

HITLER'S VOLKSGEMEINSCHAFT AND THE
DYNAMICS OF RACIAL EXCLUSION

*Violence against Jews in
Provincial Germany, 1919–1939*

Michael Wildt

Translated from the German by
Bernard Heise



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For Brigitte

24. See especially Peukert, *Volksgenossen und Gemeinschaftsfremde*; Detlev Peukert and Jürgen Reulecke, eds., *Die Reihen fast geschlossen: Beiträge zur Geschichte des Alltags unterm Nationalsozialismus* (Wuppertal, 1981); see also Heide Gerstenberger and Dorothea Schmidt, eds., *Normalität oder Normalisierung? Geschichtswerkstätten und Faschismusanalyse* (Münster, 1987).
25. Uwe Puschner, *Die völkische Bewegung im wilhelminischen Kaiserreich: Sprache – Rasse – Religion* (Darmstadt, 2001); Stefan Breuer, *Ordnungen der Ungleichheit: Die deutsche Rechte im Widerstreit ihrer Ideen 1871–1945* (Darmstadt, 2001) and *Nationalismus und Faschismus: Frankreich, Italien und Deutschland im Vergleich* (Darmstadt, 2005); also Kurt Sontheimer, *Antidemokratisches Denken in der Weimarer Republik* (Munich, 1962).
26. Hans Ulrich Thamer, *Verführung und Gewalt: Deutschland 1933–1945*, rev. ed. (Berlin, 1994); Wehler, *Deutsche Gesellschaftsgeschichte*, vol. 4.
27. Norbert Frei, “Volksgemeinschaft: Erfahrungsgeschichte und Lebenswirklichkeit der Hitler-Zeit,” in 1945 und wir: *Das Dritte Reich im Bewußtsein der Deutschen* (Munich, 2005), 107–128.
28. See Frank Bajohr and Michael Wildt, eds., *Volksgemeinschaft: Neue Forschungen zur Gesellschaft des Nationalsozialismus* (Frankfurt am Main, 2009); Frank Bajohr, “The ‘Folk Community’ and the Persecution of the Jews: German Society under National Socialist Dictatorship, 1933–1945,” *Holocaust and Genocide Studies* 20 (2006): 183–206.
29. See Arnold Paucker, *Der jüdische Abwehrkampf gegen Antisemitismus und Nationalsozialismus in den letzten Jahren der Weimarer Republik*, 2nd ed. (Hamburg, 1969); Jürgen Matthäus, “Kampf ohne Verbündete: Der Centralverein deutscher Staatsbürger jüdischen Glaubens 1933–1938,” *Jahrbuch für Antisemitismusforschung* 8 (1998): 248–277; and above all Avraham Barkai, “Wehr Dich!” *Der Centralverein deutscher Staatsbürger jüdischen Glaubens 1893–1938* (Munich, 2002).
30. See Avraham Barkai, “The C.V. Archives in Moscow: A Reassessment,” *Leo Baeck Institute Yearbook* 45 (2000): 173–182; also <http://www.sonderarchiv.de> [accessed 7.12.006]; as well as the Russian-language homepage of the archive: <http://www.ru-sarchives.ru/federal/rgva/index.shtml> [accessed 12 July 2006].
31. Thus the sources referenced in the endnotes refer either only to the signature of the special archive in Moscow or to the signature of the CAHJP microfilm in Jerusalem, supplemented with the respective Moscow signature to make it easier to find.
32. A recent publication from this collection is Herbert Obenaus, ed., *Historisches Handbuch der jüdischen Gemeinden in Niedersachsen und Bremen*, 2 vols. (Göttingen, 2005).
33. Longerich, “Davon haben wir nichts gewusst!”
34. Otto Kulka and Eberhard Jäckel, eds., *Die Juden in den geheimen NS-Stimmungsberichten 1933–1945*, vol. 62, *Schriften des Bundesarchivs*. Düsseldorf, 2004 (Düsseldorf, 2004); English edition: *The Jews in the Secret Nazi Reports on Popular Opinion in Germany, 1933–1945* (New Haven, 2010); see also Otto Kulka, “Jewish Society in Germany as Reflected in Secret Nazi Reports on ‘Public Opinion’ 1933–1945,” in *On Germans and Jews under the Nazi Regime: Essays by Three Generations of Historians: A Festschrift in Honor of Otto Dov Kulka*, ed. Moshe Zimmermann (Jerusalem, 2006), 261–279.
35. Longerich, “Davon haben wir nichts gewusst!” 23–53.

VOLKSGEMEINSCHAFT AS A POLITICAL CONCEPT



The Origins of the *Volksgemeinschaft* during the First World War

The entry *Volksgemeinschaft* in the German dictionary by the brothers Grimm records only a single source, namely Friedrich Schleiermacher.¹ Nonetheless, we also find the *Volksgemeinschaft* in Wilhelm Dilthey, Johann Caspar Bluntschli, and Friedrich Carl von Savigny, who understood the state as the “corporal form of the spiritual *Volksgemeinschaft*.”² Ferdinand Tönnies used the term, as did Theodor Herzl in his book *The Jewish State*, albeit only in passing and with reference to persistent anti-Semitism. Herzl wrote that the Jewish people had made an honest attempt “to assimilate with the *Volksgemeinschaft* that surrounds us while only preserving the faith of our fathers. One does not allow it.”³ Hans-Ulrich Wehler sums up that during the Wilhelmine Empire the concept *Volksgemeinschaft* gradually took the place of the *Volksnation* (people’s nation), which at that time already possessed the fatal flaw of being “constitutionally indifferent”—as much at home with the Empire as with the Weimar Republic and National Socialism—and did not guarantee an association with the rights of liberal freedom and democratic equality.⁴ The kind of

political potential lurking within the concept was already made clear before the First World War by the liberal Friedrich Nauman, who remarked ironically: "The *Volksgemeinschaft* is never larger or more flexible than when people must die together."⁵ And in fact, the First World War can be seen as the actual hour of the *Volksgemeinschaft*'s birth.⁶

The final days before the mobilization on the first of August were filled with tension. As late as 28 July, the SPD staged an anti-war rally in which more 750,000 people participated, considerably more than in the patriotic processions of the previous days.⁷ Faced with the threat of war, others were gripped by panic. Thousands withdrew their savings from the banks and hoarded foodstuffs.⁸ "Deep into the night," proclaimed a typical newspaper report from Wattenscheid near Gelsenkirchen, "people waited for final news about the state of things. While at first an oppressive mood predominated, the tension gradually eased and disappeared into thin air with the singing of patriotic songs."⁹

Special editions then spread the news about the mobilization within the briefest time; people gathered, read the declarations aloud, and sang songs of imperial loyalty. The newspapers attested to the unanimity and steadfastness of the German people in the face of war and described the processions as expressions of the people's solidarity with the emperor. In this situation, addressing the large mass of people who had assembled on 1 August in front of the Berlin Palace, Wilhelm II found these words to say (which would later be cited again and again): "I thank you from the depths of my heart for the expression of your love and your faithfulness. In the battles that are now to come, I no longer recognize any parties in my people. Among us there are now only Germans." According to newspaper reports, these words were met with thunderous exultation.¹⁰ In the Reichstag on 4 August, the emperor repeated this statement, and the parliament unanimously approved the war credits.

This internal truce that the SPD made with the imperial regime created the image of a unified nation, even though recent investigations of this myth of the entire German people closing ranks at the beginning of the war reveal significant gender, class, and regional differences; the myth should be evaluated more as media production than as a reality.¹¹ For young bourgeois men—especially academics—the war represented a test of character, a manly baptism of fire. The philosopher Karl Löwith, a young Bildungsbürger who reported as a volunteer, described his motives:

The drive for emancipation from the bourgeois strictures of school and home, an internal discord with myself after the collapse of my first friendship, the appeal of "living dangerously" which enthused us because of Nietzsche, the desire to throw oneself into adventure and to test oneself, and

last but not least the alleviation of one's own being, which had become conscious through Schopenhauer, by participating in the totality by which one was surrounded—these and similar motives determined that I would welcome the war as a chance to live and die.¹²

The newspapers and intellectual public reinforced the image of national unity. The "Spirit of 1914" became a set phrase for the unified *Volksgemeinschaft* that, transcending parties and classes, glimpsed its strength in unity and coherence, with which it believed it could defy any enemy. The essays, books, brochures, speeches, and tracts of German intellectuals who proclaimed their enthusiasm for the war are legion.¹³ In a keen historical comparison, the situation in 1914 was likened to the wars of liberation fought in 1813 against Napoleonic rule, while at the same time the rejection of the values of the French Revolution was codified: against the "democratic freedom" of the allies there was "German freedom" (Friedrich Meinecke), against civil equality there was soldierly comradeship, against brotherhood there was Prussian socialism.¹⁴ Johann Plenge wrote: "to will from a different will than that narrow will of your little I! That is the communal!"¹⁵ Such demands that the individual be subjugated to the whole, together with the apotheosis of the German people as the manifestation of the Hegelian "World Spirit" leading a crusade for humanity, created a vision of community that combined arrogance with hubris.¹⁶

