

D.2. Germany's First Democratic Constitution

Weimar's failure in historical perspective:

The Weimar Republic, which was founded in the wake of the revolution of 1918, was Germany's first democracy. It broke down after only fourteen years. This failure appears particularly dramatic because the regime that followed committed some of the worst crimes of world history and unleashed another, much bloodier, world war. To explain the failure of the Weimar Republic to some extent has meant to explain the rise of the Nazis, a group representing a violent and hate-inspired political program. The structure and ultimate breakdown of the Weimar Republic therefore rank among the key issues of modern European history.

A historian once remarked that democracy very often fails when it is introduced in a nation for the first time. This was the case in France, where a democratic constitution, drafted during the revolution of 1789-94, did not survive. Only the third attempt at establishing a French democracy succeeded. Russia had a first democratic experiment in 1917. The problems with the second Russian democracy come with today's daily news. Italy had developed into a fairly democratic state around World War I, but the fascist dictatorship destroyed democracy in 1922. And there are similar failures of first democracies to be found in Spain, Greece, and many other nations. And yet, it would be too easy to resign and consider the failure of Germany's first democracy inevitable. There were phases during which many voters and parties accepted the Weimar Republic even without loving it. A modest economic recovery and signs of international reconciliation from 1924-29 made the Republic look relatively stable. Why did it fail then?

Explanations have stressed either the beginning or the end of the Republic. Some historians blame deficiencies of the constitution for the Republic's failure. Others have stressed the impact of the World War in general and of Versailles in particular. Still another group of historians claim that the revolution of 1918 was -- as in 1848 -- an incomplete revolution. It stopped half-way because the moderate revolutionaries (in this case the SPD) again aligned with the old elites to stop the radicals (in 1918/19 the Independent Socialists and the communists). The price the moderate revolutionaries had to pay was to leave most of the old elites in the administration and the military in place. These historians argue that the Workers' Council movement was basically democratic and should have become more powerful. It would thus have helped to protect the Republic against its radical enemies to the Left and, above all, to the Right. The moderate Social Democrats, according to these historians, aligned with the military to repress the council movement and therefore are responsible for the failure of a third alternative between the capitalist Weimar democracy and Russian Bolshevism, an alternative that may have made the Republic more stable.

Many historians have focused on the Republic's last years, claiming that the great depression of the early thirties was so harsh in Germany that there could hardly have been a political system that would not have been toppled by it. Marxist historians, in particular, have argued that the destruction of the Republic was a scheme of big industry, which succeeded when a popular movement for dictatorship could be built up in 1930-33. We have to keep all these approaches in mind, as we reflect the events unfolding after the revolutionary days of November 1918.

The chaotic winter months 1918-1919:

But let us now consider what happened next: After the abdication of the Kaiser a socialist government ruled alone. It was composed of three SPD members and three members of the more radical Independents (the USPD). For several weeks, Germany therefore had a socialist government that was loosely controlled by a council of workers', soldiers', and farmers' councils, in which the SPD had a majority. But the unity between the two socialist parties represented in the government was fragile. The Independents wanted institutionalized power for the councils, whereas the SPD aimed at calling a National Assembly that would draft a democratic constitution and limit the power of the councils.

Despite its internal differences regarding Germany's future, the government agreed to schedule general elections to a National Assembly on 19 January 1919. But unrest prevailed in December 1918. It is hard to imagine the chaos in Germany at that time: As the British blockade remains effective until June 1919, shortages of food and coal become more serious again as the winter approaches. Many industries that have supplied the army need to close; they send thousands of unemployed workers out to the streets. There the hungry and upset workers join masses of returning soldiers, who have no prospective of employment and often cannot imagine returning to civilian life. They are traumatized by the war experience, they are bitter and depressed. Those workers who have employment often go on strike. Some take over their factories and try to run them themselves.

