal exclusion of Poles from the land market strongly supports the view that the implementation of the annuity estates as a new, a hybrid form of property had a significant impact on the ethno-nationally motivated de-liberalization of the land market.

2 Binding Private Capital or: *Noblesse oblige*

In addition to the land purchases mentioned in Section 1, the Prussian government encouraged German private buyers to purchase land and bind it subsequently in a permanent way. As outlined above, the Prussian state made great efforts to prevent land being sold to potential Polish acquirers using property models that shared property rights between the state and private owners. These models were expensive for the state, especially the settlement of new farmers: new villages had to be built including churches, schools, and taprooms; new road and path networks were created, and often land amelioration measures like drainage were necessary to improve the soil’s usability. Therefore, seen through the eyes of the Prussian administration, it seemed expedient to involve private investors in the land policy.

Furthermore, such an involvement could only be sustainable if the estates bought by individuals were removed from the free market. Otherwise, the threat persisted that the estate could be sold to a Polish purchaser in the future. What the Prussian administration required was a legal form of private property imposing high obstacles to selling. Indeed, the administration did not need to invent such a legal form; it has already existed in the form of entailed properties (*Fideikommiss*).

Entailed properties had existed and persisted since feudal times and had survived despite numerous critics in every agrarian reform during the nineteenth century. Scott M. Eddie defines entailed properties as property

“to which the person who ‘owned’ it really had only a lifetime right of possession. The actual legal owner of the property was a juridical person, the foundation (*Stiftung*) that had set up the entail and specified the term of inheritance of the use of its lands.”²⁸

According to its purpose, the entailed property did not serve a single individual, but it ensured the prosperity and the social status of the dynasty as a whole. To this end, normally the property was not absolutely unsaleable, but at least its sale was connected with high obstacles. Depending on the deed of foundation, the sale often required permission to be given by a family council, in rare cases complemented by the king’s approval.²⁹ Hindering selling

²⁸ SCOTT M. EDDIE: *Landownership in Eastern Germany before the Great War: A Quantitative Analysis*, Oxford 2008, p. 23.

²⁹ Such a case occurred in 1902 when the Cabinet discussed for several years (!) the king’s option to reject the permission on the occasion of the sale of entailed property

freely and narrowing the free land market, the promotion of German entailed properties by the government (and, vice versa, the rejection of the required permission in the case of Polish applicants)³⁰ became an attractive instrument in Prussia's national policy to permanently stabilize German ownership in the eastern provinces.

But how could the founding of entailed properties be attractive for private owners if it meant depriving themselves both of the capability to dispose of their property freely and the possibility to sell it in times of need? In order to convince private investors to buy land and transform it into entailed property, the Prussian administration offered something more valuable than money: nobility.

While ennoblement had been used rarely by his predecessors, king Wilhelm II made intensive use of the prerogative to raise men to the socially exclusive ranks of Prussian nobility. This promise of social advancement found its counterpart in the strong urge within the bourgeoisie to confirm and demonstrate their own social rise symbolically. Because the size of entailed property determined the chances of being ennobled, numerous industrial magnates, entrepreneurs, and even members of the Prussian or imperial bureaucracy invested sizeable sums to acquire land and founded entailed properties.³¹ Thus, reinterpreting the old feudal motto of "noblesse oblige" in a national way, founding entailed properties in the "nationally endangered" eastern provinces represented a welcome opportunity to increase chances of being added to the nobility.

At first, in late 1901, the Cabinet (Staatsministerium) waived administrative fees for founding entailed properties, creating financial incentives.³² Two years later, the minister of the interior, Hans von Hammerstein, began to ask

"owned" by Philipp Ernst zu Hohenlohe-Schillingsfürst, the former Chancellor's son, who could not guarantee satisfactorily that the property would remain in German ownership. See Cabinet Minutes, 1902-06-27 and 1902-11-08, in: Geheimes Staatsarchiv Preußischer Kulturbesitz Berlin (in the following: GStA PK), I. HA Rep. 90 A, no. 3602, sheets 76-78 and 146-147; Vote of the Minister of Agriculture, 1905-09-02, in: GStA PK, I. HA Rep. 77, Tit. 41, no. 98, fasz. 1, sheets 33-34.

³⁰ See KLAUS HESS: *Junker und bürgerliche Großgrundbesitzer im Kaiserreich: Landwirtschaftlicher Großbetrieb, Großgrundbesitz und Familienfideikommiß in Preußen (1867/71-1914)*, Stuttgart 1990, pp. 187, 203-207; JÖRN ECKERT: *Der Kampf um die Familienfideikommission in Deutschland: Studien zum Absterben eines Rechtsinstitutes*, Frankfurt am Main 1992, pp. 633-635.

³¹ See LAMAR CECIL: *The Creation of Nobles in Prussia, 1871-1918*, in: *American Historical Review* 75 (1970), pp. 757-795; HANSJOACHIM HENNING: *Die unentschiedene Konkurrenz: Beobachtungen zum sozialen Verhalten des norddeutschen Adels in der zweiten Hälfte des 19. Jahrhunderts*, Stuttgart 1994, pp. 33-37.

