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**MORE THAN JUST TITLES:
A DISCUSSION CONCERNING THE
GERMANIZATION POLICY IN
EARLY TWENTIETH-CENTURY
PRUSSIA**

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This article analyzes a discussion involving members of the Prussian and the Imperial German cabinets in the early 20th century which concerned the protests of Prussia's Polish-speaking citizens against the Germanization of their proper names' spelling. The discussion reflected ministers' varying approaches to the issue. For the purpose of this study, these approaches are categorized as 'legal', 'political' and 'bureaucratic' discourses, respectively. The author shows how these different sorts of reasoning led, each in its own way, to the final decision-making. Although the practice at issue concerned the spelling of a language that was not even German, it was about a very German problem of relationships between the nation-state and one of its ethnic minorities, a problem that was to dominate a whole epoch and lead to a number of global historical cataclysms.

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Introduction

To a great extent, German political history of the nineteenth and twentieth centuries is a history of reforms, revolutions, and their discussion. For the most part, it concerns reforms and revolutions that happened. It seems to me, however, that studying the discussions of changes that eventually did not take place can be no less instructive, if for no other reason than because they attract our attention to the variety of possible paths, of which only one was taken, and thus allow us historians to evade teleological temptations, albeit partly. This article is about a discussion that resulted in a policy decision not to change the status quo. I am going to show how different lines of reasoning led to this end. The issue under discussion may have been a minor one, but its implications weren't. On the face of it, it was about spelling.

While spelling and politics are known to be related to each other, in German history issues that reflected this relation mostly concerned spelling reforms that were disputed or politically motivated or both. By contrast, this article focuses on a case of spelling practice giving rise to a political discussion and decision-making. Although the practice at issue concerned the spelling of a language that was not even German, it was about a very German problem of relationship between the nation-state and one of its ethnic minorities, a problem that was to dominate a whole epoch and lead to a number of global historical cataclysms.

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In winter 1902/03 or maybe at the beginning of spring 1903, Dr. iur. Maryan Rożański, who lived in the Prussian province of Silesia in a city called Gleiwitz in German and Gliwice in Polish, received a letter from the district taxing authority. The envelope contained a document roughly corresponding to what we call a tax return. The lawyer refused to accept it because the address on the envelope, which was written in German, said it was directed to a person named Rozansky (in this form it would be pronounced *Rotsanski* in German and *Rozanski* in Polish), while the correct spelling of his name was Rożański (pronounced *Rozhanski* in Polish). After sending the letter back, the lawyer filed a request to the president of the Appeals Commission for Income Taxes in the district town of Oppeln / Opole asking him to give the clerks³ in charge of such correspondence an order to write his name with all the due diacritical marks. He even enclosed a copy of his birth certificate in which the name was spelled correctly. But all he succeeded in achieving was that the district commission corrected the *y* to an *i* and sent the letter again, this time by courier who received the following instruction: should the recipient refuse to accept the letter again, it was to be left on the spot.

³ Hereinafter, the English words *clerk*, *registrar*, *officer*, and *official* are used for the German *Beamter* which actually has no close English counterpart but can also mean, depending on the context, *civil servant* of different ranks.

Having failed to get his petition granted at the district level, Rożański continued his struggle and wrote to Prussia's Minister of Finance. The lawyer's petitions are not stored in the archive materials from which I am drawing on in this study⁴, leaving me with the necessity to rely on circumstantial evidence as regards their existence and contents. Indirect data are available in sufficient quantities, though, for the Silesian lawyer's petition (to which, it should be said at once, he again received a negative response; he seems to have filed no more petitions in this case) provoked quite a lengthy, extensive and controversial exchange of opinions between several Prussian and imperial ministries in Berlin. Most of the time, the debate progressed in writing, with ministers and other officials circulating copies of their statements (*Votum*) to all discussion participants, so that everyone would read each statement and reply to it. Such letters were sent at intervals of several weeks or even months, so that sometimes a minister would retire and a new one would take his place in between. In this article I am going to analyze the arguments put forward in this discussion and the way they reflected the situation in Germany at the turn of the centuries. But first, to help us understand the meaning of Rożański's actions and ministers' reactions, a few words must be said about the historical context of this conflict.

Despite the mixed ethnic structure of its population, the German Empire – unlike, for example, Russia and Austro-Hungary – did not consider itself a multinational country, nor did Prussia, its largest federal state with the highest ethnic diversity. In the view of its government, it was supposed to be a German nation state. The existence of ethnically different population groups such as Danes in the north, French in the west, and Slavs in the east, was seen as a problem requiring a gradual solution, which meant complete assimilation. This assimilation was labeled Germanization (Feindt, 1995). It progressed partly as a self-supporting process since the Middle Ages, and partly through concerted efforts of the authorities. Germanization policies in Prussia's Polish-speaking provinces included the introduction of Prussian laws in regions transferred to the Prussian jurisdiction as a result of the late eighteenth-century partitions, reforming the administration system, law courts and educational institutions to fit the Prussian models, appointment of ethnic Germans as officials, targeted migration of colonists from other parts of Germany to historically Polish regions. As one of its most important components, the Germanization also included a systematic imposition of the German language to displace Polish in the public sphere.

Frederick the Great's decree of 1764 declared the German language official for Silesia and forbade under penalty of 10 thalers to employ persons with no knowledge of German for work in

⁴ All documents cited or drawn upon in this study are stored at Geheimes Staatsarchiv Preußischer Kulturbesitz. I. HA Rep. 151 Finanzministerium I B Nr. 317, Bd. I 1876-1904 and Nr. 318. Due to lack of pagination, no further references are provided.

schools and even in agriculture. The King of Prussia forbade the issuance of wedding permits to men who had not learned German. Pastors and officials also were obliged to command both languages. With German nationalism gaining momentum, especially after the establishment of the German Empire, the pressure intensified and its racist components were evident (Helmes, 1994; 10 – 29). By the initiative of Chancellor Bismarck, German was declared the sole language of instruction at elementary schools (exceptions were made for religious education and church music lessons) in Silesia in 1872, a year earlier than in Posen and West Prussia (Grześ, Kozłowski, Kramski, 1976). The teaching in and of Polish at public schools was prohibited. Teachers who were ethnic Poles were replaced by ethnic Germans. While the lessons were to be held in German, it was not being taught to schoolchildren as a foreign language, making it difficult for most Polish native speakers to learn it. A considerable part of Polish schoolchildren in Prussia had a loose command of German at the time of their graduation, many did not understand it at all. Well into the twentieth century, most of the population in many parts of Silesia remained Polish-speaking⁵ and was reluctant to communicate in German or even to learn it properly.

