A Brief Analysis of The Political Situation During The Weimar Republic in Germany

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Abstract

With the spread of capitalist liberal and democratic ideas, the German constitutional movement has been vigorously developed, the national law has transitioned from feudal law to modern law, and the modern legal tradition of the West and the national characteristics of Germanic have been continuously integrated. After World War I, Germany's old monarchy was overthrown, the new Weimar Republic was formally established, and the distinctive Weimar Constitution was born under the game of various parties, which stipulated the division of central and local powers, the separation of powers, and the basic rights and obligations of citizens. However, the Weimar Republic, built on the ruins of the post-war period, was not stable, the left-wing movement was constantly developing, the right-wing forces were rising day by day, the seemingly calm political arena was surging undercurrents, and the political situation was full of contradictions and conflicts.

Keywords

Weimar Republic; German constitutional movement; Weimar Constitution; German left; German right-wing.

1. The Development of The German Constitutional Movement

Before World War II, the evolution of German law went through the stage of feudal law, the stage of the formation of modern laws in the German Empire and the stage of the Weimar Constitution.

Germany was in a divided society for a long time in the feudal era, and the contradictions between royal power and clerical power, kings and lords, have always been very acute. In this context, Germany gave birth to constitutional feudal laws that included the political system and division of power in feudal countries, such as the Otto Concession, the Golden Seal, and the Peace of Westphalia.

In 1871, the Kingdom of Prussia completed the unification of Germany, established its dominance in the German region, and named Germany the German Empire. Imperial Prime Minister Bismarck attached great importance to the formulation of laws and hoped to consolidate the victorious achievements with the help of laws. The modern German law formed at this time was deeply influenced by two aspects: on the one hand, the widespread dissemination of the idea of democracy and freedom in bourgeois countries promoted the formulation of the legal system after German reunification; On the other hand, as a city-state that successfully unified the country, Prussia's legal ideology provided reference value for the establishment of modern German law. However, because the unification of Germany was a top-down change initiated by feudal autocratic rulers in order to maintain their own rule, and its purpose was to maintain the inherent feudal autocracy, Germany in this period was still a highly centralized, autocratic monarchy bourgeois legal state.

The establishment of the Federal Republic of Germany in 1815 was the beginning of a modern constitution in Germany. Because the Constitution of the southern states and the entente

constitutions of the northern states are compromising, even if they have the conditions of a modern constitution, the basis of their liberal democracy and popular sovereignty is still weak. The Frankfurt Constitution of 1849, the Prussian Constitution of 1850 and the Constitution of the North German Confederation of 1867 all envisaged and planned the political system and the rights and obligations of citizens, which were particularly important for German legal life and accumulated experience for the formulation of the Weimar Constitution.

The Declaration of Fundamental Rights formulated by the Frankfurt Constitution of 1849 not only laid a solid foundation for the Weimar Constitution, but also established relations between states and between states and central governments, which provided reference for the subsequent formulation of these two laws. Although the Frankfurt Constitution was not implemented in the states, it provided reference materials for the bourgeois revolution of 1848, the German constitution-making movement of 1849, and the subsequent constitution-defending movement, which attacked the feudal autocracy and promoted the flourishing of the German capitalist constitutional movement.

Compared with the Frankfurt Constitution, which focused on the bourgeois-democratic revolution, the Prussian constitution was more of an absolute monarchy law. Because the law did not explicitly stipulate how to deal with the conflict between the king and the upper and lower houses, the development of Prussian militarism was sown. Bismarck believed that if the law did not expressly provide for it, then in the event of a conflict between the king and the upper and lower houses, the king had unlimited power to decide on various matters. This set the stage for the presidential powers enshrined in the Weimar Constitution, reflecting the inevitability inherent in a seemingly contingent historical process.

In 1870, Prussia defeated the French at the Battle of Sedan, and Bismarck declared the complete unification of Germany in Paris, France, after integrating 25 Germanic monarchies. The following year, Germany enacted its first written constitution after reunification. In this constitution, Bismarck sought to balance the pressures from all aspects of the polity: centralization was constrained by the powers of the states, which in turn were checked and balanced by the federal government, which was subject to Prussia, the most powerful. Since this is a constitution that upholds the rule of feudal monarchy, its essence does not guarantee basic human rights, and democracy is actually in name only, resulting in a general lack of awareness of political participation among the people, and cannot really restrain the king and cabinet. In the legislature, the evolution of the imperial office was characterized by the emergence of the right to initiate legislation and to veto laws, which turned the Emperor into a material factor in legislation[1]. The Senate, composed of representatives of the states, was controlled by Prussia, and the Imperial Assembly, which was supposed to be elected by universal suffrage of adult men, was controlled by a small number of wealthy landed aristocrats. The Prime Minister is determined and accountable to the King, who has various powers and even powers to interpret the Constitution and dissolve Parliament. Therefore, modern German law has the common characteristics of the Western legal tradition and the duality of the Germanic nation's own characteristics, which has had an irreversible impact on the formulation of the Weimar Constitution.