³² See Oberpräsident of Posen to the Reichskanzler, 1901-03-26, in: GStA PK, I. HA Rep. 77, Tit. 871, no. 4, sheets 93-96. According to HESS (as in footnote 30), p. 189, the Prussian administration waived fees in the period from 1895 to 1917 only in the Eastern provinces and here most frequently in Posen (78 per cent) and West Prussia (75 per cent).

the *Oberpräsidenten* of West Prussia and Posen enquiries to be made to determine which founders of entailed properties might be considered for addition to or advances within the nobility.³³ These ennoblements were not procedures that took place automatically but were—much to the chagrin of the Cabinet—inhibited by the herald's office due to concerns about the social exclusiveness of nobility.³⁴ However, patents of nobility were awarded. In 1906, for instance, it was the explicit wish of Wilhelm II on his birthday that three brothers, Heinrich, Gustav, and Ernst Friedrich Beyme be awarded such special honors. Each of them had bought large estates within the eastern provinces and transformed them into entailed properties, a total of more than 2,000 ha. A fourth brother, Friedrich, owning more than 1,000 ha in Posen, also became ennobled in 1913.³⁵

In the end, after the turn of the century, the story of entailed property became a success story in both settlement provinces. The number rose drastically between 1906 and 1912, from 21 to 33 “Fideikomnisse” in West Prussia and from 44 to 76 in Posen.³⁶ However, in later years, the administration reduced its efforts to support the founding of new properties for two reasons: on the one hand there were social reasons. In order not to disturb the internal colonization in rural areas where a large amount of available peasant land was required, it was no longer desirable to concentrate farmland in the hands of a small number of large estate owners. On the other hand there were national concerns. The administration sceptically took note of the fact that German owners of entailed property did not employ German but Polish rural workers and therefore the support of that kind of property made a highly questionable contribution to the “promotion of Germanness” (*Stärkung des Deutschtums*).³⁷ Nevertheless, the impact that entailed properties had on the de-liberalization of the land market should not be underestimated.

³³ See Minister of the Interior to the *Oberpräsidenten* of West Prussia and Posen, 1903-12-22, in: GStA PK, I. HA Rep. 77, Tit. 50, no. 21 adh 2, pp. 241–244.

³⁴ See HANS-KONRAD STEIN: *Der preußische Geldadel des 19. Jahrhunderts. Untersuchungen zur Nobilitierungspolitik der preußischen Regierung und zur Anpassung der oberen Schichten des Bürgertums an den Adel*, Hamburg 1982, p. 57; Report of the Head of the Heroldsamt, in: GStA PK, I. HA Rep. 89, no. 1247, sheets 17–23; Minister of the Interior to the Prime Minister, 1904-01-31, in: GStA PK, I. HA Rep. 90 A, no. 2008, sheet 41.

³⁵ See Ennoblement of Ernst Friedrich, Heinrich, and Gustav Beyme, 1906, in: GStA PK, I. HA Rep. 176, no. 975–977.

³⁶ See HEINRICH HÖPKER: *Die Fideikomnisse in Preußen im Lichte der Statistik bis zum Ende des Jahres 1912*, Berlin 1914, p. 38.

³⁷ See Cabinet Minutes, 1910-10-21 and 1913-10-21, in: GStA PK, I. HA Rep. 90 A, no. 3616, sheet 206, and *ibidem*, no. 3619, sheet 146. See also HESS (as in footnote 30), pp. 194–197.

3 Full Control: State Ownership

There has been much debate on how the land purchases mentioned in Section 1 influenced the repressive policy pursued by the Prussian state and a few studies have looked at the support of entailed properties mentioned in Section 2, however, little attention has been paid to the fact that, after the turn of the century, the administration decided to enlarge the number of State holdings supplementing the measures mentioned above. In her recent study, Gisela Borchers demonstrates that, in 1902, the Prussian Ministry of Agriculture implemented a costly policy to purchase domain land, which meant that farmland passed into state ownership.³⁸ As we see below, it can be argued that, under certain conditions, the purchase of forest land had an even higher impact. Both kinds of state-owned property, domains and state-owned forest land (*Staatsforste*), formed traditional pillars of revenue by leaving the estates for rent to tenants. However, at the beginning of the twentieth century, both became even more attractive for national reasons. Regarding legal aspects, they offered considerable advantages by allowing full state ownership without any property rights having to be shared with private owners.

The extension of state-owned estates, which affected a further de-liberalization of the land market, was caused by several interdependent developments of the late 1890s and early 1900s: Firstly, the heated tempers that flared with strong national sentiment in parts of the German and Polish population led to the Prussian government passing several laws for “the promotion of Germanness,” among them the initiation of a broad (German) culture policy within the Province of Posen³⁹, the development of Posen into a luxurious princely residence⁴⁰, as well as the provision of new funds for the settlement policy in 1898 and 1902 (and later on).⁴¹ Secondly, as mentioned in the beginning, statistics of change in ownership emerged around 1900 as a new gauge to measure the success of national policy. Fuelled by the statistical results, which showed tremendous German losses, the protection and widening of German territory evolved to a coequal goal alongside the increase of the German population. Thirdly, with the specific characteristics of their

³⁸ See GISELA BORCHERS: “Im nationalpolitischen Interesse erwünscht”: Domänenankäufe in Westpreußen ab 1902 im Rahmen des Ansiedlungsgesetzes von 1886, in: *Forschungen zur Brandenburgischen und Preußischen Geschichte*, N. F. 28 (2018), pp. 19–48.

