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Regulating the Social

THE WELFARE STATE AND LOCAL
POLITICS IN IMPERIAL GERMANY

• GEORGE STEINMETZ •

PRINCETON UNIVERSITY PRESS
PRINCETON, NEW JERSEY

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Published by Princeton University Press, 41 William Street, Princeton, New Jersey 08540
In the United Kingdom: Princeton University Press, Chichester, West Sussex
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Library of Congress Cataloging-in-Publication Data

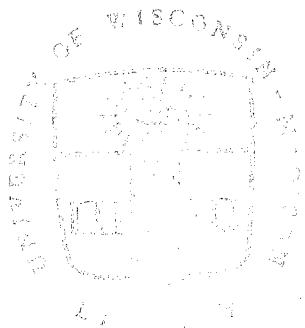
Steinmetz, George, 1957-
Regulating the social : the welfare state and
local politics in imperial Germany / George Steinmetz.
p. cm. — (Princeton studies in culture/power/history)
Includes bibliographical references and index.
ISBN 0-691-03240-8 (alk. paper)
1. Germany—Social conditions—1871–1918. 2. Germany—Social
policy. 3. Public welfare—Germany—History—19th century.
4. Germany—Politics and government—1871–1918.
I. Title. II. Series.
HN445.S67 1993
361.61'0943—dc20 92-44333 CIP

This book has been composed in Adobe Sabon

Princeton University Press books are printed on acid-free paper, and meet the guidelines
for permanence and durability of the Committee on Production Guidelines for Book
Longevity of the Council on Library Resources

Printed in the United States of America

1 3 5 7 9 10 8 6 4 2



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S67
1993

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• C O N T E N T S •

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• I N T R O D U C T I O N •

THIS IS A BOOK about the development of a set of original state strategies for regulating the social in Germany before World War I. Since T. H. Marshall it has been recognized that the advent of the welfare state not only represented a redistribution of income but also has contributed to more fundamental qualitative changes in society. In the Netherlands, for example, sociologists have found that welfare programs result in a palpable difference in the emotional ground-tone of everyday life.¹ Writing on France and on the welfare state more generally, François Ewald has argued that the advent of universal social insurance heralded a fundamental change in the very "nature of the social contract."² As the guarantees of the "insurance society" developed steadily and almost invisibly, people have come to accept them as the foundation of social life.

Writing in the United States today about the welfare state means writing in the context of its dismantling.³ This dismantling of the American welfare state has heightened the already palpable difference in the state's contribution to the basic quality of life in the U.S. and Western Europe, especially for working people. The most telling effect of this difference is that the U.S. welfare state lags far behind West European countries in terms of eliminating absolute poverty.⁴

The major attack on the welfare state comes from those who advocate a shift to strict reliance on markets. Underpinning this attack theoretically is an essentialized notion of sovereign individuals or families as rational, self-contained monads.⁵ More importantly, this attack is based on the highly problematic dichotomy of state and economy (civil society). Following Michel Foucault and others, I will introduce a third term, the social, located "between" the state and civil society. This term refers to a realm of specifically trans-individual structures, identities, culture, and social needs and risks. Welfare-state policies are centrally concerned with this realm. A central part of the argument revolves around the historically changing strategies for regulating the realm of the social. This involves a fundamental rethinking of theories of the state and social policy.

This theoretical perspective does not imply an idealization of European welfare states. Indeed, we find that most European welfare states have been subjected to harsh criticism from positions other than the free-market advocates. Many of the earliest critiques of social policy emanated from the socialist Left and the labor movement itself.⁶ Typically, the Left has seen the welfare state as a double-edged sword, diverting workers' political energies toward secondary battles and leaving capitalism's basic exploitative structure intact while palliating some of its lesser iniquities. In more recent years the welfare state has come in for questioning by the New Left and its successors.⁷ Foucault, Jacques Donzelot, and others have exposed the manipula-

tive and disciplinary side of welfare policies. Feminists have criticized the patriarchal character of social policy, arguing that the welfare state is divided into two unequal streams that reinforce gender divisions and female subordination, besides providing women with more meager benefits than men. Studies such as the current one therefore cannot limit their attention to the progressive or praiseworthy sides of social policy, as in certain “Whig” histories of the welfare state.⁸

These criticisms not only point to some of the shortcomings of even the more “developed” Western welfare states but also raise new questions about the processes that led to modern social policies: Why does the welfare state develop so unevenly across countries, regions, and localities? Why is social spending generous in some places and miserly in others? What accounts for the exclusions and disciplinary features of social programs? Where did the idea of public social policy come from in the first place, and how has it changed? Why did it take hold and proliferate?