In 1876, the *Law on the German language as the only language of record keeping for all agencies and officers of the Empire* was passed, imposing German as the sole language for local administration in Silesia, which used to be bilingual, and in 1877 it became the only working language in all Silesian courts of justice. The displacement of Polish kept spreading from the government sphere all over onto the communal and private spheres: Polish names of towns and streets were abolished, people were encouraged to change their Polish family names to German ones, or at least to Germanize their spelling (e.g. Schimanski instead of Szymański). As the imperial minister of the interior emphasized in 1901, the change of names was to be encouraged because it could contribute to Poles' 'alloying' with Germans.

However, the 'alloying' was accompanied by increasing rejection⁶ and radicalization of confrontation between Germans and Poles (Frackowiak, 2013). The alienation of Polish-speaking citizens from the Prussian state in the eastern provinces of the country was aggravated since the local officials were freed from the obligation to know the Polish language and barely bothered to learn or use it. The ethno-cultural conflict and the political one merged and reinforced each other.

⁵ According to (Andree, 1923) 75% of the Upper Silesian population were Polish speakers. It has to be born in mind that the data was published soon after a series of severe interethnic conflicts that accompanied the transferring of parts of Silesia to Polish jurisdiction.

⁶ The fact that about two-thirds of the half million Polish immigrants living in the Ruhr region left for Poland as soon as an independent Polish state was reestablished in 1918 shows that their 'melting together' with Germans was superficial.

By the end of the nineteenth century Poles, unlike other ethnic minorities in the German Empire, constituted a very large group that was relatively compact and animated by a highly developed sense of ethnic identity. Moreover, the consolidation of their national identity was even promoted by the Prussian Germanization policy because the authorities attached the single label of 'Poles' to Silesians, Kashubians, Pomeranians, Mazurs and other West Slavic ethnic groups which up to the mid-nineteenth century had not yet perceived themselves as one people (Kossert, 2001). This single name, almost an exonym in the beginning, and a uniform discrimination policy with regard to people living in or coming from various Polish provinces resulted in ethnic and regional differences losing much of their relevance by the beginning of the twentieth century. Polish-speaking citizens of Germany began to establish 'Polish' national organizations, such as singing or gymnastic societies, clubs, reading rooms, mutual aid societies, religious circles, etc., on the model of German *Vereine*. Beside their statutory goals these associations often illegally conducted more or less active nationalist agitation. The authorities sought to stop it, but the prosecution only made the Polish movement stronger. Prussia's government stubbornly increased its efforts aimed at Germanization of Poles and fighting Polish nationalist agitation, but this caused irritation (not only in Poles) and met with passive and sometimes active resistance. Organizations and print media began to appear which combined a nationalist agenda with a political one.

Up to a certain point in time, there were no riots, though. One reason for the conflict remaining largely violence-free was that the Germanization was carried out within the framework of the rule of law: although the discriminatory nature of measures taken against the Polish language and culture was evident and the government did not conceal its assimilation intentions, the personal legal status of individuals was barely affected by this policy. Every citizen of Prussia, including those of Polish descent, had a right to complain against the actions of any government agency or official by filing a petition to the authorities or to bring his case before the court. Success was not guaranteed, but the sources this article draws upon show that the authorities considered such petitions quite seriously if not quite impartially.

Rożański's complaint was one of such petitions, the exact number of which we do not know. We can but speculate about the motivation behind it, but judging from the biography of the lawyer, it was not about legal pedantry: it seems, the overdot above the *z*, the accent above the *n* and the terminal *i* were of fundamental importance to him because they marked the difference between the Polish and the German spelling of his family name. His struggle for the correct – Polish – spelling was a struggle against the policy of Germanization and for the preservation of Polish linguistic identity – probably not just his own. At least, this is the impression one gets when

looking at facts of Rożański's life. Almost all of what little I could find out about him on websites such as <http://uminski.name/osoby/os11223.html>, <http://uminski.name/media/12545.pdf>, <http://www.historia-rybnik.net/kalendarium.html>, [http://romaquil.blog.onet.pl/Artur-Trunkhardt-1887-1965-wes,2,ID301669551,n\[5\]\[6\]](http://romaquil.blog.onet.pl/Artur-Trunkhardt-1887-1965-wes,2,ID301669551,n[5][6]), <http://romaquil.blog.onet.pl/POWSTANIA-I-PLEBISCYT-NA-ZIEMI,2,ID440392090,DA2011-11-28,n>, and <http://madalinski.info/osoby/b.html> is related to his activities as a member of the Polish national movement.

Maryan Rożański was born in 1864 near Posen / Poznań, in Padniewo, the hereditary estate of his father Stanisław Rożański, who was a member of the Prussian Landtag and the secretary of the Polish Parliamentary Association in Berlin. After taking doctor's degree in law, Maryan worked as a lawyer in Berlin (which means he did command German well enough) and then in Danzig / Gdańsk and Gleiwitz / Gliwice. In August 1914 he was arrested. Though I do not know what the charges against him were at that time, there is every reason to believe that the arrest had to do with his participation in the Polish nationalist movement. It was Artur Trunkhardt, his fellow activist, who authored an account of this arrest. Being too old for conscription by 1914, Rożański stayed in the city of Rybnik during the First World War and conducted intense anti-German propaganda there. After the war, according to the Treaty of Versailles, a referendum was to be held in 1921 to decide whether Silesia should belong to Poland or to Germany. Rożański was the chairman of the Rybnik city committee in charge of preparing and conducting this plebiscite. In early 1919 he helped edit *Der Weiße Adler*, a Polish nationalist weekly newspaper in German⁷. The weekly was suspended by the authorities in April 1919 only for its place to be taken by the newspaper *Katholische Volkszeitung*, which was edited by the purebred German Artur Trunkhardt (the aforementioned associate of Rożański who described his arrest) but acted as the voice of the Polish nationalist movement.