³⁹ See CHRISTOPH SCHUTTE: *Die Königliche Akademie in Posen (1903–1919) und andere kulturelle Einrichtungen im Rahmen der Politik zur “Hebung des Deutschtums,”* Marburg 2008.

⁴⁰ See ZENON PALAT: *Architektura a polityka: Glorifikacja Prus i niemieckiej misji cywilizacyjnej w Poznaniu na początku XX wieku* [Architecture and Politics: The Glorification of the Prussian and German Civilizing Mission in Poznań at the Beginning of the Twentieth Century], Poznań 2011.

⁴¹ See JAKÓBCZYK, *Pruska Komisja Osadnicza* (as in footnote 12), pp. 60–65; HAGEN (as in footnote 13), pp. 176–177.

properties, domains and forests were capable of supporting as well as complementing the Settlement Commission's activities.

Despite rising land prices, the Settlement Commission faced (as a symbol of German chauvinism) a continuously decreasing willingness among Polish estate owners to sell their properties, due to the threat of being labeled as traitors in the Polish press.⁴² At the same time, an extensive number of large estates with acreage adequate for settlement was available to the domain administration (*Domänenfiskus*). Thus, it appeared justified to transfer those estates to the Settlement Commission for parcellation and let the domain administration compensate for its losses through purchases on the free market. Large estates whose conditions did not allow parcellation were particularly suited as compensation for the domain administration. However, Borchers has shown that domain administration performed another task, which was similar to the consolidation procedure: the administration bought estates from insolvent owners and turned them over for rent. For "national reasons," only Germans were chosen as tenants, and were, in many cases, the former owners.⁴³ Domain land as well as forests were under full control of the state and almost completely withdrawn from the market; on rare occasions, the Prussian state sold estates, unsurprisingly only to Germans. To summarize, the large-scale purchase of domains was considered as promising to such an extent that it was implemented not only in the eastern provinces but also in Schleswig-Holstein against the Danish minority.⁴⁴

Against this background, we can turn now to the forests in Prussian state ownership. The benefits of forests for settlement were exceedingly low because the transformation of forested land (deforestation and conversion into acreage) was an extremely laborious and inefficient procedure. Moreover, it was not adaptable for small-scale owners since prosperous forestry required at least 500 to 800 ha, as the contemporary literature recommended.⁴⁵ This leads to the question: if forests had no demographic significance with regard to the national distribution of population, why were the Prussian authorities interested in their purchase? In answering this, it is important to consider that forests had a significant impact on the statistics of national distribution of land, and moreover, that the economic distribution of land affected the voting system. As a peculiarity of the Prussian three-class franchise system, the votes of those who paid more taxes had more weight in the election of the Prussian parliament and in certain cases of property—knightly estates (*Rittergüter*)—in local elections. The Prussian authorities thus became interested in preservation of domain or forest land as large estates without parcellation. In contrast to the domain administration, whose task was to *give* arable land for

⁴² See HAGEN (as in footnote 13), p. 177.

⁴³ See BORCHERS (as in footnote 38), pp. 42–43.

⁴⁴ See SCHULTZ-KLINKEN (as in footnote 22), p. 203.

⁴⁵ See WOLFRAM G. THEILEMANN: *Adel im grünen Rock: Adliges Jägertum, Großprivatwaldbesitz und die preußische Forstbeamtenschaft 1866–1914*, Berlin 2004, p. 207.

parcellation in conjunction with the Settlement Commission, the forest administration *took* those parts of estates which the Commission had purchased but were not suitable for settlement (while payments for those transactions were transferred from the Settlement Commission to the domain administration, or from the forest administration to the Commission).

Our findings can be summarized as follows: By instrumentalizing the domain and forest administrations after 1902 (as well as the evolvement of the consolidation program at the same time), the Prussian land policy changed its character from a mere settlement policy towards a policy that concentrated on the national distribution of landownership. Instead of demographic measures, the authorities concentrated on protecting and increasing the German share in the land. Therefore, the increase of state-owned estates played an important role for the de-liberalizing of the land market.

4 The Results: A Quantitative Analysis

In the early 1900s, the eastern provinces observed a broad land policy development. By making use of diverse legal measures for keeping land in the hands of Germans, Prussian elites expected to gain firmer and more efficient control over the Prussian territory. Their tools proved to be essential in the anti-Polish policy of Germanizing West Prussia and Posen and were supported by the provision of public funds, which were re-filled several times.