This book approaches these issues by exploring the origins and development of the welfare state in Germany during the “long nineteenth century,” with a special emphasis on the German Empire or Kaiserreich (1871–1914/1918). It examines social policies at both the local and national levels of government. Both the national- and local-level discussions are based on a variety of archival and primary printed materials as well as secondary studies. The centerpiece of the discussion of municipal social policy is a set of statistical analyses of intercity variation in the programs’ introduction, spending levels, and formal qualities. This statistical analysis is based on an original dataset on the ninety-four largest cities in pre-1914 Germany.

The broad theoretical approach is to conceptualize modern social policy in terms of strategies aimed at the regulation of the social. As I will argue in the third chapter, the “social” should be understood as a concept embedded in human practices, an “actually existing” concept.⁹ It arose historically during the nineteenth century and designated a certain region of society, a space between the economy and the state. It was an arena of collective needs, grievances, and disruptions that were related to the transformations in the economic realm. Insofar as the social represented a threat to order—the order of the state and the capitalist economy—it posed the “social question” or, rather, a series of social questions.

In turn, the social was seen as an area in need of regulation. “Regulation” in the present context refers, most generally, to the partially conscious, “strategic,” use of political power, economic resources, and cultural authority to shape collective practices. Regulation refers to all attempts to order collective forms of behavior, whatever the apparent goal of these efforts or their actual degree of success. It involves the use of formal and informal social arrangements, institutions, and norms to create or encourage orderly patterns of behavior. The term alludes deliberately to the central concept of “regulation theory,” without accepting the entire body of this theory.¹⁰ The self-identified regulation theorists are interested mainly in the contribution

of the regulatory ordering of practices to capital accumulation.¹¹ Yet the concept of regulation has a much broader potential range of applicability. Most importantly, the nature of the *goal* to which regulation is being applied is not inscribed within the concept itself. One could speak, for instance, of the attempted regulation of *cultural practices* by a self-appointed cultural vanguard, with the aim of reasserting traditional intellectual values, canons, and cultural hierarchies. States and political officials are often involved in the pursuit of regulated behavior for the sake of *order* itself as a goal sui generis. It is also important to note that divergent regulatory programs may attempt to “colonize” the same practices. The contemporary family is a prime example of a social terrain that is subject to a range of divergent regulatory projects. (Most obvious are the attempts to order intra-familial practices along capitalist, religious, and educative lines.)

Why should we add to the already crowded conceptual field of the social sciences? Clearly, regulation is closely related to the notion of *hegemony*, especially in its original Gramscian meaning. The main problem with hegemony is the enormous range of interpretations that have accrued to it since Gramsci. Most provocative is the discourse-theoretic approach of Ernesto Laclau and Chantal Mouffe, which has reinforced an idealistic reading of hegemony that expels its original materialist and economic dimensions. On the other hand, theorists of international relations have proposed a very different version of the category of hegemony.¹² The notion of “regulation” might also recall the earlier sociological concept of “social control” or Foucault’s “discipline.” Social-control theory has been widely criticized for connotations of absolute and seamless domination, whether or not this was the intention of the writers using the phrase. Foucault’s notions of “discipline” and “governmentality” are arguably less monolithic, but they are problematic in other respects. Foucault does not theorize alternative disciplines, contending projects of governance, or partial disciplinization. And in a dichotomous and ultimately essentialist sociology, he often suggests that the opposite of discipline is some form of “undisciplined” behavior existing outside of or prior to power relations.¹³ Regulation is not (yet) saddled with any of these objectionable connotations or contradictory definitions.

How have we moved from an original concern with things being done *for* nonelite social groups—the beneficial effects of the welfare state—to an approach emphasizing things being done *to* those same people? The first reason is that although the beneficial effects of social policies on personal welfare are fairly evident, their other political and ideological effects are far less familiar. We will certainly trace the origins of policies that tend to be widely valued today, such as social insurance. The point is that an analytical approach to these policies cannot be satisfied with singing their praise but must dispassionately trace their origins and their effects. This is especially the case if certain aspects of the German welfare state are being considered as an exportable model by increasing numbers of politicians and activists in the United States today, especially in the Democratic party.