2. The Background and Characteristics of the Weimar Constitution

In 1918, the repeated defeats of the German army in World War I caused an economic crisis and political turmoil in the country. In September 1918, Kaiser Wilhelm II established a parliamentary democratic government with Prince Baden as prime minister, hoping to rely on political reforms to seek the Allies to relax their policy towards Germany and prevent the outbreak of revolution. But Prince Baden faced not only pressure from the Entente and the Social Democratic Party, but also resistance from right-wing conservatism, and democratic

reform was struggling. In November, as uprisings broke out in Hamburg, Leipzig, Munich and other places, the Soviet Republic of Workers' and Soldiers' Deputies was established. On 8 November, the Social Democratic Left Spartacist League called for a general strike and armed uprising in Berlin. On 9 November, a sailor uprising broke out in the port of Kiel. On the same day, on the advice of Prince Baden, Wilhelm II abdicated and handed over power to Friedrich Ebert, chairman of the Social Democratic Party. At the All-German Congress of Soviets on 16 December, right-wing Social-Democrats pressed for the restoration of peace and order, advocating the convening of a Constituent National Assembly and the establishment of a formal government, while the left-wing Spartacist League deputies raised the slogan of the return of all power to the Soviets and the establishment of a socialist republic. The Assembly adopted a resolution to convene the National Assembly in January of the following year, declaring that until then the Albert Government would exercise all the legislative and executive powers of the State. On 29 December, the Spartacist League held a congress and decided to immediately break away from the Independent Social Democratic Party and form the Communist Party of Germany. On 15 January 1919, the leaders of the German Communist Party, Liebknecht, and Luxemburg were killed. In the National Assembly elections held on January 19, the Social Democratic Party of Germany won 39% of the vote and 165 seats; The Center Party won 22% of the vote and 89 seats; The German Democratic Party won 18% of the vote and 74 seats; The German National Party won 10% of the vote and 41 seats; The Independent Social Democratic Party won 5% of the vote, 22 seats; The German People's Party won 3% of the vote, 12 seats; The other parties won a total of seven seats. Albert became president and Scheidman became prime minister. On 6 February, the National Assembly convened in Weimar and presented a draft constitution. After repeated discussions and amendments, in July 1919, the National Assembly voted on the draft constitution, which was finally adopted by a vote of 262 to 75, and was promulgated on August 11 of the same year and entered into force on August 14. The constitution was officially named the Constitution of the German Republic, and customarily called the Weimar Constitution. The Constitution is divided into 2 parts and 181 articles, mainly including three parts: the division of central and local powers, the separation of powers, and the basic rights and obligations of citizens:

(1) The division of power between the central and local governments

The Weimar Constitution provided for a federal form of government in Germany consisting of 18 states. In the division of powers between the federal and state governments, the federal government is vested with legislative powers, and the state governments enjoy other powers. The Weimar Constitution as a whole is a centralist constitution in content, dividing the legislative power into two parts: the exclusive power of the federation and the power shared by the federation and the states. At the same time, Article 13 of the Constitution provides a basis for resolving contradictions and conflicts between the laws of the Federation and the Länders: "The Confederation may repeal the laws of the state. In the event of doubt or conflict between the laws of the state and the laws of the Federation, the central offices of the Confederation and the state may, in accordance with the details of the Federal Law, request the Supreme Court of the Federation to decide on it." This in effect provides that federal law is supreme and that state laws cannot contradict federal law.

In contrast to the traditional Germanic monarchies, which had a long tradition of vertical decentralization and local self-government, the new form of government favored a unitary system under the centralization of political and economic resources. Prior to unification in 1871, the Germanic monarchies were loosely federal. With the large-scale industrial development in the late 19th century, the economy and trade urgently needed unified regulation, and political unity was put on the agenda. The unification of 1871 was intended to use the central government to secure modern trade against local protectionism and discriminatory policies and thus to form a common market in Germany. Therefore, the doctrinal positions on the

Bundestreue principle in the initial stages of the formation of the German State are of decisive importance[2]. Although the first unification produced an imperialism that lacked democracy, it did not really form a unified centralized state, but retained many of the characteristics of federalism.