At the same time, Allied troops occupy the west of Germany, while the Polish army moves into some of the eastern territories. Bloody clashes between the Polish troops and remainders of the German army occur. Further east, other German units fraternize with the enemies of Bolshevism and fight the Red Army shoulder to shoulder with counter-revolutionary armies. Although the Allies ask that they be recalled, they help to secure the independence of Finland and the Baltic states before degenerating into undisciplined marauding units.

In Bavaria and other South German states strong separatist strivings surface. In the big cities and the industrial areas shootings between restive workers and army units occur almost daily. Right-wing paramilitary units gather and attack workers. The workers', soldiers', and farmers' councils often cannot preserve order. Authority is unclear. Determined sailors or workers occupy government buildings and the Imperial castle in Berlin whenever they want. Politics assume a shrill and nervous pitch. As if that is not enough, the Dadaist movement occupies Berlin's main ball room and proclaims the Dadaist world revolution! Such was the scenery of the winter 1918-1919!

In this situation the tensions between the more radical socialists and the SPD came to a head. Many workers

mistrusted the SPD and found that the SPD leaders had compromised themselves by cooperating with the old régime and the army. They believed that the capitalists had unleashed and prolonged the war for selfish reasons, and they wanted to make sure this would not happen again. State control over the industry or socialization of German enterprises were demands often voiced by the radical workers.

In the light of later events, it would have been important to keep the labor movement together. Only a unified Left together with a moderate political center would have been able to defend Germany's democratic achievements in the long run. But the conflicts between the socialist factions escalated soon. Restive workers demanded more revolutionary actions and guarantees for the lasting success of the revolution. They often clashed with units of the former army that had been commissioned by the SPD for the protection of the present government. Many of these units, the so-called **Free Corps**, were angry at the revolution and eager to shoot leftist rebels. Since the SPD saw no possibility of building up a moderate, democratic armed force that could protect order until a democratic constitution had been implemented, it had concluded a secret agreement with the army leaders already on 10 November 1918 to repress radical socialist uprisings. The SPD thus relied on Free Corps and other remainders of the old army, most of which were anti-democratic. Being attacked by right-wing armed units in the name of the SPD ministers exacerbated the suspicions of the rebellious workers. Around Christmas 1918 bloody clashes between workers and army units induced the Independents to leave the government in protest against the SPD.

The elections to the National Assembly:

While Germany seemed on the verge of a second, more radical revolution, the non-socialist groups realigned and prepared for the elections. The former Progressives, the left-wing liberals of the Wilhelmine Empire, formed a new party, called the **German Democratic Party (DDP)**. They demanded a democratic constitution and a return to order. The Center Party was shocked by the abdication of the Kaiser and the following socialist turmoil that often assumed threateningly anti-clerical notes. The Bavarian section of the Center Party, resenting the party's liberal course in the last months of the war, now broke away from the national party. The rest was held together only by the threat of a socialist revolution. The Right formed two parties, the **German People's Party (DVP)**, a pro-industrialist party, and the **German-Nationalist People's Party (DNVP)**, an intransigent anti-democratic organization uniting the old conservatives and other right-wing organizations including the remainders of anti-Semitic parties.

On 19 January Germans held national elections. For the first time women had the vote. The result showed strong support for those parties advocating democracy. It was a disappointment to those socialists who had initially hoped that the labor parties would win a majority, as the SPD and USPD together had less than 50%. The SPD, DDP, and the Center together secured a vast majority. An analysis of the women's vote showed that the Center Party and the DNVP benefited most from the introduction of female suffrage (by the SPD/USPD government in November 1918) although many men and women on the far right, in particular, had opposed it.

The National Assembly was called into session on 6 February and (while maintaining Berlin as the capital) started deliberations in **Weimar**, once the residence of the classical authors Goethe and Schiller. Weimar was chosen not only because Berlin was a too restive place, but also because the humanistic spirit of German classicism should inspire the new state with the best sides of German culture and disassociate it from defeated Prussian "militarism." The National Assembly immediately made a provisional decision about the future structure of government: a President would have strong individual powers, as in the United States, but he would leave the conduct of everyday political matters to a Reich chancellor, who proposed ministers to the President. The Reichstag would be recalled, but for the time being the National Assembly assumed its role. It elected Ebert, the leader of the SPD, President of the Republic and chose a new government directed by a Social Democrat. A coalition of the SPD, the DDP, and the Center formed the first cabinet.