Moreover, although most of the early social policies were targeted specifically at the poorer segments of the population, the working class was a minor player in the creation of the welfare state in most of Europe, including Germany. This is another problem with "Whig" approaches that picture the rise of the welfare state as the self-emancipation of the working class or as the nation's self-enlightenment. The exclusion of most of "the nation" from the policy-making process in pre-1914 Europe was the result of several factors: the nearly universal restrictions on voting, even for adult males; the weakness of parliamentary bodies vis-à-vis hereditary monarchs and their appointed bureaucracies; and the minority status and ostracism of the political parties and interest groups claiming to represent workers, women, and the poor.

The lower classes were not completely shut out of the formation of social policy before 1914, of course. In some European cities, Socialist politicians and women's organizations were able to influence municipal social policy directly; a small number of town councils were even controlled by socialists. Poor people were also sometimes able to put their stamp on the day-to-day operation of social programs by participating in their administration or through direct resistance. This book will trace these forms of limited and indirect power in the German case.

Yet even if the population targeted by the welfare state were its sole author, it would still be important to analyze social policy in terms of regulation. Even the most "progressive" social programs do more than redistribute income or guard against risks. All social policies, whether socialist or conservative, are implicated in regulating a whole range of practices. (The same holds for neo-liberal "antisocial" policies that throw people back upon the very real "regulatory" powers of markets.) Even if—especially if—the expansion of social rights is our "knowledge constitutive interest" (Jürgen Habermas), it is necessary to understand all the other regulatory baggage that has accompanied the actually existing welfare state. There is much to learn from mapping the entire range of social goals, effects, exclusions, sanctions, and definitions built into the welfare state that was bequeathed to us in the twentieth century.

THE CASE OF GERMANY: LEADING THE WAY

Germany plays a special role in this excavation because it has all the distinction and notoriety of having produced the first modern welfare state.¹⁴ It has often been noted with some surprise that modern social policy first emerged in Germany (and soon thereafter in Austria) rather than in countries whose economies developed earlier, such as England or France.¹⁵ Indeed, Hamburg's poor-relief system of 1788 had been something of an international model itself at the end of the eighteenth century. A similar system of municipal poor-relief, codified in Elberfeld in 1852 and adopted by most major

German cities during the following decades, was widely emulated abroad.¹⁶ The national framing legislation for poor relief introduced in Prussia in 1842 (and later carried over into Imperial Germany) was unusual for its time, stipulating that all paupers were to receive some sort of relief.¹⁷ Following the introduction in the 1880s of national compulsory social insurance for sickness, work accidents, and old age, Germany came to be regarded as the international leader in social reform.¹⁸ The German government's Imperial Insurance Office proudly promoted the national social insurance system at world exhibitions in Chicago (1892), Brussels (1897), Paris (1900), and St. Louis (1904).¹⁹

Equally interesting are two types of policy that emerged in Germany after 1890 and that began a fundamental redefinition of the ways in which the social "question" had been formulated and addressed since the 1840s. These involved, first, the gradual introduction of "proto-corporatist" institutions, in which labor and socialist organizations were directly involved in making and implementing social policy, and second, the extension of poor relief into the new problematics of "social work." Although new social programs continued to be introduced by the national government between 1890 and 1914, most of the more dramatic changes now occurred in the urban realm, for reasons that will be explored in the last chapters of this book.

The pre-1914 German welfare state therefore allows one to study the simultaneous existence of at least four distinct types of social policy: poor relief, "Bismarckian" social insurance, proto-corporatist policies, and modern social work. Although these do not exhaust the full universe of forms of social policy, they represent four distinct and extremely influential strategies for regulating "the social." More recent social programs have often operated within the traditions, the specific categories, technologies, and goals, established by these early forms.

Focusing on the world's *first* welfare state, rather than one of the followers, has advantages if one is interested in exploring alternative theories of the welfare state. By looking at the "first case," one possible explanation for social policy is bracketed—*international diffusion*. This is not to say that diffusion processes are unable to account for the emergence of the welfare state elsewhere. In practice, however, it is often difficult to disentangle the relations between international diffusion and other causal factors.²⁰

The German case is also ideally suited for the comparative examination of theories of the welfare state. Indeed, it provides enough internal "variation" to allow one to make comparisons like many current cross-national studies, while avoiding the pitfalls of comparing overly heterogeneous entities.²¹ First, it must be recognized that Imperial Germany was not fully unified as a nation or state even after unification in 1871. Imperial Germany was characterized by numerous linguistic/ethnic minorities (Poles, Danes, Sorbs, and Alsations), and national identity remained precarious.²² The patchwork of federal states retained significant autonomy in financial, cultural, and military matters. Even more important for the current study is the relative inde-

pendence of municipalities from central authorities in matters of policy-making, especially social regulation. The resultant variation in urban welfare strategies represents a precondition for fruitful intercity comparisons.