(2) Separation of powers and checks and balances

The Weimar Constitution separates and balances the legislative, executive and judicial powers by legal form. Article 41, paragraph 1 of the Constitution, "The Federal President, elected by all the German people" and Article 53 "The Federal Chancellor and the ministers recommended by the Federal Chancellor shall be appointed and removed by the Federal President", clearly stipulate that the German Reichstag does not have the power to appoint and dismiss the President, the Chancellor and the ministers, and that the President is elected by the people and checks and balances the Reichs. Due to the dualistic social situation in Germany at the time (the constitutional monarchy background and the influence of the U.S. Constitution), the Weimar Constitution was enacted to expand presidential powers and prevent "legislative absolutism" by limiting legislative powers. The Constitution stipulates that since the President is directly elected by the citizens of the country and the members of the National Assembly are elected indirectly on behalf of the will of the people, the President who directly represents the people can check and balance with the National Assembly, which indirectly represents the people. This provision has played a positive role in stabilizing the political situation and balancing the forces of all parties.

(3) Citizens' basic rights and obligations

The idea of the state actively intervening in social, economic, and cultural life to guarantee the enjoyment of rights by the Weimar Constitution created a historical precedent for modern constitutionalism. These represent the gradual transition of the main ideas of liberal constitutionalism from negative freedom to positive freedom. Under this constitution, the government has changed from inaction to active action and actively serves the people within the framework of the law. This new constitution, with its social democratic overtones, is more conducive to the comprehensive guarantee of human rights.

3. The Development of The German Left-wing Movement

3.1. Early German workers' movement and line struggle

In mid-19th-century Europe, with the widespread spread of socialist ideas, capitalist countries generally guided the workers' movement through the establishment of trade unions and left-wing parties. As a leader of the early German labor movement, LaSalle believed that the establishment of cooperatives by the state to help workers gain universal and direct suffrage was key to improving workers' living standards. In 1863 the All-German Workers' Federation was founded under the leadership of LaSalle, and he also became its president. Marx and Engels, who were engaged in the theoretical work of the labor movement in Britain at this time, criticized LaSalle for trusting the Prussian government too much and pinning the hopes of the labor movement on the Junker aristocracy as opportunists. With the widespread spread of Marxism, Auguste Bebel and Wilhelm Liebknecht and others criticized Lassalleism after his death, and in 1869 held a congress in Eisenach, Germany, to establish the German Social Democratic Labour Party (Eisenach) and join the First International movement to uphold proletarian internationalism.

In 1875 the Lassalle and Eisenachites held a congress in Gotha to form the Socialist Workers' Party of Germany (renamed the Social Democratic Party of Germany) and elected a unified party central leadership to prevent a split in the German workers' movement. At this conference, the Eisenachites embraced part of Lassalleism and wrote the Gotha Program to guide the German workers' movement. Marx and Engels harshly criticized the opportunistic

Gotha program, and soon after Marx wrote a Critique of the Gotha Program to criticize Lassalleism for betraying the working class. Even so, the merged Socialist Workers' Party grew stronger. The Anti-Socialist Extraordinary Act, introduced in 1878-1890 to suppress the German socialist movement, restricted the activities of socialists, but the Socialist Workers' Party enjoyed broad support from trade unions. Between 1890 and 1912, the Socialist Workers' Party of Germany (PSP) rose from 27.2% to 34.8%, making it the largest party in Germany.

After the abolition of the Anti-Socialist Extraordinary Law, the Social Democratic Party of Germany regained its legitimacy and rejected reformism and moved in the direction of Marxism under the leadership of new leaders Karl Kautsky and Eduard Bernstein. However, in 1899, Bernstein, in his book "The Premise of Socialism and the Task of Social Democracy", clearly put forward the idea of opposing the principles of class struggle, violent revolution and the dictatorship of the proletariat, called for the promotion of capitalism's "peaceful growth" into socialism through class cooperation, and spread reformist and other revisionist trends. At that time, although Bebel and Wilhelm Liebknecht and others firmly criticized Bernstein's views, their criticism was not thorough because they did not draw a clear theoretical distinction from Bernsteinism and did not discipline the leading revisionists. As a result, the international socialist movement was seriously divided, partly supporting Bernstein's revisionism and partly supporting Marxism.