Rożański's activity was not always strictly political, but politics affected much of what he was doing. Among other things, in the summer of 1919 he became the first (unofficial) representative of the Polish Red Cross in Rybnik, but this was unacceptable for the German authorities, and they threw obstacles in his way in this capacity because they regarded him as a Polish national activist first and foremost.

⁷ Strange as it might seem at a first glance, the fact that a Polish nationalist newspaper in Silesia was printed in German had to do with the prohibition of Polish press by the Prussian authorities as well as with the complexity of the ethno-linguistic situation in Silesia. This land came under German rule in the fifteenth century. As a result of the Silesian War in mid-eighteenth century it became part of Prussia. By the end of the nineteenth century, due to the intense assimilation and resettlement policy pursued by the German authorities, Silesians were much more Germanized than the population of regions that were ceded to Prussia in the late eighteenth century partitions of Poland. In early 1900's, many residents of Silesia who considered themselves Poles (or Silesians) but attended German schools could only read and write in German, since it was not allowed in that time to teach children to read and write in Polish at schools, and home schooling, which enthusiasts organized privately, was by no means pervasive.

When, in August 1919, the first uprising broke out in Upper Silesia, Rożański was among its perpetrators. The uprising was quickly suppressed, after which he was again arrested and jailed in Nysa. He stayed there for less than a year, though: we know that he went at large by August 17, 1920 (the first anniversary of the uprising). His life was endangered in connection with this anniversary: German nationalists staged a rally in the Rybnik city garden, which was attended by people from all over the district. Poles, too, came in large numbers, and at their head was Rożański. At one moment he made a remark that demonstrated the demagogic character of German agitators' speeches. Failing to find verbal counter-arguments, German militants started shooting. Rożański's bodyguards returned fire and he survived to continue his struggle. When the Third Silesian Uprising broke out in May 1921, he helped design strategic plans for it, sometimes the insurgents' meetings even taking place in his apartment.

Following the partition of Upper Silesia, Rybnik was transferred to Polish jurisdiction, and Maryan Rożański, who was a member of the City Council, was elected the first (interim) Polish mayor of the city. This seems to have been the culmination of his political career. About that time he received several awards from the newly founded Polish state⁸. He died in 1927 in the town of Lubliniec near Rybnik.

The conflict with the Prussian fiscal authority in 1903 was probably an early and perhaps a minor episode in Rożański's struggle for a Polish Upper Silesia. The real battles – and victories – lay ahead. But then again, it is possible to assume that the lost case concerning the spelling of his family name contributed to Rożański's radicalization and was one of the reasons why a few years later, when he was already a made man and a housefather⁹ in his late forties, he engaged in social and political activities that were hazardous and did not even promise much success in the beginning.

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While sources that would allow us to trace the reasoning of local authorities in dispute with Rożański might have survived in a Silesian archive, I have not encountered any reference to them and conducted no archival research in Poland. Based on the documents from the Berlin Secret State Archive it is impossible to say if Prussian ministers were aware of the lawyer's nationalist views. His person was not discussed commented on at all. Two comments on his

⁸ For his participation in the Third Silesian Uprising he was awarded a Silesian Cross of Valor on the Ribbon of Bravery and Merits. In addition, he was made a Knight of the Upper Silesian Star and a Commander of the Order of Polonia Restituta.

⁹ At the time of filing his appeal Maryan Rożański had two small daughters (born in 1898 and 1899), and his wife was pregnant with a third one who was to be born at the end of April 1903. In 1908, the couple had a son. Rożański was in his sixties when he got arrested and then participated in the Silesian uprisings and in rallies accompanied by shooting, while his children were too young yet to make provision for the family in the event of something happening to him.

presumed motives can be found in letters of Minister of Public Works Hermann von Budde and Interior Minister Theobald von Bethmann Hollweg, both written two years after the complaint. These two ministers stated that it was a ‘chicane’. Others did not object to this.

Rożański’s petition was not supported by any member of either the Prussian or the Imperial Cabinet. Some viewed it as unfounded, some thought the case was not subject to further discussion since it had already been settled, others believed it was a singular incident that did not call for a special government’s resolution. However, all ministers agreed that the issue which manifested itself in this incident did require discussion and eventual decision making. A discussion took place in two forms: first, officials wrote and circulated their statements; second, the issue was discussed in a government meeting on February 18, 1904. I have not found the minute of this meeting, but given that the discussion continued after it, no final decision seems to have been made there. All that changed was that instead of Rożański’s case the discussion now focused on the document that provided a legal regulation of the setting of diacritical marks in foreign names: this was the government decree of March 11, 1898 (Ministerium des Innern, 58). In respect of writing foreign names in documents such as birth certificates etc. this decree stated that registrars should *not* be obliged to write letters which didn’t exist in the German script, e.g. Russian, Turkish or Chinese characters. Such names were to be recorded in German transcription only. However, if a name was originally written in German or Latin letters with dots, accents, and other small diacritical marks added, it was the duty of officials to enter these marks in registry office documents with particular clarity. In parts of Prussia where the population spoke Polish, names the German spelling of which differed from the Polish should be written in official documents in their German version, with the Polish form added in brackets (the same was prescribed by the government decree of 27 July 1875 and by the decision of the Royal Privy Council of June 11, 1900) (Müser, 1913).

Ministers discussed the issue from various points of view. Their individual arguments and whole lines of reasoning can be attributed to three different discourses¹⁰, which I label ‘legal’, ‘political’, and ‘bureaucratic’.

The legal discourse is characterized by appealing to laws (or by-laws, such as the decree of March 11, 1898); it is about rights and obligations, interpreting legal norms and their applicability to specific cases.

¹⁰ Discourse means "a way of talking about things" in this article. Though the classification of discourses is introduced by me, it corresponds to the way the authors of statements themselves saw things.

The political discourse appeals to the interests of the State; it is about the government's policies (in this context, the Germanization of Poland above all), about the relationship between the German state and its subjects, and about the political power agencies.

Finally, the bureaucratic discourse is about the concerns of and the relationships between individual government agencies and their members.

To be sure, the three discourses usually coexist and are intertwined in the source texts, but still, the difference between them is noticeable, and I am going to compare their relative impact.