Table 1: Provision of capital (in million marks) for different funds by the Prussian state 1886–1913⁴⁶

	Settlement Commission	Consolidation		domain and forest land	total
		peasant farms	“estate lands”		
1886	100	0	0	0	100
1898	100	0	0	0	100
1902	150	0	0	100	250
1908	125	75	50	25	275
1913	75	100	30	25	230
total	550	175	80	150	955

Table 1 shows the different funds raised by the government and illustrates how the preferences of policymaking shifted. These figures have, however, limitations. For example, they do not offer any valuable clues to the financial burden of supporting entailed properties because no separate fund was established for that. Furthermore, in interpreting these sums, we need to consider that they do not represent costs spent for different fields of action but provided funds. As we know, for instance, the first steps towards the “consolida-

⁴⁶ Vgl. ERICH ZECHLIN: Die Tätigkeit der Ansiedlungskommission: Das Polentum in Preußen, in: Ostland: Jahrbuch für ostdeutsche Interessen 2 (1913), pp. 198–214, here p. 198.

tion” of agricultural land had been taken by the Settlement Commission in 1902 and was placed on a reliable basis by the foundation of the two “Besitzfestigungsbanken” in both provinces in 1904 and 1906. Nevertheless, as Table 1 shows, a separate “consolidation” fund was created after 1908 when the costs were defrayed by the Settlement Commission. Finally, the numbers do not represent the actual costs either. By depicting the capital endorsed by the parliament each year, they give no information about additional revenues like annuity or tenant payments. In 1920, the expenditure of the Settlement Commission for settlement and consolidation amounted to a total of more than one billion marks.⁴⁷

Despite those limitations, the numbers given in Table 1 allow some remarkable observations. After the turn of the century, in terms of funds the settlement of new farmers lost importance in comparison with consolidation. Consolidation was rather a matter for peasants than large estate owners, which is important because the contemporary socialists and several left-wing liberals passed criticism on the government, claiming the entire land policy was only pursued to serve “hopeless indebted Germanic landlords” (*verkrachte germanische Junkerexistenzen*) as the socialist *Vorwärts* once wrote.⁴⁸ And lastly, we have to take note of the fact that, though a large-scale fund for the purchase of domain and forest land was created in 1902, the authorities afterwards lost interest.

In order to assess the Prussian land policy, it is also important to consider that, of more importance than the amount of funds that were provided, was the amount of “bound land,” in this case defined as farms and large estates that were withdrawn completely or partially from the free market with the aim to prevent them from being purchased by Poles. For two reasons, it may be useful to compare the developments in both settlement provinces with the neighboring province of Silesia. Firstly, the province traditionally had a relatively high degree of bound land because of the large scale of entailed properties. And secondly, at the turn of the century, Silesia came to the fore as an area of conflict, namely between German and Polish nationalists. While there were no official contemporary statistics for bound land, we have to gather material from widespread sources. Our results might look like the following table:

⁴⁷ See Denkschrift der Jahre 1919 und 1920 über die Ausführung des Gesetzes, betreffend die Beförderung deutscher Ansiedlungen in den Provinzen Westpreußen und Posen, vom 26. April 1886 und seiner Nachträge vom 20. April 1898, 1. Juli 1902, 20. März 1908 und 28. Mai 1913, in: Verhandlungen des Hauses der Abgeordneten: Sammlung sämtlicher Drucksachen des Hauses der Abgeordneten, Berlin 1922, pp. 980–1004, here p. 1003.

⁴⁸ *Vorwärts* from 1907-02-23. See also HANS-ULRICH WEHLER: Sozialdemokratie und Nationalstaat: Nationalitätenfragen in Deutschland 1840–1914, 2nd edition, Göttingen 1971, p. 184; BALZER (as in footnote 6), pp. 132–133.

Table 2: Total bound area in ha 1886–1914

c. 1886 ⁴⁹	West Prussia	Posen	West Prussia and Posen	Silesia
Settlement Commission	4,637	7,203	11,840	0
Consolidation	0	0	0	0
domain land	18,854	27,435	46,289	25,190
forest land	305,993	182,791	488,784	160,442
entailed properties (1890)	80,794	115,444	196,238	509,854
total	410,278	332,873	743,151	695,486
percentage of province area ⁵⁰	16.1	11.5	13.6	17.2
c. 1898 ⁵¹	West Prussia	Posen	West Prussia and Posen	Silesia
Settlement Commission ⁵²	33,328	79,169	112,497	0
Consolidation	0	0	0	0
domain land	18,874	28,735	47,609	24,330
forest land	324,691	179,863	504,554	168,305
entailed properties (1895)	83,421	127,658	211,079	568,898
total	460,314	415,425	875,739	761,533
percentage of province area	18.0	14.3	16.1	18.9
c. 1908 ⁵³	West Prussia	Posen	West Prussia and Posen	Silesia
Settlement Commission ⁵⁴	107,063	242,413	349,476	0
Consolidation	18,263	13,238	31,501	0
domain land	70,569	50,004	120,573	35,172
forest land	410,811	245,039	655,850	164,999
entailed properties	105,800	193,800	299,600	669,300
total	712,506	744,494	1,457,000	869,471
percentage of province area	27.9	25.7	26.7	21.6
c. 1914 ⁵⁵	West Prussia	Posen	West Prussia and Posen	Silesia
Settlement Commission ⁵⁶	149,738	303,435	453,173	0
Consolidation (1913)	149,368	130,717	280,085	0
domain land	68,282	46,023	114,305	39,041
forest land	434,169	254,116	688,285	170,251
entailed properties (1913)	120,900	209,400	330,300	693,400
total	801,557	943,691	1,745,248	902,692
percentage of province area	31.4	32.5	32.0	22.4