The extraordinary congress of the Second International was held in Basel, Switzerland, from 24 to 25 November 1912, attended by 55 delegates from 22 countries. The congress unanimously adopted an anti-war manifesto, which exposed the grave danger of imperialism waging a large-scale war, pointed out the imperialist predatory nature of the brewing war, expounded the views and tactics of the socialists in dealing with war, defined the specific tasks of the international proletariat and the socialist parties of all countries in preventing war and protecting peace, and called on the proletarians and socialists of all countries to use all means to safeguard world peace. The majority of the leaders of the national parties in the Second International, although verbally endorsing the Declaration, openly betrayed it and supported the imperialist war after the outbreak of the First World War in 1914. After the death of German Bebel, the leadership of the Social Democratic Party of Germany fell to right-wing Albert and others, who openly supported the war of their own government.

3.2.   Development of the German left-wing movement after World War I

The German Social Democratic Party during the war years split into three factions: the right wing (represented by Scheidemann and Albert) who advocated "defending the fatherland", the Marxist left wing (represented by the Spartacists) who advocated a break with the social chauvinists and opposed the "defense of the fatherland", and the center wing (represented by Kautsky, Haaz, Bernstein) who advocated the unity of the two and reconciled between the left and the right.

In 1917, the center and right split and the Congress of the Independent Social Democratic Party of Germany was held in Gotha. The Spartacists maintained their political independence while joining the Independent Social Democratic Party. Following the establishment of the first sappers represented the Soviets in the Naval Uprising in Kiel Port in 1918, workers and soldiers in Berlin, Hamburg and Munich rose up to form sappers represented the Soviets and exercised revolutionary power over factories and mining enterprises and some government agencies. An armed uprising of hundreds of thousands of workers and soldiers in Berlin overthrew the Hohenzollern family, and the last emperor, Wilhelm II, fled to the Netherlands. The leader of the Spartacists, Karl Liebknecht, declared a "socialist republic" at a mass rally, but since the proletariat had not established an independent revolutionary party, the right wing of the Social Democratic Party eventually took control of the republic and established a new government. The new government retained a large number of officials and generals from the former empire

to protect private ownership internally. In November 1918, the Spartacists reorganized into the Spartacist League to further their struggle against the right wing of the Social Democratic Party, and in January of the following year the Germany Communist Party was established. Although the German Communist Party led many revolutionary movements, they were all suppressed by the bourgeois government and all failed.

In 1923, a new upsurge was set off in the German workers' movement. As the power of left-wing parties in industrial zones gradually increased, the German Communist Party led the formation of several revolutionary groups to prepare for the proletarian revolution. In October, in order to stabilize the situation, Thuringia and Saxony admitted some Communists to the government. The central government sent the Wehrmacht into the two states and reorganized the state governments, arresting workers to prevent the rise of left-wing forces. The communist Ernst Thälmann launched an armed uprising in Hamburg to protest the government's repression, but it ended in failure. At the end of November, the KPD was banned as an illegal organization, and for a time it went underground. In 1924 the KPD regained seats in the Reichstag, and Ernst Thällmann took part in the 1925 German presidential election. After the seventy-seven-years old Field Marshal Paul von Hindenburg as the president of the Weimar Republic in April 1925[3], a moderate right-wing cabinet was formed in the Reichstag, and the movement on the left gradually eased. The Social Democratic Party remains the largest party in Germany, and the KPD has had a stable number of seats in previous elections. In the 1928 congressional elections, the left emerged victorious after three years of recovery. When Hermann Miller, a member of the Social Democratic Party, became prime minister, he promoted the process of unemployment insurance and social welfare, and improved the living conditions of workers in the midst of economic depression. The KPD under Ernst Thällmann continued to oppose government policy and waited for opportunities for revolution.

4. The Rise of Right-wing Forces in Germany

4.1. The development of right-wing forces in Germany during the Albert era

The German right rose again with the support of the remnants of the imperial landowners, Junker aristocracy and soldiers. After World War I, Germany experienced repeated coups d'états by the right and left, political murders, and cabinet reshuffles. The Weimar Republic was supported only by the traditional majority of the three old Reichstages: the Social Democratic Party, the Democratic Party and the Central Party. In the 1919 National Assembly elections, the three parties held three-quarters of the seats and together formed the "Weimar League", and only these three parties voted for the Weimar Constitution. In contrast to the Communist Party, which wanted the establishment of a dictatorship of the proletariat, and the right-wing forces, which wanted the restoration of the Kaiser, only they were in favor of replacing the monarchy with a republic.