* * *

It is not only officials affiliated with justice institutions that produced samples of legal discourse in their statements. For instance, Adolf Dombois, a high-ranking official in the Imperial Ministry of Finance, argued on July 18, 1904 in a statement on behalf of the Prussian Finance Minister as follows: no one, he wrote, is entitled to demand that Prussian authorities in their correspondence with him should use letters or additions to letters that are foreign to the German language. It is probably due to the particular importance of registry office documents that on March 11, 1898 the government issued a decree prescribing registrars to write foreign names with the due dots and dashes added, but this prescription was not intended to apply for all kinds of official correspondence. "I can't see", Dombois continued, "why the importance of diacritical marks for the pronunciation of Polish names is being adduced as the reason for someone's alleged claim for his name being spelled using these characters, given that, as the decree of March 11, 1898 acknowledged, the writing of foreign characters cannot be demanded from German clerks. Russian sounds cannot be rendered using German letters either – so what, is a citizen of Russian origin therefore entitled to demand that his name be written with Russian letters? The decree admitted that this would be impossible. Why, then, should the decree require clerks to write with Polish letters, while admitting at the same time that they couldn't be obliged to command any script but the Latin / German one? The fact that it is only diacritics that distinguish Polish letters from Latin ones makes no difference. Though these characters may be easier to draw, clerks still do not understand them any better than Russian ones and therefore one cannot demand from them that they use these characters."

The 1898 decree, the Minister of Finance, economist Baron Georg von Rheinbaben (Zilch, 2003) wrote in another statement, did not imply that bearers of Polish names have an unconditional claim for these names being written with diacritical marks, and that this should be clerks' duty. "My impression," von Rheinbaben argued, "is rather that this decree was based on

considerations of expediency and justice: this is indicated by the fact that ministers [who issued this decree – K.L.] did not see any reason not to demand from clerks the use of diacritics once these marks are but small additions to Latin letters” (i.e. all the clerks need to know is the German alphabet).

Baron von Rheinbaben realized that Minister of Justice Karl Heinrich Schönstedt in his statement of May 30, 1904 took a different stand, saying that diacritical marks were important parts of a name and their use should be required in official correspondence. Moreover, omitting them when writing one’s own name was punishable. This notwithstanding, von Rheinbaben insisted that it would be inconsistent with the exclusively German nature of the German Empire if its citizen should be regarded as committing a legal offense in case of failing to use non-German letters when writing his name. This, the finance minister pointed out, shows that the whole line of reasoning was entirely wrong. In his opinion, its flaw was that the spelling of a family name, i.e. the sequence of letters used for rendering it, was believed to be equivalent to the script applied. It is true, von Rheinbaben explained, that the spelling of proper names is protected by law, but this protection only applies for Latin / German letters that are used in the German language in a single way. Legal protection of foreign scripts used for foreign names cannot be presumed, von Rheinbaben continued, for it could not have been the intention of the German legislator. Otherwise, the same legal protection would apply for Russian, Turkish, or Chinese family names and they would be required to be written using the respective characters that are used in these languages, which is not the case, according to both the 1898 decree and the statement of the Secretary of State of the Imperial Office of Justice¹¹ Rudolf Arnold Nieberding (Vortmann, 1999, S. 214) of March 18, 1904. Therefore, von Rheinbaben summed up, a Pole cannot require the use of diacritics, and their non-use is not a punishable name-changing.

The above mentioned Justice Minister Karl Heinrich Schönstedt, about 70 by that time, was not just a lawyer. He was a hereditary judge with extensive work experience. Though he was known to be xenophobic (it was Jews rather than Poles that he felt an antipathy for), his position in this debate was based on the law as he understood it and also on the information about the practice of courts subordinate to him. Schönstedt launched an inquiry and received replies from thirteen presidents of courts of different levels, and at least one expert opinion. His question was whether one had a claim for one’s name being written in official correspondence with all the due diacritics. The majority of presidents of courts, including the Cameral court, which was

¹¹ The Secretary of State of the Imperial Office of Justice (Staatssekretär im Reichsjustizamt) was the justice minister of the German Empire.

particularly authoritative, replied in the affirmative. This, the minister concluded, meant that registrars' obligation to write Polish names with all the diacritical marks could not be annulled.

"By law," Schönstedt emphasized, "everyone is obliged to write his own name correctly. Failing to do so would constitute an unacceptable name changing. This obligation must have its counterpart in everyone's claim for his name being written correctly by others." According to the expert opinion the minister received from Breslau, diacritical marks were an essential part of a family name. Courts, the expert noted, were granting applications for correction of documents with diacritics missing.

Those three court presidents who uttered divergent opinions still believed that practical reasons spoke against the annulment of the 1898 decree, because in the interests of law and order it would be better to preserve the original spelling of names with foreign diacritical marks. Their legal reasoning relied partly on the *Law on the German language as the only language of record keeping for all agencies and officers of the Empire* of August 28, 1876 and partly on the argument that the knowledge of diacritical marks, especially Polish ones, could not be demanded from Prussian public servants (the latter being an instance of bureaucratic discourse, according to my scheme). However, the justice minister insisted that these considerations were unable to make him change his principal opinion, especially now [March 18, 1904] that the Secretary of State of the Imperial Office of Justice Rudolf Arnold Nieberding sided with him. In fact, Nieberding wrote that he did not consider himself entitled to utter his opinion concerning Rożański's case since it was not subject to the imperial law. He just wanted to make one remark, namely that the laws did not stipulate a citizen's right to reject official mail (or to consider its forced delivery invalid) because of the misspelled name on the envelope, unless this error caused reasonable doubt as to the recipient's identity. Apart from this, Nieberding agreed with Schönstedt's statement that there were serious legal objections against the abolition of the decree of March 11, 1898. Everyone, Nieberding stressed, has a right to the protection of his name, and it applies also for the spelling of one's surname, regardless whether German or foreign. Therefore diacritics must not be omitted and the rendering of foreign names with the help of German letters is unacceptable. The Interior Minister's suggestion to make the use of diacritics not mandatory but voluntary for clerks of the civil registry offices was at odds with the aforementioned legal norm, according to the Secretary of State of the Imperial Office of Justice.

Furthermore, Nieberding insisted that while clerks should not be obliged to keep to foreign spelling rules in cases of scripts other than Latin/German, they could and should fulfill this requirement for names originally spelled in Latin/German letters with diacritical marks added. Diacritics should not be omitted because they may be crucial for identification. Substituting

German letters for them is forbidden by the decree for two reasons: firstly, German letters do not convey all the sounds of foreign languages, and secondly, this would undermine public confidence in registry office documents and threaten the inviolability of the rule of law.