The close connection between the feeling of the *Volksgemeinschaft* and ostracism and persecution—the enthusiastic and emotionally laden inclusion linked with a vehement and violent exclusion—is revealed by the hunt for alleged spies. As early as the first days of August, newspapers spread reports of spies who were attacking bridges and poisoning drinking water.¹⁷ Even though the imperial regime immediately denied such reports and told the populace not to believe everything that was written in the papers, the fever of the hunt spread everywhere. On 3 August sixty-four supposed spies were turned over to police at a Berlin train station, but they turned out to be nothing of the sort. Even the actress Asta Nielsen became the victim of a hysterical crowd while taking a walk, as she recorded in her memoirs:

Suddenly my hat was torn off, so that my black hair became visible. "A Russian!" cried someone from behind, and a hand grabbed me by the head. I cried out in fear and pain. Then a man turned in front of me and recognized me. He called out my name to the excited crowd behind me and they let me go and started berating each other.¹⁸

Similar incidents occurred in other cities as well. Rumors about alleged atrocities against German soldiers in Belgium further aggravated

the mood. In the Thuringian town of Ohrdruf, a crowd lynched a Catholic priest who was accused of helping the Belgian army.¹⁹

Social Democrats as well as many German Jews hoped that by supporting the war they would finally be seen as equal members of the German Volk. In fact, the war could only be waged with accelerated industrial production, that is, with the help of the workforce. The conservatives mistook the national euphoria in Germany at the beginning of the war as an affirmation of the political status quo. But they were soon forced to learn (no later than when the defeat at the Battle of the Marne in September 1914 made a "lightning victory" unimaginable) that the recognition of the Social Democrats and the unions as equally legitimate powers within the state was a prerequisite for the necessary war effort. In turn, the leadership of the SPD took up as a leitmotif the idea that the class struggle could only be resumed once the stability of the society as a whole was secured.²⁰ "Standing together with the *Volksgemeinschaft* in misery and death" was a matter of course, according to Konrad Haenisch, who became the Prussian minister of culture after the war.²¹ And, as another SPD leader added helpfully, "national solidarity" with the *Volksgemeinschaft* meant "subordinating all of the desires of the individual party to the question regarding the welfare of the Volk."²²

Most Jews also joined the national euphoria, and not only because they hoped to attain their long sought-after integration with the *Volksgemeinschaft* through public displays of patriotism. They did so, rather, mostly because they were, in fact, patriots. At the worship service on 5 August, the synagogue in Berlin-Charlottenburg, which could hold 2,000 people, was overflowing; Leo Baeck gave the sermon and explained that this war would decide about the culture and civilization of Europe.²³ Even Martin Buber was gripped by the mood: "never has the concept of 'Volk' become such a reality for me as in these weeks."²⁴ More than 10,000 young Jewish men volunteered for the army immediately after the war began; all told, 96,000 Jewish soldiers served in the German forces during the First World War, of whom 12,000 died and 35,000 were decorated with medals.²⁵

The directive on the "home front" was that one had to support the men "in the field." Throughout Germany, local committees were formed under the leadership of the Red Cross to collect donations. The National Women's Service (Nationaler Frauendienst) now included Social Democratic women's organizations, which had previously been denied the opportunity to collaborate.²⁶ Even children and adolescents were called upon to participate in the *Volksgemeinschaft's* war efforts. "What did we notice of the war?" Klaus Mann asked himself, having been eight years old when the war began:

Afternoons one went to the nearest corner to read the daily report. Two thousand prisoners captured on the Eastern Front, triumphant advances in the West: there were always only victories. The great victories were much like major holidays. When Hindenburg did that colossal thing in the Masurian swamp, the children were in buoyant spirits like on Christmas Eve.²⁷

Remembering his childhood in Berlin, the later West German journalist and author Sebastian Haffner (born in 1907) wrote that the war was "a big and excitedly enthusiastic game of nations, which provided more meaningful entertainment and provoked more passionate emotions than anything peace-time could offer."²⁸ In his notes written in 1939 while exiled in London, Haffner confessed that for him the most lasting impression created by all the hardships and discomforts that the war brought especially to the cities—bad and often insufficient food, wooden soles for shoes, clothes worn inside out, collecting bones and cherry pits in school—was of the war as a game:

It was a dark, secretive game, one with a never ending and vicious appeal that extinguished everything and declared real life null and void, with the narcotic effect of playing roulette or smoking opium. I and my comrades played it through the entire war, four years long, unpunished and undisturbed—and it was *this* game, not the harmless "war games" that we also played in the streets and playgrounds, that left its dangerous marks on all of us.²⁹

The real fissures in the wartime society soon showed themselves.³⁰ The initial enthusiasm for the war was quickly followed by disillusionment. The drafted men were no longer available to provide for their families, and government assistance was often insufficient to keep up with the rising cost of living. Thus many women had to search for ways to earn income and took the workplaces in the factories that had been left behind by the men.³¹ The horrors of the "turnip winter" in 1916/17—when for lack of bread, milk, butter, and meat the turnip became the primary source of nutrition—remained for decades a fixed part of the collective memory in Germany. And thirty years later it significantly influenced economic measures vis-à-vis nourishment on the part of the National Socialists, who during the Second World War feared that a similar catastrophic nutritional situation could decisively weaken wartime morale and encourage revolutionary resentment.

In Berlin, the first disturbances caused by food shortages occurred in October 1915, after which the series of hunger riots never let up. Women and adolescents took part in the looting of grocery stores and even engaged in violent confrontations with police. There were mounting com-

plaints by public authorities about the "waywardness" of youth.³² The year 1916 witnessed the first short strikes in the armaments industry, by which workers sought to reinforce their demands for cost-of-living adjustments and increased food rations. Finally, reports from the Russian revolution in the spring of 1917 reinvigorated anti-war sentiments. In April of that year, metal workers in Berlin, Leipzig, and other locations laid down their tools; in January 1918 the waves of strikes swelled to the largest protests in Germany during the war. In July 1918, the Magdeburg General Command complained:

The previously large rift between the poor and the rich that had been pretty much sealed by the enthusiasm for the war early on grows increasingly larger with time. Among the poorer classes of the population, a decidedly harmful hatred has accumulated against the rich and namely against the so-called war profiteers, about which one can only hope that [this hatred] will not at some point come to a dreadful discharge.³³

In this situation, the appeal to the "Spirit of 1914" served to strengthen the perseverance of the populace and reproduce the *Volksgemeinschaft* that was threatening to break apart. The Reich Chancellery founded its own propaganda institution, the German National Committee (Deutsche Nationalausschuß), which immediately organized a series of lectures in memory of the "Spirit of 1914," initially with prominent speakers like Max Weber, Ernst Troeltsch, and Friedrich Naumann.³⁴ The German Fatherland Party grew out of the National Committee in 1917 with Grand Admiral Tirpitz as party leader; its central purpose was to represent the "Spirit of 1914."³⁵ Within a year, the Fatherland Party gained almost half a million members and thus counted among the largest political associations during the war. With numerous propaganda operations and mass assemblies, with placards, leaflets, and brochures, it tried to strengthen the Germans' resolve for victory and to denounce any calls for a negotiated peace.

"All Authority Emanates from the Volk"

The collapse into defeat was correspondingly severe. At the end of September 1918, when the Supreme Command (Oberste Heeresleitung) suddenly admitted that the war could no longer be won and sued for an immediate cease-fire, the news struck the public like a shock, for until that moment the propaganda had always nurtured the hope for victory.³⁶ Now the artificial confidence collapsed, and the call for a quick end to the war

spread like wildfire. When the admiralty reversed itself yet again and ordered continued fighting so as to preserve "honor" in defeat, the soldiers resisted the senseless dying. The revolution started in Kiel—on 4 November the sailors and soldiers had control of the city, and in following days workers' and soldiers' councils assumed power in many cities throughout the empire. The power structure of the old regime capitulated everywhere with next to no resistance. On 9 November the revolution finally reached Berlin.

Although the SPD leadership under Ebert believed for a short time that it could take over power within the framework of the October constitution and establish a Social Democratic/bourgeois cabinet, the events rolled over them as well. Around noon of 9 November, Max von Baden, without being authorized to do so, announced the abdication of the Kaiser, who had already fled at the end of October to the military headquarters in Spa, and turned over the office of the Reich chancellor to Friedrich Ebert. In the afternoon, Philipp Scheidemann dashed to balcony of the Reichstag and proclaimed the "German Republic," just a few hours before Karl Liebknecht proclaimed the "Free Socialist Republic" at the Berlin Palace.