In the first parliamentary elections of 1920, the Weimar League lost most of its previous powers in the National Assembly. At the same time, the German National People's Party and the German People's Party made great progress by negating the Weimar Republic and its return from imperial government. The Social Democratic Party, the Center Party, and the Democratic Party of Germany, which supported the Weimar Republic, were defeated, and the Social Democratic Party even lost nearly half of its seats. After this, the Weimar government was sometimes a minority government composed of a centrist middle class, sometimes a grand coalition of Social Democratic and right-wing liberal parties, and even a right-wing government of so-called "professional ministers" from the end of 1922 to August 1923. During this period, the Bavarian independence movement also continued to rise. On the same day that Streitzen announced the cessation of "passive resistance", Bavaria decided to impose a state of emergency within itself, appointing a monarchist Karl as "governor". Karl supported a variety of right-wingers,

including Hitler, who was popular in völkisch circles and the radical right[4]. In November 1923, Hitler staged a riot in Munich's largest beer hall to force Karl to break with Berlin, but Karl chose to suppress the Nazi Party and Hitler was imprisoned.

Although President Albert was a member of the right wing of the Social Democratic Party, he was alienated from his party and loyal to the country, even hoping to save the monarchy in 1918 by appointing a regent. After the Treaty of Versailles, nationalist and revanchist industrialists, students and entrepreneurs opposed the republic and supported the imperial system. Under Albert's leadership, one of the fundamental factors in the inability of the Weimar Republic to establish a stable government was right-wing thought.

4.2.   The development of the German right during the von Hindenburg period

For the first time since Albert's death, the Republic held a constitutional presidential direct election, but no one was superior. Thus, the monarchists in the German National People's Party elected von Hindenburg as their presidential candidate. Therighttriumphed in 1925whenit promoted the candidacy of Hindenburg for the presidency[5]. For the republicans, the election of the staunch restorist von Hindenburg was undoubtedly a heavy blow. But under von Hindenburg, right-wing parties strongly supported the government and promoted the rapid development of the republic. Between 1925 and 1928, the moderate right, dominated by the Centre Party, the National Party, and the National People's Party, established the Weimar government, which maintained the balance between the left and right wings of the parliament while achieving a small lead and a stable majority in the parliament, and the German government successfully resolved many economic and diplomatic problems.

In the 1928 parliamentary elections, however, the moderate right lost due to shrinking international trade and persistent unemployment, and the Social Democrats thrived and achieved their best election results since 1919. In this context, the Social Democrats formed a fragile coalition government with moderate parties. At a time when the right-wing forces were desperately looking for a suitable candidate who could be elected president after the end of von Hindenburg's presidency, the opposition National People's Party proposed that von Hindenburg could be gradually transformed from president to Kaiser governor, and even a plan for a German regent to restore the imperial system appeared, which was widely discussed at the Wehrmacht leadership.

4.3.   The position of the right-wing forces on the restoration of the Kaiser

Emerging big entrepreneurs (such as Alfred Hugenberg) or part of the Junker aristocracy (such as von Schleicher) advocated absolute monarchy while considering their political positions and status. For von Schleicher, a politician with extensive connections and a solid background, who had a full say in the top of the Wehrmacht and right-wing monarchists, neither the left represented by the Communist Party nor the right wing that wanted to directly restore the imperial system could not seize national sovereignty. He advocated the implementation of a presidential cabinet system to expand the powers of the president and to avoid the cross-cutting phenomenon caused by the checks and balances between political parties produced by the parliamentary system on the basis of democracy. Von Schleicher wanted to use the remainder of von Hindenburg term to amend the constitution and thereby take away power from the Reichstag in order to return to the unreformed monarchy of 1918. Under the 1918 regime, the head of state not only had the power to appoint a prime minister and retain against the will of the National Assembly, but also had the power to amend the constitution, which was entirely in the power of the president, by coup during parliamentary elections, so that the president would become a king with real power. This transitional model of government is easily supported by young soldiers or right-wing forces that are not Junker aristocracy (such as Defense Minister Wilhelm Groner or National People's Party leader Hugenberg).

Traditional German soldiers were more inclined to owe direct allegiance to the German Kaiser when circumstances were appropriate than younger officers. After World War I, although traditional German soldiers were not keen to participate in political struggles, they not only cultivated a strong sense of traditional militarism during the German Empire, but also made them quite influential in the traditional Junker aristocracy (especially the political families of the imperial era). Despite Germany's defeat, the traditional Ancien Régime system was considered most suitable for Germanic peoples. In addition to historical reasons, traditional German soldiers believed that the emerging right-wing forces not only forced Wilhelm II to abdicate and establish a republic, but also always used flexible political means to protect their own interests rather than loyally loyal to the royal family.

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