⁴⁹ Statistisches Handbuch für den preußischen Staat 1 (1888), pp. 184, 227 (domain and forest land); Denkschrift über die Ausführung des Gesetzes vom 26. April 1886, betreffend die Beförderung Deutscher Ansiedelungen in den Provinzen Westpreußen und

Posen, für das Jahr 1886, in: Anlagen zu den Stenographischen Berichten über die Verhandlungen des Hauses der Abgeordneten, Berlin 1887, pp. 1140–1165, here pp. 1141–1142 (Settlement Commission); HÖPKER (as in footnote 36), pp. 38–41 (entailed properties). See also for the entailed properties with some very significant aberrations: JOHANNES CONRAD: Agrarstatistische Untersuchungen VII: Der Großgrundbesitz in Westpreußen, in: Jahrbücher für Nationalökonomie und Statistik, 3. F. 3 (1892), pp. 481–495, here pp. 493–494; IDEM: Agrarstatistische Untersuchungen IX: Der Großgrundbesitz in der Provinz Posen, in: Jahrbücher für Nationalökonomie und Statistik, 3. F. 6 (1893), pp. 516–542, here p. 527; IDEM: Agrarstatistische Untersuchungen V: Der Großgrundbesitz in Schlesien, in: Jahrbücher für Nationalökonomie und Statistik, 3. F. 15 (1898), pp. 705–729, here pp. 712–714, and HANS JOACHIM CORVINUS: Die Tätigkeit der Ansiedlungskommission in der ehemals preußischen Provinz Posen in national- und wirtschaftspolitischer Hinsicht, Greifswald 1926, p. 51.

⁵⁰ Based on the statistical survey from 1914: West Prussia: 2,555,795 ha, Posen: 2,899,374 ha, Silesia: 4,033,700 ha, in: Statistisches Jahrbuch für den Preußischen Staat 13 (1915), p. 5.

⁵¹ Statistisches Handbuch für den preußischen Staat 4 (1903), pp. 182, 188, 235 (domains and forest land). Annual reports 1886–1898, printed as: Denkschrift über die Ausführung des Gesetzes vom 26. April 1886, betreffend die Beförderung Deutscher Ansiedlungen in den Provinzen Westpreußen und Posen, für das Jahr ..., in: Anlagen zu den Stenographischen Berichten über die Verhandlungen des Hauses der Abgeordneten, Berlin 1887–1899 (Settlement Commission); HÖPKER (as in footnote 36), pp. 38–41 (entailed properties). See Statistisches Handbuch für den preußischen Staat 3 (1898), p. 225, for different figures of entailed properties.

⁵² From this area we must subtract at least 13,269 ha that were sold by the Settlement Commission to the administrations of domain and forest land or to private purchasers. See Denkschrift über die Ausführung des Gesetzes vom 26. April 1886, betreffend die Beförderung deutscher Ansiedlungen in den Provinzen Westpreußen und Posen, für das Jahr 1898, in: Anlagen zu den Stenographischen Berichten über die Verhandlungen des Hauses der Abgeordneten, Berlin 1899, pp. 1846–2037, here pp. 1851–1852 (based on the positions 3a and 3c).

⁵³ Statistisches Jahrbuch für den Preußischen Staat 7 (1909), pp. 44–45 (domain and forest land, Settlement Commission); Statistisches Jahrbuch für den Preußischen Staat 8 (1910), p. 59 (entailed properties); KARL NEHRING: Die Tätigkeit der Deutschen Mittelstandskasse in Posen und der Deutschen Bauernbank in Danzig, in: Archiv für Innere Kolonisation 4 (1912), pp. 131–140, here pp. 132–133 (consolidation).

⁵⁴ From this area we must subtract at least 31,781 ha that were sold by the Settlement Commission to the administrations of domain and forest land or to private purchasers. See Denkschrift über die Ausführung des Gesetzes vom 26. April 1886, betreffend die Beförderung deutscher Ansiedlungen in den Provinzen Westpreußen und Posen, für das Jahr 1908, in: Sammlung der Drucksachen des Preußischen Hauses der Abgeordneten, Berlin 1909, pp. 3840–4295, here p. 3846.

⁵⁵ Statistisches Jahrbuch für den Preußischen Staat 13 (1915), pp. 46–48, 55 (Settlement Commission, domain and forest land, entailed properties); Denkschrift des Jahres 1913 (as in footnote 21), pp. 2103–2117.