Germany now had a democratic government. Similar events happened in all German single states. Most of them adopted equally democratic elections and elected democratic governments led by SPD members. But order did not return immediatly. In the industrialized regions, radical leftist workers continued to revolt and got involved in a shooting war with Free Corps for several months.

The Constitution:

Meanwhile the constitutional conferences continued. Procedures were only interrupted for a while when the conditions of the Treaty of Versailles became public (May 1919). Several drafts of the constitution were discussed. In July, the National Assembly voted for a definitive constitution, which became effective the following month. The structure of government stipulated by the constitution was the same as had already been in place since February. The head of state was the president, who was to be elected by popular vote every seven years. Multiple reelection was possible. The president appointed and dismissed the Reich government and could dissolve the Reichstag. Under **Article 48** he could proclaim a national state of emergency to preserve order. Article 48 gave the president temporary dictatorial powers, which he could transmit to the defense minister or the chief of the army. The president had the right to interfere with the legislation of the Reichstag and submit single laws to a plebiscite. The Reichstag was the main legislative body. It controlled the government. If it lost confidence in a chancellor, the president was bound to dismiss him. The president could also dissolve the Reichstag instead and try to secure the Reichstag's approval to the chancellor after new elections. The Reichstag was elected normally every fourth year by universal, equal, and secret suffrage (including women and all people older than age 20). The seats were distributed roughly by percentage of the parties' vote. So a party receiving 40% of the vote also received about 40% of the seats. Even tiny parties could win Reichstag seats. The government was led by the Reich chancellor, who proposed ministers to the president. Usually the Weimar governments were supported by coalitions of several parties, so that inter-party negotiations determined the government before the president could approve.

The workers' councils were tolerated by the constitution, but they did not receive any institutional power. Indeed

they soon faded away.

In order to limit the power of the Reichstag, the National Assembly stipulated that the signatures of one tenth of the electorate could force the government to submit a certain issue to a plebiscite. Through the direct election of the president and through the right to a popular vote the constitution thus incorporated some plebiscitarian elements.

Besides the Reichstag an assembly of the single states existed, a successor to the Federal Council. But this so-called **Reich Council** had mostly advisory functions; it did not have nearly as much power as the Federal Council under the Bismarckian Constitution.

In general, the constitution shifted the balance of power from the single states to the Reich. Taxation was increased to benefit the Reich administration and to pay off the astronomical war debt and the reparations. The special rights of some south German states were revoked (postal service, railroads, embassies). Prussia was still the largest and most populous single state (even though it lost most of the territory separated from Germany in the Treaty of Versailles) but lost its institutionalized predominance. The chancellor was not automatically Prussian minister president any more, and Prussia did not receive a dominant voice in the Reich Council. The new Reich therefore was a more unitarian state than the still very federalist Bismarckian Empire. This angered some of the south German states, and separatism became a constant problem of the Weimar Republic during its most severe crises.

Critics of the constitution have pointed out that it gave too much power to the president and almost created an ersatz Kaiser. They have further argued that the mathematical assignment of Reichstag seats and the generous treatment of small parties gave rise to many splinter parties, which made it hard for a government to rule with clear majorities. But whatever the shortcomings of the constitution, it was a platform of compromise and it could have been improved or corrected. To blame the failure of Weimar democracy on the constitution is, in my view, a little unfair. With genuine will to make it work, the constitution could function well in different ways. Without democratic will, however, any constitution will have problems to survive. Democratic will existed in 1919 but it soon faded away outside the SPD. A bad omen was that the radical Left and the Right did not approve the constitution. The USPD, the DVP, and the DNVP all voted against it. In 1919 they still represented a small minority. But soon the parties who resented the democratic constitution became a majority.

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