Ebert's intention to hamstring the social revolution and support state authority expressed itself in an appeal to civil servants to stay at their posts and especially in his pact of mutual recognition with General Groener, the successor to Ludendorff in the Supreme Command. But a continuation of the old imperial cabinet was no longer conceivable. The Berlin soldiers' councils resolved on 9 November to elect workers' and soldiers' councils throughout Berlin and have them come together in their first large assembly. The SPD leadership reacted to its threatened loss of power and reached an agreement with the leftist USPD (Independent Social Democratic Party of Germany) on the afternoon of 10 November to create a Council of People's Representatives that would seat three members from each of the two parties, including Ebert and Scheidemann.³⁷ On the same day, the assembly of Berlin workers' and soldiers' councils confirmed the creation of a Council of People's Representatives and resisted the demands on the Left to exclude the majority Social Democrats from the leadership of the council.³⁸ One month later in Berlin, by a large majority, the first nationwide Congress of Workers' and Soldiers' Councils called for the election of a National Assembly to provide a constitution, thus making room for a parliamentary democracy.

On 12 November, one day after the signing of the cease-fire agreement, the Council of People's Representatives published an appeal to the German people, which became "the first constitutional document of the Republic" (Christoph Gusy). Apart from abrogating the state of siege and

granting amnesty for political crimes, the document declared the freedom of association and assembly, the prohibition of censorship, and the freedoms of opinion and religion to be fundamental rights, as well as democratic elections by universal suffrage with equal, secret, and direct ballots.³⁹ The election of a National Assembly to provide a constitution was a clear objective of social democratic politics, but the SPD did not have a constitutional theory at its disposal.⁴⁰

So it made complete sense that on 15 November, instead of a Social Democrat, it was Hugo Preuß, a constitutional lawyer and liberal, who was called to head the Imperial Ministry of the Interior and entrusted with composing a draft for a constitution.⁴¹ In a daring treatise that received wide attention, Preuß (whose parents were Jewish) had already staked out a position during the war in opposition to the Wilhelminian authoritarian state. He had argued for a *Volksstaat* that was to combine national unity and the people's freedom, which in concrete terms meant a demand for electoral reforms and a parliamentary monarchy.⁴²

Now Preuß pled his case anew in a programmatic article on 14 November 1918 in the *Berliner Tageblatt* against the traditional authoritarian state and against a Bolshevik class dictatorship, but for a *Volksstaat* that would help the Bürgertum and workers attain their political rights:

Not classes or groups, not parties or estates in opposing isolation, but only the entire German Volk, represented by a German National Assembly which has proceeded from wholly democratic elections, can create the German *Volksstaat*. [The Assembly] must create it soon, lest an unspeakable disaster completely immiserate our wretched Volk. Certainly a modern democracy must be filled with the spirit of vigorous social progress; but its political foundation can never be created by class struggle or the suppression of one social stratum by another, but rather only by the unity and freedom of all *Volksgenossen* [people's comrades].⁴³

Despite the Revolution, the debate about constitutional politics was still shaped by the German tradition of constitutional thought, at the center of which stood the state-as-power (*Machtstaat*).⁴⁴ "The constitution has changed, the state has remained. This is the only way to understand the German Revolution of November 1918," commented Gerhard Anschütz, a liberal specialist in constitutional law, in the important commentary he wrote at the time about the Weimar imperial constitution.⁴⁵ According to both right- and left-wing critiques, the "genuine" and "true" *Volkswille* (will of the people) could not be expressed by the principle of the majority—*Volkswille* was always more than the will of the majority. Thus the parliament could not be the only institution that articulated the *Volkswille*. The influential expert on constitutional law Robert Redslob wanted a "system of balance between the executive and legislative

power." The parliament could not be allowed to impose its will on the regime, but instead could only possess the "right of criticism." Conversely, the regime could not be allowed to act against the expressed will of parliament. Only this kind of "system of duality" could make the Volk capable of sovereignty, whereas the head of state would assume the role of "the creative force in the [power balance] mechanism."⁴⁶

Max Weber took a similar approach in a series of articles about "Germany's future form of state" in the *Frankfurter Zeitung* in November 1918. He developed the idea of a constitution in which the Federal Council, as a representative of the states, stood opposite a Reich president elected by the people, whereas the only responsibilities left to the Reichstag were matters of secondary importance, like controlling the budget.⁴⁷ Weber had already pressed for the "direct election by the people of the supreme bearer of authority" in 1917, for this was the only way to assure the political "selective choosing of leadership" (*Führerauslese*) in a modern mass democracy. Now, as Wolfgang Mommsen put it, he formally embarked on "the path toward a plebiscitary Führer democracy."⁴⁸

Before deliberations began at the end of January 1919, in an article about Preuß's constitutional draft, the liberal historian Friedrich Meinecke also endorsed an "enlightened and energetic dictatorship of trust [*Vertauensdiktatur*]," whose leader could very well be a Social Democrat. Only a "unified and strong hand" would be capable of freeing "us from the co-government of the workers' and soldiers' councils, this scum of our public life." Meinecke supported the demand for a strongly positioned Reich president, who according to him should also be the Reich chancellor. "A strong and unified Reich chancellery authority at the head of the German republic—that would be the proper organic bond between the past and future of our national being."⁴⁹

In the constitutional discussions in the Imperial Office of the Interior during mid December 1918 (in which Max Weber played a significant role), Hugo Preuß objected to an "inauthentic parliamentary system" in which the president was elected by parliament. Instead, Preuß espoused the election of a president by plebiscite.⁵⁰ One year later, on the occasion of the National Assembly's acceptance of the finalized constitution, Preuß again underscored the point that the constitution was not supposed to create "parliamentary absolutism"; rather, "next to the parliament as the supreme organ of the communal being" it quite deliberately positioned a "Reich president who was directly elected by the people."⁵¹ Correspondingly, the first draft of the constitution that Preuß delivered to the Council of the People's Representatives at the beginning of January 1919 proposed a president directly elected by the people as a counterweight to the Reichstag.⁵² The Council of the People's Representatives pushed above all for an explicit formulation of fundamental rights in the consti-

tution. Thus on 20 January, one day after the elections for the National Assembly, a revised version was published as a kind of governmental draft that was essentially the same as the first, except that it was expanded to include a catalogue of fundamental rights.⁵³ In the appended memorandum, Hugo Preuß once again outlined his concept of a unified *Volksstaat*: "The German Republic can only be the democratic self-organization of the German people as a political whole.... There is no such thing as a Prussian or Bavarian, a Lippian or Reussian nation; there is only a German nation, which shall shape the form of its political life in the German Democratic Republic."⁵⁴

This strongly unified character of the imperial constitution steadily diminished in the subsequent deliberations with the states, and the federal aspects of the empire drew more forcefully to the fore.⁵⁵ The changes in the paragraph regarding the sovereignty of the people were significant. In Preuß's version, it read: "all state authority lies with the German people [*beim deutschen Volke*]" ; now it read: "state authority lies with the people [*beim Volke*]," which indeed could be understood as Prussian, Bavarian, or Lippian state people.⁵⁶ After repeated revisions, especially by the representatives of the states, the constitutional draft was submitted to the National Assembly.⁵⁷

With 38 percent of the votes cast, the SPD emerged as the strongest force from the National Assembly elections on 19 January 1919. Together with the most successful bourgeois party, the liberal DDP (German Democratic Party), and the Catholic Center Party, it formed the so-called Weimar Coalition, which represented the Republic's hopeful anacrusis. The German Nationals and right-wing liberals lagged behind the electoral results they had enjoyed during the Wilhelmine Empire, and with their 7.6 percent even the left-wing Independent Social Democrats by no means attained the results they had hoped for. The conservatives—the DNVP (German National People's Party) and the right wing of the DVP—insisted on a return to the constitutional monarchy and the preservation of the social status quo; the Catholic representatives of the Center Party and the BVP (Bavarian People's Party) were committed to a state based on principles of Christian natural law and thus wholly opposed to the sovereignty of the people and "absolutism of the majority" (*Mehrheitsabsolutismus*). Therefore, for all intents and purposes, the Social Democrats and the progressive liberals of the DDP were the only ones with a clear commitment to a parliamentary-democratic republic. According to Ernst-Wolfgang Böckenförde, a mere 60 percent of the representatives could be counted as "actual supporters of the democratic foundations of the new order of the state."⁵⁸ The National Assembly gathered on February 1919 and, after passing the law concerning preliminary imperial authority on 10 February, it elected Friedrich Ebert as Reich president the next day.⁵⁹

"All authority lies with people"—this was the weighty programmatic formulation in Article 2 of the constitutional draft that the National Assembly had to deliberate. With the Revolution and the abdication of the Kaiser the empire had obviously disappeared, yet the basic legitimating principles that would support the new state were hotly contested. In the plenary debate about the constitutional draft, the Social Democrat Richard Fischer emphasized that a new Germany had to be built on a foundation of freedom, law, and justice; it would be a new empire with virtually nothing in common with the old empire apart from its name. Consequently, the Social Democrats were in favor of speaking not about a "Constitution of the German Empire" but a "Constitution of the German Republic." Similarly, the DDP representative Erich Koch, the mayor of Kassel in Hesse, gave unqualified support to democratic constitutional ideas, which he traced straight from 1848 to 1918. In contrast, the representative of the Center Party Peter Spahn, formerly the Prussian minister of justice, expressly criticized the principle of *Volkssoveränität* (sovereignty of the people). The idea of the state, according to Spahn, was "rooted in moral human nature and thereby in the divine world order." Thus he found himself in opposition to the definition in the constitutional draft that all authority emanates from the people.⁶⁰

The "constitutional conflict" about *Volkssoveränität* continued to preoccupy Catholics in the years to come. Above all, Heinrich Schrörs, a Church historian from Bonn, insisted in numerous publications that the constitutional principle that authority emanates from the people was fundamentally opposed to Catholic doctrine.⁶¹ In turn, politicians from the Center Party, supported by part of the episcopacy, defended themselves and the pragmatics of the constitution. As the legal historian and Center Party representative Konrad Beyerle said defensively: "Where in Bismarckian constitution does it say anything in favor of freedom of conscience, Church, and Christian schools that even in the most remote way approaches the guarantees that the Weimar [constitution] provides for these religious areas of life?"⁶² Others emphasized that the principle of *Volkssoveränität* did not signify the denial of divine guidance, but rather provided the initial impulse toward developing the "republican idea of the living *Volksgemeinschaft*" into an actual social ethos.⁶³ Article 1 of the constitution was merely a declaration of the *Volksstaat* in opposition to the former authoritarian state and not a legal-philosophical or theological statement about the origins of state power. Nonetheless, the circle of Catholic representatives still maintained a distance from the republican constitution.