An example of the legal discourse being intertwined with the political one can be found in statements of the Prussian Minister of Interior, Baron von Hammerstein-Loxten. He was a lawyer with extensive work experience as a judge and public administration official (he was about 65 years old at the time under discussion). As a cabinet minister, he pursued a tough anti-Polish Germanization policy. It was his aggressive and systematic repression of the Polish language in education institutions that would lead to strikes in 1901 and 1906 in the province of Posen / Poznan with thousands of Polish schoolchildren boycotting religious education lessons and catechism in German (Korth, 1963). Both strikes were suppressed with the use of judicial and disciplinary repression measures so harsh that were criticized by Reichstag deputies as well as by European public. After the second strike, in which 48,000 Polish schoolchildren were involved, the parliament recognized a complete failure of Prussia's Germanization policy in Poland.

The discussion concerning Maryan Rożański's complaint took place between the two strikes. Despite the first protest, Hammerstein kept emphasizing the need for the Germanization of Poles. As far as non-German surnames were concerned, the interior minister negated anybody's claim for diacritics being added to them. "Just because French surnames have accents and cedillas," he stressed, "doesn't mean such a right can be postulated. Instead, name spelling should comply with the general principle formulated in the Law of 28 August 1876 *On the German language as the only language of record keeping for all agencies and officers of the Empire*, whereby clerks were not required to write using non-German letters and diacritical marks. If there is no German character to adequately render a character occurring in a foreign name, its bearer must subject himself to the inevitable necessity of his name's spelling being Germanized for the purposes of official correspondence with the Prussian authorities. "Moreover," Hammerstein went on to argue, "as the minister of finance pointed out correctly in his statement of July 18, 1904, what we have here are not just marks but full-fledged letters which are just as alien to German as the letters of some foreign language using a non-German script. Therefore there is no reason to acknowledge for them a legal status other than that of e.g. Russian or Turkish letters that cannot be rendered by German ones. As is the case with Russian, Turkish and other characters," Hammerstein concluded, "all one can do about Polish ones is Germanize them. For maximum protection of one's right to a name and to ensure reliable identification," he admitted, "such spelling Germanization should be carried out within most narrow limits. It is only from this point

of view that the similarity in appearance between German and Polish letters can be taken into account: the Germanization should be executed by way of eliminating the small diacritical marks without making hopeless attempts to render the sounding of a Polish letter with the help of one or several German letters, which might lead to a confusing diversity of spelling.”

Keeping to the legal discourse, the minister of justice firmly rejected Hammerstein’s proposal that showed a heavy impact of political reasoning. Schönstedt wrote that, after the minister of finance and the minister of the interior favored the continuation of the decree of 1898 for pragmatic reasons, he refrained from further analysis of controversial legal issues but maintained his own position described above. Therefore he said he would not give judicial authorities the instructions proposed by the minister of interior, nor would he vote for the proposed joint decree.

A rapprochement between the two ministries as to the legal side of the issue became possible after the interior minister was replaced. The new minister, Theobald von Bethmann Hollweg (Frauendienst, 1955, S. 215; Wollstein, 1995) was more moderate and rational¹² than Hammerstein. In his first statement he informed his colleagues that, in case the prime minister would make a policy decision, he would be ready to move away from the point of view of his predecessor and side with those who acknowledged Polish name bearers’ claim for a specific spelling (provided, its correctness would be proved by documents), since as Prussian citizens of Polish descent they had an acknowledged right to use their mother tongue. Bethmann Hollweg carefully avoided the word *Pole*, using more juridical expressions instead. To him, the fact that ‘bearers of Polish names’ were citizens of Prussia meant, above all, that they enjoyed certain rights and not that they should be assimilated.

Count Arthur von Posadowsky-Wehner (Bahlcke, 1992. 213-217; Henning, 2001, S. 646 f), a member of an ancient German Silesian noble family and a doctor of law who was the Prussian Minister of State¹³, the State Secretary of the Interior¹⁴ and the Vice Chancellor of the German Empire, uttered no opinion concerning Rożański’s petition. His reasoning was more general. In his statement of June 19, 1904 objected to the proposed alternation of the decree of 1898. Later on he added that the considerations that forced him to take that stand also spoke against the proposed government instruction whereby the obligation to use foreign diacritics applied only for civil registry and not for the rest of administrative paperwork. Referring to the arguments put forward by the minister of justice in his statement of January 17, 1904, Posadowsky-Wehner

¹² The conservative Reichstag member Ernst von Heydebrandt und der Lasa even described him as a ,philosopher rather than official’. (Vietsch, 1969, S. 45f)

¹³ I.e. the head of the Prussian cabinet.

¹⁴ The State Secretary of the Interior (Staatssekretär des Reichsamts des Innern) was the minister of the interior of the German Empire.

pointed out that allowing clerks to write Polish names without diacritics would be wrong from a legal point of view.

Hermann von Budde (Budde, 1916), the minister of public works, too, objected the proposed change of legislation. Although he was a retired military officer who specialized in the construction of railways (Budde, 1904) and received no legal training, he separated the ‘juridical question’ from ‘other aspects of the issue’. Concerning the former Budde said, in effect, that a claim for foreign letters and characters to be used when writing a name did not exist, and therefore there were no legal reasons against the abolition of the decree of 1898.

Summing up, the jurisprudential dispute between ministers focused not on the specific case of Rożański but on three more general issues: (a) whether a Prussian citizen had a claim for his Polish name being written on the envelope with all the due diacritical marks, (b) whether clerks could and should be obliged to use such marks in all cases, and (c) whether the legislation (i.e. the decree of March 11, 1898) should be altered. The argument did not end with any of the parties winning. Within the framework of the ‘legal’ discourse, positions were solid and no minister admitted that his interpretation of the applicable legislation was wrong or outweighed by other juridical considerations. If some of the dispute participants eventually agreed to completely or partially change their points of view, they did so under the influence of reasons that represented other types of discourse.

In what follows we will see if this was also the case with the ‘political’ discourse.

* * *

There were two groups of political reasons voiced in this discussion. One group concerned the relationships between Prussian and Imperial executive and legislative, the other concerned the relationship between the state and its citizens (especially Poles).