At the same time, Imperial Germany's relative internal homogeneity makes it suitable for these sorts of subnational comparisons. The increasing national political unity of the German Empire was a function of the Reich administration and parliament (the Reichstag), national political parties such as the Social Democratic party (SPD), the army, and "national" political culture and high culture. The fact that Imperial Germany was attacked by an array of domestic political groupings does not call into question the existence of a nation state. Indeed, by systematically orienting their practices to a social-political-cultural entity called "Germany," its opponents contributed to its facticity, to the "nation-state effect."

A more pragmatic advantage of focusing on a single country has to do with questions of documentation and discourse. The German state and lower levels of political government such as cities used an increasingly standardized language to describe, document, and carry out their business. This relative degree of cultural uniformity makes internal comparisons among political units less problematic. It means that elites in different cities and regions are more likely to have used words in the same way and to have used similar formats in documenting their activities.

Any study of German history confronts certain unique issues. Germany is not just "any" case—or as Jürgen Habermas put it on the occasion of Ronald Reagan's visit to the Kolmeshöhe military cemetery at Bitburg in May 1985, "*We are not living in just any country.*"²³ Of course there have been continuing efforts to occlude the singularity of the Nazi crimes, most famously during the Historians' Debate (*Historikerstreit*) of the 1980s. The equation of Nazism and Stalinism has become even more widespread within Germany as a sort of ideological sea change or shift in "mentalities" since the collapse of the state socialist regimes in Eastern Europe.²⁴ In spite of these strategies of denial, no historian of nineteenth-century Germany can avoid the long shadow that the Holocaust casts backwards and forwards across German history. The very singularity of German history seems to eliminate the possibility of achieving one of the supposed goals of cross-national research, namely, "to replace proper names of countries by explanatory variables."²⁵

The uniqueness of twentieth-century German history has two important consequences for the study of its nineteenth-century welfare state. First, any investigation of German history is automatically relevant to debates on the origins of Nazism, due to the existence of a well-entrenched interpretation that sees Germany as having followed a *Sonderweg*, or peculiar path of development, in comparison with its western neighbors (Britain in particular).²⁶ Geoff Eley and David Blackbourn have emphasized how ubiquitous this "German exceptionalism" paradigm has been for more than a century,

becoming a sort of "new orthodoxy" by the 1960s. Liberal political actors, like historians, have taken its basic parameters for granted.²⁷ And it resurfaces at key historical junctures like 1989–1990, when arguments for retaining a separate but reformed East German state met with renewed warnings against German exceptionalism. Any evidence from the nineteenth century will automatically be assessed for its bearing on the *Sonderweg* thesis.

The *Sonderweg* thesis emphasizes the repeated failure of the German middle classes to carry out their assigned or "normal" historic role and to advance modern values, liberal-democratic institutions, and a properly bourgeois culture. The assumption is that any delay in the "necessary synchronization of socioeconomic and political development," such as characterized the empire, has grievous consequences for the future.²⁸ The paramount cause of Nazism is the absence of a bourgeois democratic revolution in Germany during the nineteenth century, especially in 1848, when "German history reached its turning point and failed to turn."²⁹ A fateful imbalance resulted: while German industry grew swiftly, premodern political practices and cultural values, based primarily in the aristocratic-agrarian Prussian ruling elites, were retained and reproduced well into the twentieth century. These features of German history, and the concomitant weakness of liberalism and modernity, are then evoked to explain the possibility of Nazism. As Hans-Ulrich Wehler puts it, "The Prussian submissive mentality (*Untertanenmentalität*), Prussian reverence for authority (*Obrigkeitsdenken*), Prussian militarization of society, the unholy alliance of Prussian Junkers, politicians, and military men first brought Hitler to power . . . and then supported and consolidated the National Socialist system of domination."³⁰