The USPD noticeably withdrew from the 1918/19 constitutional discussion. While their representative, the Jewish Berlin lawyer Oskar Cohn, was active in the National Assembly with many critical but thoroughly

constructive criticisms,⁶⁴ in March 1919 the USPD party congress concluded that democratic legal forms within a capitalist social order were a mirage, and thus the party would strive for the council system and the dictatorship of the proletariat.⁶⁵ In another resolution, the party congress (in which Oskar Cohn was not a delegate) declared: "The party congress sees in the National Assembly in Weimar neither a *Volksparlament* [people's parliament] nor an expression of the real proletarian Volk's will. An administration like that in Weimar, which is only supported by bayonets, must and will meet its imminent dissolution."⁶⁶

During the debate, representatives on the political right swore by the old Reich and the wisdom of the Bismarckian constitution, which could no longer be discerned in the new constitutional draft. They advocated a constitutional monarchy, which in light of the Kaiser's abdication and the revolutionary changes sounded more like the swan song of a lost epoch than a political position within a National Assembly that was creating a constitution. While not actually avowing the Republic, the right-wing liberals nonetheless managed with great difficulty to acknowledge the political realities of the day.⁶⁷ Even during the final deliberations on the constitution, the representative Heinze declared that the DVP had not failed to cooperate in the creation of a constitution, but he promised that when it came to establishing the Republic as the fundamental form of state for the German Reich, the DVP would vote against Article 1 and the constitution as a whole.⁶⁸

Likewise, the German National representatives rejected the constitution because it was republican, although, as formulated by the representative and former justice minister of Baden Adalbert Düringer, they would not let the republican form of state prevent them from "fulfilling our responsibilities as state citizens." Yet at the party congress in mid July 1919, resistance mounted to even this distanced cooperation on the part of the German National fraction in the National Assembly. Receiving thunderous applause from the delegates, the extreme right-wing *völkisch* constitutional lawyer Axel von Freytagh-Loringhoven demanded "of our representatives that they vote against this constitution that seeks in the end to establish this goddamned and cursed republic."⁶⁹

It was also Freytagh-Loringhoven who fundamentally denied the Weimar constitution any legitimation whatsoever. According to him, the unauthorized abdication declaration of Wilhelm II as proclaimed by Reich Chancellor Max von Baden and the proclamation of the Republic by Philipp Scheidemann amounted to acts of high treason. The Council of People's Representatives was just as illegitimate as the National Assembly it convoked. Freytagh-Loringhoven polemicized forcefully against the recognition of the normative force of the *de facto* situation:

The Bolshevik's bloody regime of terror will never be transformed into legality, and neither will we Germans ever find legal the dictated Treaty of Versailles, even though our enemies have the power at the moment to give us laws. Precisely in light of the violence to which our Volk is being subjected, we cannot acknowledge that illegitimate power takes precedence over powerless legitimacy.⁷⁰

To be sure, one could not avoid recognizing the power that stood behind the new republic, because abolishing it by force would provoke a civil war. But that only meant going along with the constitution "the way the population of a territory occupied by the enemy comes to terms with his ordinances so as to prevent greater harm."⁷¹

The Republic as an occupying force that suppresses its own people: this poisonous image—formulated in 1920 at the beginning of the Weimar democracy by an influential expert in state law—could hardly have more accurately described the deep aversion toward the Republic that predominated in many parts of Germany. In precisely that moment when the constitution extolled *Volksouveränität* as the foundational principle of government, the fundamental opposition rallied around the notion of the Volk, paradoxically twisting the principle that all state authority emanates from the people in order to undermine the Weimar constitutional state. The nineteenth-century discussions of state law were characterized by a division of state and society that, as Christoph Gusy writes, assigned to the constitution a delimiting function that protected the respective features of one from access by the other, thus excluding society as the realm of individual freedom from the realm of politics. Now, instead of the "theoretical exclusion of the Volk from the political," constitutional law included the Volk. All of the supreme state organs were beholden to the Volk as the highest organ for the formation of the state's will, not merely in ideal terms but also procedurally.⁷² But the Volk's entrance into the realm of constitutional politics did not mean that the political mutivalence bound up in the notion of the Volk had become civically unambiguous.

The pathos of the constitution's preamble allowed the appearance of a Volk quite different from a Volk comprised by state citizens:

The German Volk, unified in its tribes [*Stämme*] and animated by the will to renew and consolidate its Empire in freedom and justice, to attend to internal and external peace, and to promote social progress, has given itself this constitution.⁷³

This Volk was obviously not first created politically by virtue of the constitution; it already existed earlier and gave itself this constitution.

And this Volk as a historically active agent defined itself differently from the assembly of free and equal citizens that Jean-Jacques Rousseau had in mind with his *contrat social*. In 1927 the Weimar expert on state law Hans Liermann wrote: "every attempt in this place to interpret the German Volk as some kind of soulless mere summation of individuals would be a slap in the face to what is meant in the preamble."⁷⁴ *Volkssouveränität* had to be understood in a higher sense than the commonly accepted notion, according to which the Volk participates in state authority. It is the recognition of the Volk as a "state-creating elemental power. The Volk is not, as in a democracy, situated in the state, but rather above the state. It is not an organ of the state, but rather its master."⁷⁵

The plebiscitary vote of the Reich president, something that Max Weber in particular called for time and again, did not imply the creation of the position of an "ersatz Kaiser" or of a constitutional monarchy.⁷⁶ The position of the Reich president was not directed toward the past; on the contrary, it was directed toward an authoritatively formed mass democracy (Wolfgang Mommsen even discerned here a trajectory that led directly to the Führer dictatorship). The "much talked about 'dictatorship' of the masses," according to Weber, demands a "dictator," to whom the former subordinate themselves as long as he has their confidence.⁷⁷ Subordination of the masses to the leader that they elect themselves—this was the magical formula contained in Article 41: "The Reich president is elected by the whole German Volk." Of course, the Reich president was elected only by state citizens with the right to vote, and not by the entire German Volk. But the pathos evoked here by this holistic concept of Volk was purposefully formulated and intended to underscore the contrast to the elections for parliament. Whereas society's special interests stood for election in the latter, the former was concerned with the politically unified will of the entire German Volk.⁷⁸

It was Carl Schmitt who polarized the ambivalence of the concept of the Volk in the Weimar constitution with an anti-liberal charge. The constitution was something essentially quite different from a social contract à la Rousseau.

The democratic principle of the Volk's power to grant a constitution implies that the constitution comes into being through an act of a Volk that is capable of political action. The Volk must exist as a political entity and must be presupposed, if it is to be the subject of a power to grant a constitution.⁷⁹

The political Volk, from which emanates all authority in a democracy, is not understood in liberal terms as something composed through the constitution from the collectivity of all citizens; rather, it needs much

more to be presupposed so that it could even want a constitution. "The political being preceded the granting of the constitution."⁸⁰

For that reason, the form of the state was for Schmitt of secondary importance, since it was the will of the Volk as a political entity that was fundamental. Thus the Imperial Constitution of 1871 possessed without a doubt the approval of the Volk, even if the latter did not yet have the will to abolish the monarchical principle and to declare itself sovereign. In this manner, Schmitt's argumentation could be taken further—even the Führer state was based in the will of the Volk, which had announced its approval by acclamation.⁸¹ This political entity, namely the "Volk awakened to political consciousness and capable of action,"⁸² accordingly remains a pre-constitutional and even pre-state entity, whose political character is determined neither by law, nor by the constitution, nor by the state; but rather by that definition of the political as provided by Schmitt himself: the distinction between friend and foe.