For instance, objecting to the change or abolition of the decree of March 11, 1898, Prussia’s Minister of Justice Schönstedt pointed out, among other things, that he would not be able to successfully make a case for the proposed measure when presenting it to the Reichstag. He was seconded by his colleague from the Imperial Office of Justice: allowing clerks of civil registry offices to skip diacritics, Nieberding wrote, would also be perilous from the political point of view: the Poles would use this for their propaganda against the government and sharply criticize this measure in the Reichstag, whose majority, as experience showed, would support the Polish

faction. Agencies reporting to the Office of Justice would not be able to successfully resist these attacks given that Prussian courts, as was said above, recognized that the use of diacritics was mandatory.

Finance Minister Baron von Rheinbaben weighed different kinds of arguments against each other in a telltale manner: on the one hand, he stressed that there were no legal reasons not to abolish the 1898 decree and, therefore, from the point of view of the law, Prussian clerks could be permitted to ignore the diacritics in Polish surnames. On the other hand, “upon repeated reflection”, he agreed that, once the decree had been issued, “its abolition would not be timely at the moment, because it would bring no political success, whereas the Poles would regard it as harassment and use it for propaganda purposes.” Besides, Rheinbaben added picking up the argument of the justice minister, given that the courts supported Poles’ claims concerning name spelling, moves contradicting this practice might lead to “undesirable discussions in the Reichstag”.

While the ministers’ opinions differed dramatically as to the legal aspect of the issue, they were virtually unanimous when it came to politics: for example, the head of the Prussian cabinet believed, unlike the minister of finance, that allowing officials to write Polish names with diacritics omitted would be “wrong from the legal point of view, as the minister of justice has shown [in his statement] of January 17, 1904, but it would also be wrong from a political point of view. I think,” Posadowsky-Wehner wrote, developing the argument along the lines of ‘political’ discourse, “that this would not be an appropriate means of fighting the Polish spirit (*Polentum*), and the Poles could use it for propaganda purposes.”

An interesting mix of legal and political discourses can be found in a statement of Heinrich Konrad Studt, the Minister of Worship, Education and Health (Schwabe, 1985). As a lawyer and administration functionary¹⁵, he had a long track-record of aggressive Germanization activities in the eastern provinces of Prussia. Studt considered the proposed abolition of the 1898 decree unacceptable: “After all”, he wrote, “if despite the abolition of the decree courts keep acknowledging Polish citizens’ claim for the traditional Polish spelling of their names, this stand of the courts would be used in a most undesirable manner by the Polish agitation [which would interpret it] as a victory over the Prussian government.”

While giving priority to legal norms, Interior Minister Hammerstein made allowance for political considerations in his statement, arguing as follows. Given that a claim for one’s name written properly cannot apply for characters lacking in the German script, “a Pole would not have

¹⁵ Prince Hohenlohe-Schillingsfürst characterized Studt in a letter to Prince Philipp zu Eulenburg of 2 December 1895 as follows: "An excellent public servant, but not a statesman and (a) moderate speaker."

committed a punishable offense if he wrote his name without the non-German diacritics, which means there are no juridical reasons speaking against the abolition of the decree of March 11, 1898. But on some reflection,” Hammerstein added, “given that there is a risk of political outrage, I would agree with the opinion that the provisions of this decree should not be changed for the time being. Instead, one should only maintain (and emphasize this in a joint decree of the Ministry of Justice and Ministry of Interior) that the obligation to use foreign diacritical marks exists solely for civil registry offices and does not apply for the correspondence of other Prussian authorities.”

As we can see, Prussian ministers were united by the apprehension that Polish nationalists might use the eventual abolition of the 1898 decree for their propaganda and thus profit from it. Their opinions varied only as to exactly what the Poles would do: some thought they would declare the abolition itself an anti-Polish move while others believed they would gloat over this measure’s effect being nullified in law enforcement practice.

On the face of it, the new Interior Minister Theobald von Bethmann Hollweg’s reasoning was different. In his statement he wrote that his predecessor’s proposal to issue a special order confining the applicability of the 1898 decree to civil registry offices was inexpedient, because political considerations mattered on a par with legal ones. The cabinet should not allow a move that could be interpreted as petty and hostile politics and as a denial of a right. After all, he went on to argue, the Poles, as opposed to Turks, Greeks and other foreigners living in Prussia, were Prussian citizens. They made up a large part of Prussia’s population and had been members of the Prussian state for a long time. Having read this far, one might think that this was a case of a Prussian statesman (and the future Chancellor of Germany!) advocating a policy that would let the Poles down more gently. However, the very next sentence shows that the Poles’ sentiments as such were not what Bethmann Hollweg was concerned about. In fact he, too, was afraid that this move might backfire: “An order for registry offices to write their [i.e. the Polish-speaking citizens’ – K.L.] names not the traditional way would inevitably be perceived by [the Poles] as a petty and hostile measure which, far from being conducive to their Germanization, would only irritate them instead.” Moreover, Bethmann Hollweg believed that a consistently German spelling of Polish names was a goal that could not be reached completely and everywhere. The Germanized spelling would remain confined to official paperwork, and even there it could not be applied in the most important papers because they required full conformity with the spelling in registry office documents. Last but not least, the Polish origin of names could not be glossed over by stripping them of their diacritics, the interior minister pointed out.

The political discourse as represented in this discussion amounted to premonitions. The examples cited above show that the only line of political reasoning to be found in ministers' statements was their warning each other about the likely negative political consequences of annulling or qualifying the controversial and not really feasible decree of March 11, 1898. They obviously feared an 'undesirable discussion in the Reichstag', even though the government's move would concern an issue which they themselves considered to be of minor importance. Just as obviously, they feared the eventual reaction of Germanization opponents who might use anything the government did for their propaganda. The significance the ministers attached to each of these two sorts of eventual political complications was so great that, in order to avoid either one, the cabinet was advised to desist from changing an imperfect and cumbersome legislation regardless of legal considerations. Note that in none of the occurrences of the 'political' discourse¹⁶ did a minister speak about the possibility of a political *win*. As far as can be judged from the statements, the government did not even try to seek any potential benefits in the situation at issue. It was wary of initiatives and trying to avoid political complications in the first place. Was the Reichstag or the Polish propaganda so dangerous for the Prussian regime? In fact, it seems that the ministers sought to evade any *controversy* whatsoever, be it with the parliament or with the extra-parliamentary opposition.