Eley has shown the analytic pitfalls of writing German history teleologically, as if all events since Bismarck or Luther have pointed ineluctably toward the Holocaust. Nonetheless, the continuing attraction of the thesis of nineteenth-century Germany's traditionalism, illiberalism, and lack of *Bürgerlichkeit* makes almost any study of the Kaiserreich, whatever its immediate topic, relevant to broader discussions of German history. The period of the Kaiserreich actually plays a key role in the exceptionalism narrative, because this is the period during which political and cultural backwardness were allegedly consolidated against economic modernity. The Imperial German state, as one of the major sites where precapitalist elites and practices are said to have retained their unnatural dominance, is a privileged site for evaluating the *Sonderweg* thesis. In an essay on the recent revisions in the positions of Wehler and other exceptionalists, Eley points out that

it is in the political domain in the stricter sense that the weakness of the German bourgeoisie was always thought to be most clearly revealed: in the economy and civil society, even in the public sphere in the broader sense, bourgeois achievements can be shown, but in the state and civil society (so the argument runs) the power of the traditional élites remained as strong as before. . . . The advance of the bourgeoisie stopped at the gates of the political system.³¹

Social policy, as one of the chief arenas of state activity, is central for an evaluation of the Sonderweg thesis; yet as Eley has observed, this is "a problem of rather surprising neglect."³² When it is addressed, German social policy is typically construed as an expression of neo-feudal paternalism and the weakness of liberalism, or disqualified by the manipulative motives that inspired it. Wehler, for instance, contrasts Bismarck's social insurance with a vaguely specified "modern style of state intervention," one whose "proper effect" would be to redistribute national income.³³ Ralf Dahrendorf refers to the welfare state as "authoritarian" and claims that social policy "immobilized" people rather than promoting capitalism.³⁴ Even studies that acknowledge certain progressive aspects of the early German social interventions discuss them under the aegis of the "defense of traditional authority."³⁵ Alternatively, the imperial welfare state is seen as a symbolic gesture meant to appease an unnaturally radicalized and estranged working class; the implication is that only pure motives can give rise to authentic social policy, and that the high degree of class polarization in the Kaiserreich was abnormal. Another approach is to single out national social insurance as one of Germany's few "positive" deviations from the Western norm—although admitting the modernity of such a key element of German politics would seem to undermine coherence of the Sonderweg thesis.³⁶

It is somewhat ironic that the very facet of the German polity that seemed so advanced to so many foreigners during the nineteenth century should have such ignominy heaped upon it by German historians. But the problems with each of these treatments are more serious, having to do with an under-theorization of social policy and the unexamined operation of an implicit model of the welfare state apparently based on an idealized image of the late-twentieth-century parliamentary welfare state, perhaps along the lines of Sweden during the postwar period. Not only is Imperial Germany being measured anachronistically against a twentieth-century yardstick, but the yardstick itself is faulty.

The second sense in which the pre-1914 welfare state is relevant for the question of the origins of Nazism is related to, but logically independent of, the first. The early welfare state may have contributed to Nazism even if it did not form part of an entire cluster of premodern attributes as suggested by the Sonderweg thesis. Detlef Peukert has argued, for example, that Nazi eugenics can be traced in part to the social policies and doctrines of the late nineteenth century and the Weimar Republic. Earlier programs and theories concerning the youth problem and juvenile delinquency were radicalized by the Nazis in their murderous eugenics programs.³⁷ Similar continuities between the late nineteenth century and Nazi policy have been traced for biomedicine, public health, and care for the aged.³⁸

This study stops in 1914 and cannot trace the lineages of Nazi policy back into the nineteenth century in any detail, although the conclusion will turn a speculative eye to this question. But I will deal directly with the first issue, concerning the relative modernity and Bürgerlichkeit of the Imperial Ger-

man welfare state. I will reject the *political* version of the Sonderweg thesis, the position that politics and the state were neo-feudal or antibourgeois during the empire. On the other hand, I will not simply embrace the opposite conclusion, that Imperial Germany had a "capitalist" state. Rather, the German state showed a unique combination of traditional structural features and decisively modern interventions. An account of the general nature of the state (in chapter 4) will set the stage for the more detailed discussion of social policies. I will reject the Manichean choice of condemning the imperial welfare state as traditionalist or praising its modernity. Social policy was much more complex and multifaceted than it has appeared in previous accounts. Seen from certain angles, the welfare state pointed toward Nazism, reinforced social divisions and bourgeois hegemony, and was geared mainly toward restoring social order; on the other hand, certain aspects of social policy helped to relieve sickness and poverty. But almost all social policy under the empire can be understood as related much more strongly to the leading classes and values of industrial capitalism than to preindustrial or neo-feudal norms and strata. I will try to explain why policies took the form that they did, focusing on the different constraints on local and national elites and the differing balance of force at the two levels. The real task will be to discover the conditions that gave rise to the objectionable forms of social policy and to the more progressive forms.