The political enemy need not be morally evil or aesthetically ugly; he need not appear as an economic competitor, and it may even be advantageous to engage with him in business transactions. But he is, nevertheless, the other, the stranger; and it is sufficient for his nature that he is, in a specially intense way, existentially something different and alien.⁸³

This difference precedes the constitution; it can be determined culturally by language and history and likewise "naturally" by race and blood. In a certain sense, it persists through every constitution, for the Volk can express its unity through a variety of state forms.

This concept of an extra-constitutional political unity of the Volk lies at the basis of the notion of the *Volksgemeinschaft*.⁸⁴ It could be used to justify inclusion as well as distance from and even animosity toward the Weimar constitution. The *Volksgemeinschaft* demanded an all-encompassing communalization and the production of a political unity—"one Volk, one Reich, one Führer"—and at the same time demonstratively set itself apart from the constitutional processes of forming the Volk's will that occur by means of parties and interest groups.

Constitutional democrats like Hugo Preuß still struggled to create a bond between the term *Volksgemeinschaft* and the new order. In a brochure published in March 1919, the Center for Home Service (the official political information distribution center for the imperial regime) even tried to establish the source of the *Volksgemeinschaft* as the Revolution itself: "The Revolution is the beginning of a new person. It is the beginning of the community of the Volk [*Gemeinschaft des Volkes*]."⁸⁵ But the erosion of the concept of Volk as defined in relation to state citizenship by the propagation of the *Volksgemeinschaft* is unmistakable. In the same precise moment

when the principle of *Volkssouveränität* became the founding principle of a German constitution, the concept of *Volksgemeinschaft* brought together the critique of the Republic and its democratic constitution. When the political parties of the Weimar Republic, including the Social Democrats (notwithstanding their different motives), propagated the *Volksgemeinschaft*, they themselves were destroying the foundation that secured their constitutional existence. In any case, the ambivalence that is an inescapable part of the principle of *Volkssouveränität* and that also found expression in the Weimar constitution was something that they could at best have "worked with" but never have resolved.

Weimar Parties and the *Volksgemeinschaft*

With ranking members like Hugo Preuß among others, the liberal DDP was considered the party of the constitution par excellence, and it propagated an idea of the *Volksgemeinschaft* that was supposed to overcome the notion of class struggle and produce the social unity of the nation. The DDP entered the 1924 election campaign with the slogan "democracy means overcoming the idea of class struggle by virtue of the *Volksgemeinschaft*";⁸⁶ in 1928, the left-wing liberals called out the vote with the following: "the basic idea of our internal politics, however, is for us at all times the notion of the *Volksgemeinschaft*, which we advocate in contrast to the parties which sharpen the oppositions between 'national' and Marxist, between town and country, between the races, denominations, and classes."⁸⁷

What distinguished them from propagandists of the *Volksgemeinschaft* on the right was their position vis-à-vis the constitution. For the liberals, the *Volksgemeinschaft* was an inextricable part of the democracy. According to Gustav Schneider, a functionary for the union of white-collar workers speaking at the 1924 party congress in Weimar, the Weimar imperial constitution formed the "only [basis] on which a genuine *Volksgemeinschaft* is possible."⁸⁸ Using the attributes "genuine" and "true," they tried to set themselves apart from the parties on the right. In 1924, even Hugo Preuß once again emphasized that *Volksgemeinschaft* and party politics were not mutually exclusive and that the "obliteration of natural differences of principles, convictions, and objectives" would only lead to an "insipid broth of unity."⁸⁹ But the forceful reference repeated time and again to the "whole Volk," to the organic state as a "unified body" to which persons and communities should belong as "living cells and limbs" (as was stated in the party platform of 1919), allowed terminological differences to blur. Then with the transformation of the DDP to the Ger-

man State Party (Deutsche Staatspartei) in 1930, the course was clearly set in the crisis of the Weimar Republic: "The German State Party rests on the basis of the *Volksgemeinschaft*. It rejects any ties to special groups of a denominational, economic, estate-based or class-based nature."⁹⁰

The right-wing liberal DVP, in contrast, considering itself from the outset to be a bourgeois conglomeration against the "Left," as a defender of European culture against "Asiatic Bolshevism," called for a "fierce struggle against the Marxist social democracy." It did so in clear opposition to the bourgeois-liberal DDP, which had entered into a governing coalition with the SPD. "The enemy stands on the left!" proclaimed Gustav Stresemann in the 1920 election campaign. In this sense, the DVP was supposed to be the centrist party that according to Stresemann's intentions "wants to be neither on the radical right nor on the radical left, but consciously strives for a balance of interests."⁹¹ Correspondingly, the party's call to action for the 1920 Reichstag election stated: "reconciling the estates rather than inciting them to hatred. Employers and employees must act together; the labor community [*Arbeitsgemeinschaft*] must become a *Volksgemeinschaft*."⁹²

For the Catholic Center Party, the term *Volksgemeinschaft* did not lie close at hand, for it remained a political force based in the rural and Catholic population. Nonetheless, the Center Party understood itself as the order's Christian-democratic party, seeking with all its power to prevent a Bolshevik "class government." For that reason, the party supported the election of a National Assembly and hoped for a "democratic *Volksstaat*," described in the call to action in Berlin on 21 November 1918 as the "unification of the German tribes into a *Volksreich* that is carried by a strong national consciousness."⁹³ Four years later, this new and powerful concept had also gained acceptance in political Catholicism: "The Center Party is the Christian *Volkspartei*, which consciously stands for the German *Volksgemeinschaft* and is strongly resolved to realize the principles of Christianity in state and society, economics and culture." As with the Liberals, this implied in the first instance fighting against class struggle and class government: "The organic growth of the German *Volksgemeinschaft* rests on the solidarity of all classes and professions [*Berufsstände*]."⁹⁴

Yet the Center Party also clearly turned against definitions from the right: "The Center Party wants the German *Volksgemeinschaft*. We deliberately set aside all divisive differences that split up our Volk. We are resisting a new division, called forth by a so-called 'neo-Germanic' spiritual world, which is confusing our Volk."⁹⁵ Perhaps for this reason the party grew more hesitant about using the concept of the *Volksgemeinschaft*. In 1925, the Center Party still presented its presidential candidate, Wilhelm Marx, as "president of the *Volksgemeinschaft*."⁹⁶ But after that, the concept mostly disappeared from the Center Party's calls to action; the party now

represented itself mostly as a "true *Volkspartei*"—that is, literally at the center within a Volk split into two extreme political camps. Perhaps it was also the idea of a strong state—which in both substance and essence was a force for order that ultimately could only be based in God—that prevented a predominant orientation on the *Volksgemeinschaft*.⁹⁷

Recently, Moritz Föllmer has appropriately drawn attention to the fact that the rhetoric of the *Volksgemeinschaft* and "national solidarity" often had no effect in the daily conflict between interest groups in a modern society.⁹⁸ The appeals to unity and a readiness to make sacrifices died away when it came to protecting respective interests. The entrepreneurial side of the *Zentralarbeitsgemeinschaft* (Central Association of Employers and Employees), founded in 1918 with the unions, continuously complained that the latter were going to withdraw from the *Volksgemeinschaft*; for their part, after the *Zentralarbeitsgemeinschaft* was dissolved in 1924, the employers proclaimed the entrepreneurial right of unlimited trade to be a national good. Henceforth "*Werksgemeinschaften*" (company communities) were supposed to represent the *Volksgemeinschaft* at the company level. The Economic Party (which in 1925 became the Reich Party of the German Middle Class) also failed in its attempt to pass off political lobbying for middle-class interests as actions for the *Volksgemeinschaft*. It proclaimed in grandiose rhyme:

Lend a hand, a brotherly hand! It is for the German middle class! ... Smash the false idols of these times that are spreading through the Volk, smash the discord and the disgrace in the sorely tried Fatherland!

[*Reicht die Hand, die Bruderhand! Es gilt dem deutschen Mittelstand! Zerschlagt die Götzen dieser Zeit, die sich im Volke machen breit, zerschlagt die Zwietracht und die Schande im vielgeprüften Vaterlande!*]

Nonetheless, support for the Middle Class party collapsed during the elections of 1930 and it vanished into meaninglessness.⁹⁹

Even the Social Democrats flirted with the *Volksgemeinschaft*. The unstable situation after the collapse of the Kaiserreich, in which the Social Democrats assumed political responsibility and felt themselves threatened by attempted revolutionary uprisings from the left, led to a rhetoric of internal coherence, unity, and defense against any kind of division. At the October 1920 party congress in Kassel, Adolf Braun presented the case to the party directorate for the necessity of expanding into a Volk's party. After acknowledging that the fathers of the Erfurt Program of 1891, which was officially still valid in 1920, had directed themselves toward industrial workers, Braun added:

Today we have become a political party that also includes white-collar workers and bureaucrats, and that ranges across industry, trade, agriculture, shipping, etc. We are a party of all kinds of people who work with their heads and work with their hands. In this hall we see workers, from university professors to unskilled laborers. Our future program must be shaped in a way that corresponds with this amalgamation.¹⁰⁰