How can this fear of politics be explained? On the one hand, if we look at the next few years, pretty soon the Germanization policy would provoke overt resistance, and after the establishment of an independent Polish state in 1918 the Polish propaganda in parts of Silesia remaining under German rule would achieve (with Maryan Rożański's help) such a success that the Prussian authorities would find themselves unable to counter it in any other way than with military force. But, on the other hand, it would be anachronistic to say, looking back from the future, that as early as 1903/05, after the first and relatively small schoolchildren's strike in Posen, the Prussian ministers anticipated or apprehended the subsequent escalation of resistance and tried not to give it a chance.

Instead, I would like to suggest what I think is a more plausible interpretation of this 'fearful political discourse'. If it is true (and it does seem to be the case to me) that the ministers were afraid of conflictual public dialogue as if it meant a threat of defeat or at least was extraordinarily uncomfortable for them, this can be explained by the background of these elderly individuals. Over the decades of service in an undemocratic state, they got used to receiving, executing and

¹⁶ In terms of volume, text fragments representing the 'political' discourse amount to less than one-third of the 'legal' discourse and slightly more than one-third of the 'bureaucratic' one. To be sure, this might have to do with the nature of the question under discussion. The proportion of statements could have been different depending on the topic. A comparison between this set of statements and other ones has yet to be made.

giving orders but not to interacting with citizens or their representatives. These men were experts in law, economics and / or public administration but not politicians. None of them (except Posadowsky-Wehner, who had served a three years' term as a Lower House member of the Prussian Landtag twenty years earlier, and Hammerstein, who was a member of the State Council and a plenipotentiary representative in the Bundesrat) had any experience of parliamentary activity. Cabinet meetings, briefings in the ministries, and written statements were the familiar and – judging by the tone of the texts – quite a comfortable environment for them to discuss things in. Parliament hearings and public dialogue with angry citizens weren't. Especially at a time when they were confronted with criticism and opposition in parliaments and in the press, ministers preferred consciously or unconsciously to discuss and take cautious defensive measures, without even mentioning any proactive, offensive and winning-oriented public policy.

* * *

One evidence to confirm my suggestion is that the 'bureaucratic' discourse apparently was also more comfortable for the ministers than the 'political' one. This is indicated by the higher number and length of its pieces as well as by the greater variety of topics and arguments that were dealt with in its framework.

The tone, the topics and the reasoning typical of the 'bureaucratic' discourse are dramatically illustrated in the only letter within our body of sources that was addressed to Rożański. Adolf Dombois circulated to other ministers a copy of the letter he sent to the Silesian lawyer on March 27, 1904 on behalf of the minister of finance. It is worth quoting in full:

“In reply to your petition of April 2 [1903], this is to inform you, with your papers enclosed¹⁷, that your complaint cannot be recognized as justified. Although in your opinion the address on the outside of the letter delivered to you from the president of the Gleiwitz Commission for income taxes was misspelled in the sense that there was a *y* instead of an *i* at the end of your surname and the overdot above the *z* and the caron [sic!] above the *n* were missing, these minor and insignificant deviations still did not give sufficient reasons for refusing to accept the letter. After all, other parts of the address, i.e. the correct name and title, left no doubt that the letter had been sent to you. Minor errors in the spelling of a German surname would not have justified such behavior on the recipient's part either. The president [of the Commission for income taxes], therefore, had every right to send you the letter again – by the way, [with the recipient's name]

¹⁷ Rożański had enclosed a copy of his birth certificate to prove that his name was written in it with diacritical marks and should, therefore, be written so in other documents as well.

amended to Rozanski, – and tell the courier to leave the letter in the place of delivery in case of repeated refusal to accept it. I cannot grant your wish and instruct the president that for future letters to you he should order the [diacritic] marks to be added to the *z* and the *n* in your surname. [This wish can't be granted] if only because German clerks are not familiar with such marks.”

This typical piece of bureaucratic reasoning shows that a high-ranking finance ministry official never doubted his being qualified as an expert in an issue which had nothing to do with finance or taxes. In a lengthy statement of July 18, 1904 Finance Minister Baron von Rheinbaben himself went even further and stated that characters with diacritic marks “are not just modified but different letters that have different names and signify different sounds. They are alien to the German script, just like other foreign script signs, such as Russian, Greek or Chinese. Their greater similarity with the characters of the Latin script makes no fundamental difference,” von Rheinbaben insisted, “because clerks still do not know them and can but mechanically reproduce them without knowing their meaning and being unable to read them aloud.”

While agreeing with Bethmann Hollweg that an instruction for registry clerks *not* to use Polish diacritics could only anger the Poles and bring no benefits, Rheinbaben objected to the new interior minister who said in his statement of April 29, 1905 that using the diacritics in Polish surnames would be “no problem for Prussian public servants” and “in some cases necessary”. The finance minister admitted that maximum accuracy of name spelling might indeed be a matter of particular interest for citizens, but still the vast majority of clerks did have a problem understanding and using the diacritics. In his opinion, the decision had to be left at the discretion of individual authorities. Neither the discrepancies in spelling between documents issued by registry offices and other agencies, nor the identification difficulties which might result from this variety seemed to him to be sufficient reasons to prescribe the use of Polish diacritics to all Prussian clerks. “In fact, the government might just as well annul the decree of March 11, 1898 at all in case divergent name spellings prove to be causing real problems in practice,” Rheinbaben suggested. Though he agreed that, to avoid political complications, no new general decree should be issued on this account, he still asked the prime minister to adopt a resolution whereby the use of diacritics would be optional for clerks when writing Polish surnames except for cases otherwise provided in the 1898 decree.

Summing up, the minister of finance made a point of safekeeping the interests (real or imaginary) of civil servants against the onerous obligation to write Polish diacritics, even though he had no cases to refer to in which clerks actually suffered from this duty. It was the core of the Prussian system since the late eighteenth-century reforms that the state privileged its officials (*Beamtentum*) over the citizens by default.