⁵⁶ From this area we must subtract 52,497 ha that were sold by the Settlement Commission to the administrations of domain and forest land or to private purchasers. See Denkschrift des Jahres 1914 über die Ausführung des Gesetzes, betreffend die Beförderung deutscher Ansiedlungen in den Provinzen Westpreußen und Posen, vom 26. April 1886 und seiner Nachträge vom 20. April 1898, 1. Juli 1902, 20. März 1908 und 28. Mai 1913, in: Sammlung der Drucksachen des Preußischen Hauses der Abgeordneten, Berlin 1915, pp. 4693–4721, here p. 4699.

In the case of the acreage owned by the Settlement Commission, our findings need to be interpreted with caution as mentioned in footnotes 52, 54, and 56. Although the Commission's annual reports give us a lot of detailed information about purchases made by the Commission, they tell us nothing about its sales, such as to the forest fund, the domain fund, or private owners. Until 1914, those sales amounted to approximately 52,000 ha, more than ten per cent of the Commission's purchases.

Despite those distortive effects, Table 2 clearly indicates, however, the massive extension of bound area until the eve of World War One. While over the course of time the amount in Silesia increased moderately as a result of the extension of entailed properties, the amount of bound land in West Prussia doubled, and tripled in Posen. In both provinces, the various available tools played different roles. While the amount of domain land rose dramatically after 1898, it stagnated after 1908 because of the reduction of provided funds and the permanent transfers of land to the Settlement Commission. For the latter reason, the transfer of forested estates to the forest fund appears as a reasonable explanation for the constant increase of state-owned forests. The number of entailed properties also rose, even though not at the same intensity. However, we must especially emphasize the importance of consolidation: while the Settlement Commission needed almost 30 years to buy up an area of 450,000 ha (the sales not included) and caused costs from several hundreds of millions (see Table 1), the amount of consolidated area took a sharp increase within a dozen years to 280,000 ha requiring the half of costs.⁵⁷ As Eddie points out, the consolidation program promised to bind land faster and less expensive than the elaborate settlement.⁵⁸

The amount of bound area is not identical to German property. There were still existing Polish entailed properties as well as few Polish farmers made use from the consolidation procedure. However, the Prussian land policy tended to withdraw property from the free market, either by nationalization as domain and forest land, or by supporting the foundation of entailed properties, which were subject to high sales restrictions, or only Germans were allowed to buy landholdings as in cases of annuity properties, in which the state had a say in choosing purchasers. All in all, a potential Polish purchaser who entered the land market on the eve of the First World War found himself excluded from a third of the area in both settlement provinces; with rapidly

⁵⁷ Because, in the consolidation program, political interests (the protection of German property) were closely intertwined with social issues (fighting the rural debt), other consolidation banks were established in the following years not only in "nationally threatened" provinces, such as East Prussia, Pomerania, Brandenburg, Schleswig-Holstein, and, in 1913, Silesia, but also in the interior, for example in Hanover and Hesse-Nassau. See Landwirtschaftskammer of Silesia to the Minister of Agriculture, 1911-12-02, in: GStA PK, I. HA Rep. 87, Abt. B no. 9656, sheets 258-263; FRIEDRICH HEUMANN: *Die Agrarpolitik der schlesischen Provinzialverwaltung*, Breslau 1917, pp. 160-163.

⁵⁸ See EDDIE, Prussian Settlement Commission (as in footnote 13), p. 50.

rising tendency. And the percentage would even increase if we were not taking the whole provinces' extent as a basis but exclude, for example, cities.

Setting aside the tools mentioned above, which essentially served to increase the amount of German land, the Prussian government also enacted laws immediately directed against Polish owned property. Since 1904, in all the six eastern provinces the building dwellings required an official approval that was often rejected by the Prussian administration in order to hinder the activities of Polish parcellation cooperatives (Settlement Law). The Expropriation Law legislated four years later permitted the administration within both settlement provinces to dispossess an amount from up to 70,000 ha.⁵⁹ It was only used in four cases 1912/13, expropriating all in all 1,693 ha, but it marked a massive attack curtailing the inviolability of private property.

Needless to say, even though those laws were far-reaching state interventions into private rights made in the name of an ethno-national majority, they did not represent the most radical proposals made by nationalists in the contemporary discourse. Flicking through newspapers, magazines, and publication series of the Pan-German League (Alldeutscher Verband) or the German Eastern Marches Society (Deutscher Ostmarkenverein), in which measures like the Expropriation Law were discussed for the first time, we can find plans going even further, demanding far more extended competences for the state to intervene into property rights. In a cursory overview, four demands can be differentiated:

Firstly, a right of veto, that means the legal power to forbid concrete purchases.⁶⁰ In 1902 and later in 1907/08 as an alternative to the Expropriation

⁵⁹ See TMS (as in footnote 3), pp. 127–132, 151–188; WITOLD JAKÓBCZYK: Ustawa osadnicza z 1904 roku [The Settlement Law 1904], in: *Zeszyty naukowe Uniwersytetu im. Adama Mickiewicza w Poznaniu. Historia* 7 (1967), pp. 381–391; IDEM, *Pruska Komisja Osadnicza* (as in footnote 12), pp. 129–173; HOFMANN (as in footnote 3); PIRKO (as in footnote 12); JÓZEF BUSZKO: The Austro-Hungarian Empire and the Expropriation of Poles under Prussian Domination (1908–1914), in: *Polish Western Affairs* 6 (1965), pp. 353–377.