Consequently, the Görlitz Program of 1921 announced right from the outset: "The Social Democratic Party of Germany is the party of the working Volk in town and country. It strives to consolidate all physical and intellectual producers who are dependent on the proceeds of their own labor, to reach common understandings and objectives, [and] as a *Kampfgemeinschaft* (battle group) for democracy and socialism." In terms of political economics, the SPD demanded: "property, natural resources, and natural power sources that serve the production of energy are to be withdrawn from capitalist exploitation and put in service of the *Volksgemeinschaft*."¹⁰¹ According to Paul Löbe in his speech at the Görlitz party congress, the SPD wanted to "capture the majority of the Volk" and to "win over the entire working Volk."¹⁰²

The notion of class struggle was not even mentioned in the first draft of the program. And although it was later added, as Heinrich August Winkler notes, it read more like a historical justification than as a declaration of social war.¹⁰³ But the Görlitz Program did not escape criticism; the USPD in particular flatly rejected it. After the USPD split, with a majority switching to the Communist Party of Germany (KPD) and a minority returning to the SPD, the rhetoric of the Social Democrats moved to the left. Their politics would henceforth be animated by the aspiration "to gather all the strengths of the proletariat in a unified class struggle to win political power, abolish class rule, and realize socialism."¹⁰⁴ In the 1925 Heidelberg Program, the notion of *Volksgemeinschaft* no longer appeared.¹⁰⁵

But the term had by no means disappeared from Social Democratic rhetoric. Friedrich Ebert, who was elected president in 1919, appealed on his first official day in office to the unity of the "*Volksgenossen*" (Volk comrades).¹⁰⁶ Until his death in 1925, the *Volksgemeinschaft* repeatedly cropped up in his speeches as something that was necessary to attain unity, solidarity, and self-affirmation.¹⁰⁷ Among younger Social Democrats as well, particularly those who came upon the socialists by way of the youth movement, there were many for whom socialism in the first instance meant adventure and community. Love of nature, anti-bourgeois habitus, play, dancing, elitist consciousness, and communal feeling—these all marked the young socialist groups emerging from the towns to wander

the countryside on Saturday afternoons, with mandolins and guitars and greetings of "Frei Heil!"¹⁰⁸

The occupation of the Rhineland by Belgian and French troops in January 1923 also led to an escalation of nationalist rhetoric and an evocation of the *Volksgemeinschaft* among young socialists.¹⁰⁹ At Easter a group of about one hundred—half of them from the occupied territories—gathered in Hofgeismar near Kassel to discuss "Volk and State" and, as one of the organizers put it, to realize a "new positive *Volksbewußtsein* [Volk consciousness]." Although the speakers (along with the chauvinistically German workers' poet Karl Bröer and the Marburg philosopher Paul Natorp, they included other prominent academics like Gustav Radbruch, Eduard Heimann, and Hugo Sinzheimer who were averse to the pathos of the *Volksgemeinschaft*) were opposed to any kind of aggressive nationalism, the *Volksgemeinschaft* nonetheless formed a key concept for the emotions that drove the participants.¹¹⁰

Emerging from that meeting was a circle of like-minded comrades who seized the political initiative in many groups—among them Theodor Haubach and Carlo Mierendorff, who would later be part of the resistance against Hitler.¹¹¹ The theoretician behind the "Hofgeismar Circle," the state-law expert Hermann Heller, defined class struggle as the workers' struggle to be recognized as a part of the nation and advocated a nationalistic socialism: "Socialism by no means signifies the end but rather the completion of the national community; not the destruction of the national *Volksgemeinschaft* through class, but the destruction of class by a genuinely national *Volksgemeinschaft*."¹¹² Admittedly, the Hofgeismar Circle was vanquished during the young socialists' internal altercations, whereupon some of its protagonists found a new home in the National Bolshevik circle around Ernst Niekisch. However, many remained loyal to the Social Democratic Party or, like Haubach and Mierendorff, switched to Reichsbanner Schwarz-Rot-Gold (Black, Red, Gold Banner of the Realm), which attracted these members of Hofgeismar Circle with its emphasis on national solidarity and its willingness to collaborate with all powers to defend the Republic.¹¹³

Yet despite semantic congruence, the Social Democratic understanding of *Volksgemeinschaft* was not synonymous with the political concepts of the right. For the Social Democrats, the *Volksgemeinschaft* was always an expression for the unification of all exploited social classes in opposition to a small exploiting class. The *Volksgemeinschaft* as a community that included all producers, bound by solidarity and a social economy—this was a way to transcribe the vision of a harmonious society, its classes reconciled.¹¹⁴ In contrast, the political right imbued the concept of the *Volksgemeinschaft* with very different semantics and emotions.

Volksgemeinschaft as Exclusion

The development toward a society of economic classes took off so explicitly and relentlessly that many wanted to quickly and radically overcome modernity again and longed for a balanced, "just," and above all stable order. In the months of crisis in 1923, bourgeois principles like "good money for good work" or "saving means security for old age" turned to dust in the whirlwind of hyperinflation, which not only obliterated material savings of wealth but also the belief in the validity of bourgeois society's immaterial values. Never before, according to Martin Geyer in his investigation of the "tospy-turvey" world of 1914–1918, had the struggle of all against all and the challenge to help oneself been so strongly invoked as in those years of inflation. Those who could not help themselves could not help others and inevitably joined the losers. And self-help clearly did not mean a collective organization with principles of solidarity, but rather selfishness, ruthlessness, and violence.¹¹⁵ "Nothing more heavily underscores the existence of the German society of economic classes, with its deep antagonisms and fatal economic fluctuations," writes Hans-Ulrich Wehler, "than the victory parade of this chimera that was the '*Volksgemeinschaft*' with its promise of a stress-free nation in which everyone would find a suitable and respected place."¹¹⁶

While the social and moral milieus of earlier political currents (liberal, conservative, Catholic, socialist) began to crumble, the NSDAP could exploit its initial marginal situation, for it was not bound to any clientele and presented itself rather as a "young" and class-transcendent "*Volkspartei*," one that did not seek to represent any particular interests but rather the *Volksgemeinschaft* as a whole. Yet in contrast to the Social Democrats, for example, who advocated an inclusionary understanding of the *Volksgemeinschaft* that was supposed to unify all producers in opposition to a few monopoly capitalists, the *Volksgemeinschaft* on the political right—especially the National Socialists—was determined by boundaries: by exclusion. The right was not so much concerned with those who belonged to the *Volksgemeinschaft*, but rather with those who were not supposed to belong—above all, the Jews.

In his commentary on the Weimar imperial constitution, Freytagh-Loringhoven had already denied Jews the rights of citizenship. He argued that a Volk was determined by lineage, common language, and a culture as generated and maintained by the leading stratum, as well as by a subjective moment, namely the will to a *Volksgemeinschaft*. When applied to Germany, this meant that the Jews did not belong to the German Volk. To be sure, they had adopted the German language and adapted to German culture, but their lineage had nothing in common with the German

Volk. They also lacked the will to a *Volksgemeinschaft*, for, on the one hand, large circles of the German people rejected community with the Jews, and on the other hand, large parts of Judaism aligned themselves with Zionism. Freytagh-Loringhoven's recommendations for a constitution based on principles of the Volk anticipated the anti-Semitic hierarchy created by the Nuremberg laws of 1935. He determined that only those who "stem from German blood" could be part of the state and considered citizens of the Reich. In his view, the Jews in particular could not possess any rights of state citizenship: they could not vote or be elected, and they could not hold public office.¹¹⁷

The concept of the *Volksgemeinschaft* first appeared in Hitler's public addresses in his programmatic speech "Why Are We Anti-Semites?" delivered in the ballroom of the Hofbräuhaus on 13 August 1920.¹¹⁸ His talk centered on the concept of work. While work at an instinctive level as a drive for self-preservation was common to both humans and animals, a second level had developed among humans, namely work motivated purely by egoism. This level, too, was surpassed in favor of work motivated by an "ethical-moral sense of duty," an activity "that I do not engage in merely for myself, but for the benefit of my fellow human beings."¹¹⁹

Work appears here not in its sober definition as found in classical economics, which Karl Marx adopted as well, that is, as a material exchange between humans and nature. Hitler took his notion of work from a historical sketch of the "Nordic races," whose members, because of the inhospitable external living conditions, were compelled to work not only for themselves but for their entire clan. According to Hitler, for the "Nordic races" the struggle for existence developed further into a "purifying racial breeding" because the weak and the sick could not survive and what remained was a "race [*Geschlecht*] of giants in strength and health." Finally, the boundaries that limited their external sphere of operation entailed that the internal lives of these people developed all the more deeply. As a consequence of all three factors—work as duty, racial purity and health, and a deep internal spiritual life—the "Aryans" acquired the capability of forming states and developing culture. Yet the foundation was based on the notion of work.