A somewhat different sort of 'bureaucratic' discourse can be found in the statement of War Minister Karl von Einem who was promoting primarily departmental interests. On January 23, 1905 he wrote that he had doubts about the proposal voiced by the minister of internal affairs on December 21, 1904 (von Bethmann Hollweg suggested, as we remember, that the 1898 decree should explicitly apply for civil registry offices only). Within the purview of the Ministry of War inconsistency in surname spelling would cause confusion in the recruiting lists and all other military documents such as those concerning allowances, pensions, etc., the war minister emphasized. "Therefore," he concluded, "the abolition of the decree would be desirable. Should this be inopportune for political or other reasons, it would be enough to declare accurate spelling of surnames in accordance with registry office documents binding for the scope of the Ministry of War." While making no mention either of the Poles and their propaganda or of the Reichstag, von Einem pointed to the sphere where his ministry would encounter real and numerous problems, should the Germanization of Polish names be implemented. That similar problems would be created for the paperwork of other government agencies as well, could be implied and inferred, even if the war minister did not say it. Posadowsky-Wehner, Studt and Budde echoed von Einem's argument and admitted that the war minister's concern was relevant for all other offices as well. Bethmann Hollweg and Rheinbaben kept silent on this account.

Objecting to the interior minister's proposal to issue a new decree to limit the sphere of application of the decree of March 11, 1898, Budde pointed out that once there was disagreement on this issue within the cabinet, no general order or decree could be adopted by the cabinet, nor was it needed, he added, given that complaints about missing diacritics were very rare. As for "petitions which, like that of Rożański, are mere chicanes", Budde suggested, "in future they should be answered in a brief and negative way."

The fact that no relevant cases were reported in the statements allows the suggestion that ministers' claims whereby it was or would be too difficult for German clerks to use Polish diacritics lacked any empirical basis. The opposite opinion, on the contrary, was based on practical experience of judicial authorities in linguistically mixed regions. On the other hand, Schönstedt admitted that no general orders to this effect had been issued and no established usage had taken shape yet because many clerks "naturally" were unfamiliar with the diacritic signs.

The latter circumstance was given different weight by discussion participants. Whereas Rheinbaben and Dombois regarded it as crucial, Nieberding did not consider it either important or natural. "I see no reason", he wrote, "why one cannot expect clerks to use these characters. After all, they are not entirely alien to the German script, they just have a different meaning.

They exist not only in Polish but in most other languages as well, especially in Romance ones. Civil registry clerks have never had problem setting accents in French surnames. This,” Nieberding admitted, “might partly be due to the fact that the French language is generally less alien to them than Polish. But anyway clerks’ unfamiliarity with these signs is not an unconditional excuse, because the decree obliges them to use diacritics in Polish names when their legitimate use in the past is proven.”

Bethmann Hollweg went still further and denied even the very existence of this difficulty: “It would be no trouble for the agencies,” he argued (not referring, however, to any data from any agencies), “and would not undermine their prestige if they wrote Polish names the way their bearers do, all the more so as those agencies for which this issue is of practical importance operate in areas with Polish-speaking population and surely their clerks are familiar with the Polish script.”

If individual complaints like that of Rożański about the lack of diacritical marks should come, the interior minister continued, “I would not hesitate to answer in the negative without considering the legal side of the issue, simply because one can be sure that the agency acted with due diligence and the complainant is niggling.”¹⁸ However, complaints should be granted, he added, “when the petitioner's justified interest in correct name spelling is proved, e.g. when it comes to certificates of baptism or marriage, military service record books, vaccination certificates, or decisions of arbitration courts. If, as the minister of finance suggested, the spelling of names should be left entirely at the discretion of agencies (except for civil registry offices), all such cases would require a significant limitation of this freedom.” Summing up all his arguments, Bethmann Hollweg insisted (as did Budde, even if for different reasons), that no general order concerning the applicability scope of the decree of March 11, 1898 should be published. “And since Rożański’s complaint has already been dismissed,” he concluded, “the case can be closed altogether.”

Whether because they were persuaded by the reasoning of their fellow ministers or because they were tired of the three-year-long dispute, in the end all cabinet members one after the other agreed to the proposed resolution: the 1898 decree was not to be annulled, a new decree was not to be issued, no general or specific orders concerning Polish diacritics were to be given to agencies, and petitions like that of Maryan Rożański were not to be granted – in short, everything was to be left unchanged.

¹⁸ A question mark is drawn with a pencil on the margin near this phrase.

Thus, the lines of ministers' reasoning that I referred to three different discourses eventually met at one point: for 'legal', 'political' and 'bureaucratic' reasons alike, it was thought best to do nothing about the overdots and accents in Polish surnames. I cannot say exactly how this outcome of the long discussion affected further developments in the Polish-speaking part of the German Empire. My aim was just to show how this discussion reflected antagonisms that were characteristic of the early twentieth-century Germany, such as the antagonism between the rigid Prussian model of governance and a more democratic model represented by the Reichstag, the personal antagonism between Rheinbaben and Bethmann Hollweg (who would oust the finance minister several years later, if for unrelated reasons), the antagonism between the ministers' respect for the rule of law and their regarding the interests and feelings of Polish-speaking citizens only as factors of unwanted protest potential. Small dots and accents are not just tittles, it turns out, as they take us to major themes of Central European history.

Aftermath

The subsequent fate of the Gliwice lawyer's name is of some interest, too. Many years after his death, his memory was not wiped away but underwent an orthographic metamorphosis. Looking for information on Rożański, I found it on several Polish historical, local historical and genealogical websites such as <http://uminski.name/osoby/os11223.html>, <http://www.historia-rybnik.net/kalendarium.html>, and <http://romaquil.blog.onet.pl/Artur-Trunkhardt-1887-1965-wes,2.ID301669551.n>, with his first name consistently spelled Marian on all of them, while the spelling that was used in Prussian ministers' correspondence (Maryan) did not occur at all. On some sites, his family name was spelled Rożański (which is pronounced *Rozhanski*) like in the documents examined above, and on others – and they were the majority – it was Różański (pronounced *Roozhanski*). One possible explanation is that the authors (I assume they were Poles) who wrote about this man took the path of least resistance and spelled his first and last name in the more common¹⁹ way. Indeed, my Google research showed Różański to occur about ten times more frequently than Rożański and Marian a few tens of times more frequently than Maryan. This gives reason to assume that modern writers, who neither knew this man personally nor saw his papers nor heard the authentic pronunciation of his name, avoided consciously or unconsciously the spelling they were less (or not at all) familiar with, just as the Prussian officials a hundred years earlier did. This is understandable. But that would our hero say about it?

¹⁹ At least as of the late twentieth and early twenty-first centuries.

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