Part 1 of this book develops the methodological and theoretical framework. The first chapter develops the distinction between explanation and theory and provides an overview of existing theories of the welfare state and social policy. Chapter 2 presents a guide for the rest of the book, a condensed version of the explanation of the central and local states and their social policies. The key here is the emergence of four separate paradigms of regulation through social policy, each associated with specific target groups, techniques, conceptual categories, and as a result, different theoretical perspectives that are best able to explain the policies' development. Chapter 3 deals with the background conditions for the rise of the welfare state in nineteenth-century Germany, namely the new forms of social fear that registered the results of industrialization and collective revolutionary actors. It is concerned specifically with the rise of the notion of something like a "social" realm during the nineteenth century. The social raised a number of problematic "questions" (the social question) and called for *regulation*.

Part 2 deals with the central state of the German Empire and its social policy. Chapter 4 surveys the existing explanations of the Imperial German state and develops a general model of the state's functioning. It is argued that the Prussian-German state was in fact controlled by social groups whose class background and interests would predict a "normal" opposition to industrial capitalism. Yet at almost every critical juncture these very elites sided with industry against agriculture and promoted the penetration of capitalist markets and a capitalist logic in parts of society that were still rela-

tively traditional. Paradoxically, state officials' very pursuit of "traditional" absolutist goals of administrative autonomy and war led them to strengthen the capitalist forces that were then able to hem in the autonomous state even more.

Chapter 5 looks at social policy in Imperial Germany in relation to state officials, social movements, and the dominant classes. Here I sketch the development of the first two paradigms of social reform, modern poor relief and the Bismarckian strategy of defining and demobilizing the working class through social policy. A central issue throughout this chapter is the varying relations between the popular classes and social policy. The threat of the disorderly poor and the organized working class both played a role in stirring the state to action in the social realm. Yet the relative political weakness of the working classes meant that they had very little control over the actual form of the programs that were introduced.

The third part of the book explores the local state and its social policies, including the rise of novel municipal strategies for regulating the social at the end of the nineteenth century. My approach throughout this section is to relate the general structure of local politics to urban regulatory interventions into the social. Because there were more significant changes in the nature of politics at the local than at the national level after the mid-1890s, urban social strategies also developed more rapidly. Cities pioneered the more interesting social experiments after 1900. Throughout this third section I engage in statistical analyses of intercity policy variations in order to pin down the determinants of urban social programs.

In the first part of chapter 6 I discuss the dominant structure of urban politics before the 1890s, direct and undiluted bourgeois control, in relation to its paradigmatic form of social policy, poor relief. Statistical analysis suggests that local relief spending was related to popular disruptions and the level of municipal bureaucratization. The second part of the chapter details the initial local social-policy responses to the working-class threat. The emergency public-works projects are exemplary in this context. These local efforts were comparable in many respects to the Bismarckian "divide and conquer" form of policy that had crystallized at the national level during the 1880s. Greater levels of local Social Democratic power therefore actually discouraged elites from providing emergency works, as indicated by the statistical analysis.

Chapter 7 describes a linked series of changes in local politics that set in around the turn of the century: the gradual replacement of the economic bourgeoisie by other middle-class groups at the head of city government; the changing social-policy views of the liberal parties that still governed most of the cities, even as they faced shifts in the social composition of their membership and mounting challenges to their grip on city government; the rising importance of professionals and scientific experts in local affairs; and the increasing representation of the SPD in municipal institutions. Two new strategies for social regulation emerged as a result of these changes in local

politics: scientific social work and proto-corporatism. The former pointed toward the biologization of the social and contained eugenicist elements that were radicalized during the Nazi regime; the latter pointed toward the full-fledged neocorporatism of the Weimar Republic and West Germany. In a statistical analysis of the introduction of municipal unemployment-insurance schemes, the so-called Ghent system, I find that local elites were more likely to embark on a proto-corporatist strategy where the local Social Democratic party was peacefully involved in municipal council affairs and extra-parliamentary disorders were minimized.

This book is situated at the intersection of three broad tendencies in social theory and research that have developed rapidly during the recent decades. The first of these trends is the reemergence of theoretical work on the state in the social sciences. The second strand consists of social-historical studies of politics, especially working-class politics, local politics, and what is generally referred to as "micropolitics". The third and broadest development is the reemergence of historical sociology. As Philip Abrams wrote, "History and sociology are effectively the same enterprise."³⁹ The present study attempts to effect a merger of history and social theory. The goal is to write history theoretically while treating social theory as historically contextualized. Yet I am enough of a sociologist to begin with an extended discussion of general theoretical issues before moving to the historical case.