By contrast, the Jews, who unlike the Nordic races were not "pure bred," were in no position to form states. Rather, they could only exist as "parasites on the bodies of other peoples [*Völker*]." These "vermin of the *Volksgemeinschaft*" did everything possible to destroy the racial unity, health, politics, economics, and culture of the German Volk. Hitler concluded in his summary:

We see that already here there are two big differences between the races. Aryanism means an ethical understanding of work and for that reason those

things about which we speak so often today: socialism, a sense of community, putting the common good before self-interest. Judaism means an egoistical understanding of work, and thus mammonism and materialism, the very opposite of socialism. And in this characteristic, which he cannot transcend, which lies in his blood—he himself acknowledges this—in this characteristic itself lies the necessity for the Jew that he must present himself as destructive to the state. He cannot do otherwise, whether he wants to or not.¹²⁰

This passage reveals a central element of National Socialist anti-Semitism: there is no escape for the Jews. As individuals they might be good or bad, hardworking or lazy, accommodating or head-strong, but it did not matter. The complete assimilation of the Jews as demanded by the older generation of anti-Semites was for Hitler an obsolete solution; indeed, it only hid from view the immutable Jewish "racial fate." According to Hitler, nothing could prevent it—neither education nor a merely economic struggle—nothing except for the action and organization of the masses.

We understood clearly, that if this movement does not penetrate into the broad masses and organize them, then all is in vain, then [we] will never be successful in freeing our Volk, and we will never be able to think about rebuilding our Fatherland anew. Salvation here can never come from above; it can and will come only from the broad masses, rising from below.¹²¹

The necessary social reforms in favor of those who "day after day work for the *Volksgemeinschaft*" must be accompanied by a "struggle against the opponent of every social institution: Judaism. Here, too, we know full well that scientific awareness can merely be prep work, but that behind this awareness there must be organization, which will one day move into action, and that action for us is unshakably firm. It is: the removal of the Jews from our Volk." The protocol notes at this point thunderous and enduring applause and hand clapping.¹²²

Here lay the decisive difference from previous anti-Semites. While the Treitschkes, Stoeckers, and Marrs put their anti-Jewish poison on paper, writing it down and having it printed, Hitler called for action. The anti-Semites of the Wilhelmine Kaiserreich, according to Shulamit Volkov, were part of a written culture. They spent their energy on internal arguments and played at times with the idea of legal restrictions. Someone like Eugen Dühring pursued his theoretical considerations to the point of the physical destruction of the Jews. But none of this proceeded beyond the words on a page, for there was no organization, praxis, or action that could turn these ideas into reality. In contrast, Hitler was little inclined to the written word; "knights of ink" and "scrivener souls" earned his contempt. Hitler's medium was the speech, as he explained in detail in *Mein*

Kampf. But the rhetoric was not merely meant to convince listeners; the speech was a call to action.¹²³ "Our concern," announced Hitler, "must be to awaken, whip up, and incite the instinct against Judaism in our Volk, until it arrives at the decision to join the movement which is prepared to draw the necessary conclusions."¹²⁴ Indeed, National Socialist anti-Semitism proved itself in action; the *Volksgemeinschaft* was produced through praxis, not merely by Sunday speeches and glossy party brochures.

Hitler had the charisma of a "Führer" for an entire Volk, which was prepared to place its combined hopes for unity, salvation, transcendence of divisions, integration, and recognition on the promise of a future *Volksgemeinschaft*.¹²⁵ But from the very outset, the moment of inclusion in the *Volksgemeinschaft* was linked with the violent exclusion of the so-called "asocials," the supposedly genetically inferior, and most of all the Jews. What the memories of former "Volksgenossen" later preferably kept separate, namely the persecution of the Jews and the experiences of community in National Socialism, are inextricably linked—they were two sides of a political project: the destruction of civil society and the creation of a new racial order. The exclusion of the German Jews from the *Volksgemeinschaft*, not merely rhetorically but through acts of violence, formed the constitutive element in the National Socialist *Volksgemeinschaft*. For that reason, anti-Semitism and the persecution of the Jews cannot be separated from the inclusive moments of the *Volksgemeinschaft*. In the sense of National Socialist politics, neither could it simply be decreed by the state. The production of the *Volksgemeinschaft* was a matter for the "Volk" and it was a question of action, not law. Anti-Semitic violence was thus not merely a means of National Socialist politics; violence against Jews was the core of those politics.

Notes

1. Jacob Grimm and Wilhelm Grimm, *Deutsches Wörterbuch*, ed. Deutschen Akademie der Wissenschaften zu Berlin (Leipzig, 1951), vol. 12, sect. II, col. 481.
2. Quoted in Norbert Götz, *Ungleiche Geschwister: Die Konstruktion von nationalsozialistischer Volksgemeinschaft und schwedischem Volksheim* (Baden-Baden, 2001), 85.
3. Theodor Herzl, *Der Judenstaat: Versuch einer modernen Lösung der Judenfrage: Text und Materialien 1896 bis heute*, ed., afterword by Ernst Piper (Berlin, 2004), 17.
4. Wehler, *Deutsche Gesellschaftsgeschichte*, vol. 3: *Von der "Deutschen Doppelrevolution" bis zum Beginn des Ersten Weltkrieges 1849–1914* (Munich, 1995), 951.
5. Quoted in Götz, *Ungleiche Geschwister*, 87.
6. According to the book directory of the Market Association of Leipzig Book Dealers, the concept appeared in droves in book titles directly after the end of the First World War and in the early 1930s. Norbert Jegelka, "'Volksgemeinschaft': Begriffskonturen in 'Führer' ideologie, Recht und Erziehung (1933–1945)," in *Das Volk: Abbild, Kon-*

struktion, *Phantasma*, ed. Annette Graczyk (Berlin, 1997), 115–128; in particular, 115, note 3.

7. The Social Democratic *Hamburger Echo* warned on 30 July 1914: "The rallies that became noticeable in some of the large German cities should not be seen as an expression of the voice of the German Volk. For neither the workers nor the farmers are touched by this mood." Jeffrey Verhey, *Der "Geist von 1914" und die Erfindung der Volksgemeinschaft* (Hamburg, 2000), 61, note 24.
8. Verhey, *Der "Geist von 1914"*, 86–105.
9. Quoted in *ibid.*, 108.
10. *Ibid.*, 118. This scene in front of the royal palace had its orchestrated precedents, as shown in an essay by Alexa Geisthövel that investigates the experience of national unity induced by the proclamation of victory dispatches during the 1870 Franco-Prussian War by Queen Augusta from the balcony of the Berlin Palace. Alexa Geisthövel, "Augusta-Erlebnisse: Repräsentationen der preußischen Königin 1870," in *Neue Politikgeschichte: Perspektiven einer historischen Politikforschung*, ed. Ute Frevert and Heinz-Gerhard Haupt (Frankfurt am Main, 2005), 82–114; see also Thomas Lindenberger, *Straßenpolitik: Zur Sozialgeschichte der öffentlichen Ordnung in Berlin 1900 bis 1914* (Bonn, 1995), 359–381.
11. Verhey, *Der "Geist von 1914"*, 129–193; Wolfgang Kruse, "Kriegsbegeisterung? Zur Massenstimmung bei Kriegsbeginn," in *Eine Welt von Feinden: Der Große Krieg 1914–1918*, ed. Wolfgang Kruse (Frankfurt am Main, 1997), 159–166. For a clear treatment of the class-specific differences, see Wehler, *Deutsche Gesellschaftsgeschichte*, vol. 4, 14–17 (with many further references).
12. Karl Löwith, *Mein Leben in Deutschland vor und nach 1933: Ein Bericht* (Stuttgart, 1986), 1.
13. See Bernd Hüppauf, ed., *Ansichten vom Krieg: Vergleichende Studien zum Ersten Weltkrieg in Literatur und Gesellschaft* (Königstein/Taunus, 1984); Helmut Fries, *Die große Kartharsis: Der Erste Weltkrieg in der Sicht deutscher Dichter und Gelehrter*, 2 vols. (Constance, 1995); Wolfgang Mommsen, ed., *Kultur und Krieg: Die Rolle der Intellektuellen, Künstler und Schriftsteller im Ersten Weltkrieg* (Munich, 1996); Uwe Schneider and Andreas Schumann, eds., "Krieg der Geister": *Erster Weltkrieg und literarische Moderne* (Würzburg, 2000); Kurt Flasch, *Die geistige Mobilmachung: Die deutschen Intellektuellen und der Erste Weltkrieg: Ein Versuch* (Berlin, 2000); now also especially Steffen Bruendel, *Volksgemeinschaft oder Volksstaat: Die "Ideen von 1914" und die Neuordnung Deutschlands im Ersten Weltkrieg* (Berlin, 2003).
14. See Bruendel, *Volksgemeinschaft*, 115–124, 260–263.
15. Quoted in Axel Schildt, "Ein konservativer Prophet moderner nationaler Integration: Biographische Skizze des streitbaren Soziologen Johann Plenge (1874–1963)," *Vierteljahreshefte für Zeitgeschichte* 35 (1987): 523–570, here 535; see also Joachim Müller, *Die "Ideen von 1914" bei Johann Plenge und in der zeitgenössischen Diskussion: Ein Beitrag zur Ideengeschichte des Ersten Weltkrieges* (Neuwied, 2001).
16. Quoted in Schildt, "Ein konservativer Prophet," 533. In the summer of 1914, according to Plenge, "our new spirit [was] born: the spirit of the strongest aggregation of all economic and state powers into a new totality, in which everyone lives with an equal share. The new German State! The idea of 1914!" Quoted in Bruendel, *Volksgemeinschaft*, 71.
17. See Verhey, *Der "Geist von 1914"*, 133ff., 146–151; also Kruse, "Kriegsbegeisterung," 163.
18. Quoted in Verhey, *Der "Geist von 1914"*, 146.