⁶⁰ Some of those plans proposed to offer the state the opportunity to purchase the estate instead of the private prospective purchaser. See ERICH HERR: *Neue Bahnen der Polenpolitik: Skizze einer zu schaffenden Polengesetzgebung*, Berlin 1905, pp. 56–67; Emil Pfeiffer to the Minister of Agriculture, 1908-01-02, in: *GStA PK, I. HA Rep.* 87, Abt. B no. 9489, sheet 119; Budget Committee Minutes of the Prussian House of Representatives, 1906-03-22, *ibidem*, no. 9607, sheets 289–298; R. Raithel to the Minister of Agriculture, 1911-01-18, *ibidem*, no. 9639, not pag.; FRANZ WAGNER: *Enteignung und Einspruchsrecht*, Berlin 1907; IDEM: *Enteignungsrecht. Vorkaufsrecht. Einspruchsrecht*, in: *Archiv für Innere Kolonisation* 5 (1913), pp. 300–309; ADOLF VON BATOCKI: *Allgemeines staatliches Vorkaufsrecht: Ein Weg zur wirksameren Förderung der inneren Kolonisation*, in: *Archiv für Innere Kolonisation* 5 (1913), pp. 41–46; IDEM: *Vorkaufsrecht für die innere Kolonisation*, *ibidem*, pp. 216–218. See also ZYG-MUNT HEMMERLING: *Geneza i znaczenie pruskiej ustawy wywłaszczeniowej z 1908 roku* [The Genesis and Effect of the Prussian Expropriation Law 1908], in: *Zeszyty nau-*

Law, the Cabinet discussed a general ban of Polish land purchases but abandoned the plan because of legal concerns.⁶¹

Secondly, a prohibition of dividing property except for those in cases of inheritance or parcellation by the state.⁶² The presidents of both settlement provinces opposed fiercely in order not to disturb the German private settlement organizations.⁶³

Thirdly, immediately transforming the entire rural property in the eastern provinces into annuity estates (except entailed properties and small farms with fewer than ten hectares). Polish owners, it was decided, would be allowed to make use of the consolidation program, and to hand their property down to their heirs. But in cases of a sale, the pre-emptive right to re-purchase would have allowed the state to bring the land into German hands.⁶⁴

Fourthly and finally, a general pre-emptive right was also actively discussed, which would have allowed the state to purchase the property for the same price that had been negotiated by the private partners beforehand in certain cases.⁶⁵

This last suggestion, indeed, was seized by the administration: in 1914, the government introduced a draft for a parcellation law (*Parzellierungsgesetz*) in parliament. This law aimed to choke off the remaining activities of Polish parcellation cooperatives by making every kind of parcellation dependent on the approval of Prussian authorities. This procedure is reminiscent of the Settlement Law from 1904 and was intended, indeed, to close gaps the latter

kowe Uniwersytetu im. Adama Mickiewicza w Poznaniu. *Historia* 5 (1961), pp. 133–195, here pp. 141–142.

⁶¹ See Cabinet Minutes, 1902-07-09, in: *GStA PK, I. HA Rep. 90 A*, no. 3602, sheets 87–89; Minutes of the Temporary Commission, 1907-03-11, *ibidem*, no. 9694, not pag. See also MATTHIAS ALEXANDER: *Die Freikonservative Partei 1890–1918: Gemäßigter Konservatismus in der konstitutionellen Monarchie*, Düsseldorf 2000, pp. 319–327.

⁶² See *Berliner Börsenzeitung* from 1907-05-22; ALEXANDER (as in footnote 61), pp. 325–326.

⁶³ See Cabinet Minutes, 1908-03-21, in: *GStA PK, I. HA Rep. 90 A*, no. 3613, sheets 161–163; Oberpräsident of Posen to the Minister of Agriculture, 1907-09-20, in: *GStA PK, I. HA Rep. 87, Abt. B* no. 9638, sheets 237–239a.

⁶⁴ See ERICH HERR: *Der Entscheidungskampf um den Boden der Ostmark: Mittel und Wege zum Ziele*, München 1907, pp. 25–37.

⁶⁵ See *Tägliche Rundschau* from 1900-01-18; *Rheinisch-Westfälische Zeitung* from 1900-01-23; *Deutsche Zeitung* from 1903-11-10; Max Grener to the Reichskanzler, 1903-09-02, in: *GStA PK, I. HA Rep. 77, Tit. 871*, no. 5, sheets 300–306; Anonymus to the Minister of Agriculture, 1908-01-01, in: *GStA PK, I. HA Rep. 87 Abt. B* no. 9489, sheets 123–123c; P. Kühne to the Reichskanzler, 1907-11-27, *ibidem*, no. 9638, sheets 225–226; BATOCKI, *Allgemeines staatliches Vorkaufsrecht* (as in footnote 60); IDEM, *Vorkaufsrecht für die innere Kolonisation* (as in footnote 60); FRANZ WAGNER: *Das Vorkaufsrecht des Staates zugunsten der Siedlungspolitik und andere Fragen aus dem Grundteilungsgesetz*, in: *Archiv für Innere Kolonisation* 6 (1914), pp. 288–296. See also BOGDAN VON HUTTEN-CZAPSKI: *Sechzig Jahre Politik und Gesellschaft*, vol. 1, Berlin 1936, pp. 516–517; ALEXANDER (as in footnote 61), p. 323.

act left. Moreover, the law was to permit the Settlement Commission to replace any prospective buyer under the two restrictive conditions that, firstly, the landholding was more than ten hectares and, secondly, it had been in the seller's possession for less than ten years.⁶⁶ Not long after the draft was introduced, the outbreak of war interrupted its further discussion. Once adopted, however, the law would have undoubtedly contributed to a further de-liberalization of the land market.

5 Conclusion

Our findings can be summarized as follows: beginning in 1886, the Prussian government made huge financial and administrative efforts to de-liberalize the free land market, which was perceived as politically dysfunctional because of the growing Polish population and, later, the increase of Polish-owned land. Thus, the administration implemented different tools to prevent land sales to Polish purchasers. These tools can be subdivided regarding the allocation of property rights: entailed properties were owned privately but they were subject to high purchase restrictions, whereas domain and forest land were in full possession of the state. The disposal rights of annuity properties, which were sold by the Settlement Commission and the consolidation banks, were shared between the state and the private owners. The Prussian attempts to keep land in German hands led to a fundamental transformation of the land market. As a result of those different measures, which reorganized the free market according to strong ethno-national criteria, almost a third of the land in both settlement provinces was not available anymore for prospective Polish purchasers on the eve of the First World War.

The last years of peacetime were dominated by pessimistic prospects among German nationalists. Franz Wagner, a high-ranking campaigner of the German Eastern Marches Society, complained: "The Settlement Commission did not achieve an increase of German properties. In contrast, a shift of ownership to the disadvantage of the Germans occurred. The Poles purchase German-owned properties on a large scale, and they pay—probably supported financially by the church and from abroad—high prices."⁶⁷ Historians concentrating on the activities of the Settlement Commission tended to follow this view.

In the face of this almost unanimity among contemporaries as well as historians, Gregor Thum claims that the assumption of a failed settlement policy

⁶⁶ See JAKÓBCZYK, *Pruska Komisja Osadnicza* (as in footnote 12), pp. 186–187; HAGEN (as in footnote 13), pp. 204–205.

⁶⁷ FRANZ WAGNER: *Materialien und Bemerkungen zur Frage der Enteignung in der Ostmark*, Berlin 1911, p. 186.

came under scrutiny.⁶⁸ On the evidence presented, our findings, especially the declining amount of new funding for the Settlement Commission, can be interpreted as a confirmation that the settlement policy failed. (The declining number of new settlers supports this assumption.)⁶⁹ However, the apparent correlation of shrinking settlement funds and growing funds for the consolidation program may lead us to suspect that the Prussian government was absolutely aware of the settlement policy's insufficiency. Moreover, the results strongly support the view that the main target shifted from a settlement policy increasing the German share of population in West Prussia and Posen to a broader land policy increasing the German share of land ownership within these two provinces. Particularly the fast, low-priced, and dynamic consolidation program promised to be an effective tool to quicken the pace of systematically excluding Poles from attaining increasing amounts of land, and this development was only interrupted by the abrupt outbreak of war.

In conclusion, it can be noted that the *settlement* policy had not achieved the success that had been intended by the Prussian government in 1886, though the broader *land* policy, which was pursued after the turn of the century, had a huge impact on the transformation from a liberal-individualistic to an ethno-national concept of property. Thus, it was not the settlement policy but the anti-Polish land policy that was successful, far more successful than contemporaries like Ludwig Bernhard and Franz Wagner have noticed.

⁶⁸ See GREGOR THUM: Eine deutsche Frontier? Die deutsch-polnische Grenze und die Idee von 1848, in: KAROLINE GIL, CHRISTIAN PLETZING (eds.): *Granica: Die deutsch-polnische Grenze vom 19. bis zum 21. Jahrhundert*, München 2010, pp. 19–38, here p. 34.

⁶⁹ Between 1905 and 1911 the Commission settled on average more than 1,500 colonists per year, while the numbers dropped significantly to 864 in 1912 and 823 in 1913. See DANIEL BENEDIKT STIENEN: "Deutsche, kauft deutsches Bauernland!" Über die Anwerbung von Kolonisten und die damit verbundenen administrativen Hemmnisse in der preußischen Siedlungspolitik (1886–1914), in: *Forschungen zur Brandenburgischen und Preußischen Geschichte* 27 (2017), pp. 63–90, here p. 70.