19. Ibid., 147; on German atrocity propaganda, see Lothar Wieland, *Belgien 1914: Die Frage des belgischen "Frankfurterkrieges" und die deutsche öffentliche Meinung von 1914 bis 1936* (Frankfurt am Main, 1984); now also especially John Home and Alan Kramer, *Deutsche Kriegsgreuel 1914: Die umstrittene Wahrheit* (Hamburg, 2004).
20. See Gunther Mai, "'Verteidigungskrieg' und 'Volksgemeinschaft': Staatliche Selbstbehauptung, nationale Solidarität und soziale Befreiung in Deutschland in der Zeit des Ersten Weltkrieges (1900–1925)," in *Der Erste Weltkrieg: Wirkung, Wahrnehmung, Analyse*, ed. Wolfgang Michalka (Munich, 1994).
21. Ibid., 591. Similarly, Heinrich Cunow, the director of the *Neue Zeit*, wrote that the Social Democrats "apart from class-interests and class-feelings also possessed something like national-feelings, a feeling of *Staatsgemeinschaft* [state community] and *Volksgemeinschaft*." Quoted in Götz, *Ungleiche Geschwister*, 88; other references in Mai, "Verteidigungskrieg und Volksgemeinschaft," 591; see also Ben Möbius, "Das Vaterland der 'vaterlandslosen Gesellen': Sozialdemokratischer Patriotismus am Vorabend des Ersten Weltkrieges," in *Politische Gesellschaftsgeschichte im 19. und 20. Jahrhundert*, ed. Albrecht Henning et al. (Hamburg, 2006), 13–29.
22. Quoted in Mai, "Verteidigungskrieg und Volksgemeinschaft," 591.
23. Barkai and Mendes-Flohr, *Aufbruch und Zerstörung*, 16. There also were other Jewish voices, for example Sigmund Freud's "Thought for the Times on War and Death" (1915) which began with the sentences: "In the confusion of wartime in which we are caught up, relying as we must on one-sided information, standing too close to the great changes that have already taken place or are beginning to, and without a glimmering of the future that is being shaped, we ourselves are at a loss as to the significance of the impressions which bear down upon us and as to the value of the judgments which we form. We cannot but feel that no event has ever destroyed so much that is precious in the common possessions of humanity, confused so many of the clearest intelligences, or so thoroughly debased what is highest." Sigmund Freud, "Zeitgemäßes über Krieg und Tod," in *Studienausgabe*, vol. 9 (Frankfurt am Main, 1982), 35; see also Paul Mendes-Flohr, "The Kriegserlebnis and Jewish Consciousness," in *Leben in der Weimarer Republik/Jews in the Weimar Republic*, ed. Wolfgang Benz, Arnold Paucker, and Peter Pulzer (Tübingen, 1998) 225–237 and Ulrich Sieg, *Jüdische Intellektuelle im Ersten Weltkrieg: Kriegserfahrungen, weltanschauliche Debatten und kulturelle Neuentwürfe* (Berlin, 2001).
24. Quoted in Barkai and Mendes-Flohr, *Aufbruch und Zerstörung*, 17.
25. Ibid., 17.
26. Barbara Guttman, *Weibliche Heimarmee: Frauen in Deutschland 1914–1918* (Weinheim, 1989).
27. Klaus Mann, *Kind dieser Zeit* (Berlin, 1932), 53. Heinrich Himmler (born 1900) viewed the war in similar terms as an exciting adventure game in which the Germans were predetermined to be the victors. A typical entry in his diary reads: "the Bavarians are said to have held themselves very bravely in yesterday's battle. In particular our 16th are said to have grappled admirably with their long knives. The whole city is decked out with flags. The French and Belgians could hardly have thought that they would be hit so hard." Diary of Himmler, entry for 8/23/1914, Bundesarchiv Berlin, N 1126/3; see Werner T. Angress and Bradley F. Smith, "Diaries of Heinrich Himmler's Early Years," *Journal for Modern History* 31 (1959): 206–224.
28. Sebastian Haffner, *Geschichte eines Deutschen: Die Erinnerungen 1914–1933* (Stuttgart, 2000), 21 (quotation translated by Bernard Heise).
29. Ibid., 20f. (quotation translated by Bernard Heise).

30. Jürgen Kocka, *Klassengesellschaft im Krieg: Deutsche Sozialgeschichte 1914–1918* (Göttingen, 1973); Wehler, *Gesellschaftsgeschichte*, vol. 4, 69–102.
31. On the soldiers' wives' self-perception and their new understanding of roles, see Birthe Kundrus, *Kriegerfrauen: Familienpolitik und Geschlechterverhältnisse im Ersten und Zweiten Weltkrieg* (Hamburg, 1995), 43–97; see also Belinda Davis, *Home Fires Burning: Food, Politics, and Everyday Life in World War I Berlin* (London, 2000).
32. Volker Ullrich, *Kriegsalltag: Hamburg im Ersten Weltkrieg* (Cologne, 1982), 51–62, 68–72; Robert Chickering, *Imperial Germany and the Great War, 1914–1918* (Cambridge, 1998), 123–125.
33. Quoted in Kocka, *Klassengesellschaft*, 45.
34. See Verhey, *Der "Geist von 1914,"* 257; Bruendel, *Volksgemeinschaft*, 146f.
35. Quoted in Verhey, *Der "Geist von 1914,"* 297. In opposition to the Fatherland Party, Max Weber, Delbrück, Meinecke, Troeltsch, and others founded the Volksbund für Freiheit und Vaterland (People's Association for Freedom and Fatherland) in December 1917 (see Bruendel, *Volksgemeinschaft*, 149–153).
36. At the same time on 1 October 1918 Ludendorff said that he asked Wilhelm "to now bring those particular circles into the regime whom we mainly have to thank that it has come to this.... They should now eat this soup that they have gotten us into." Quoted in Heinrich Winkler, *Weimar 1918–1933: Die Geschichte der ersten deutschen Demokratie* (Munich, 1993), 23. With that, as Hans Mommsen determined, self-delusion took shape right from the outset, namely that it was not the front that had failed, but the homeland. Hans Mommsen, *Die verspielte Freiheit: Der Weg der Republik von Weimar in den Untergang 1918 bis 1933*, vol. 8: *Propyläen Geschichte Deutschlands* (Berlin, 1989), 22.
37. As appointed Reich chancellor and as director of the Council of People's Representatives, Ebert represented a "bridge of legality," according to Ernst-Wolfgang Böckenförde, "Der Zusammenbruch der Monarchie und die Entstehung der Weimarer Republik," in E. Böckenförde, *Recht, Staat, Freiheit: Studien zur Rechtsphilosophie, Staatstheorie und Verfassungsgeschichte* (Frankfurt am Main, 1991), 306–343, here 321; Hans Mommsen speaks of a "double legitimacy" possessed by Ebert. H. Mommsen, *Verspielte Freiheit*, 41.
38. The drama during those weeks, as indeed the contemporaries so often experienced, especially in the revolutionary centers of Berlin and Munich, cannot disguise the fact that there was never really any danger of a Bolshevik takeover. The short-lived authority of the communist councils in Berlin stood on shaky ground and collapsed immediately with the arrival of the Freikorps; the January rebellion by the Spartacus Group in Berlin had no chance of a military victory, and the hoped-for support of the workers never materialized. The real power fell to the Council of the People's Representatives, particularly since most of the councils that were formed during the Reich were composed by a majority of SPD and USPD representatives and viewed themselves as transition committees exercising control over the authorities until democratic institutions could be constituted.
39. "Aufruf des Rats der Volksbeauftragten an das deutsche Volk vom 12. November 1918," in *Dokumente zur deutschen Verfassungsgeschichte*, vol. 4: *Deutsche Verfassungsdokumente 1919–1933*, ed. Ernst Huber, 3rd ed. (Cologne, 1992), vol. 4, 6f. (Document No. 7).
40. Susanne Miller, *Die Birde der Macht: Die deutsche Sozialdemokratie 1918–1920* (Düsseldorf, 1978), 104–115; Sigrid Vestring, *Die Mehrheitssozialdemokratie und die Entstehung der Reichsverfassung von Weimar 1918/19* (Münster, 1987), 27–29a. Hans Mommsen makes the criticism that both the MSPD and USPD had declined taking the

- process of providing a constitution into their own hands and thereby had lost sight of Lassalle's insight that constitutional questions are questions about power. H. Mommsen, *Verspielte Freiheit*, 64.
41. According to a dairy entry by Thomas Wolff (who was for many years the editor-in-chief of the *Berliner Tageblatt*) about a conversation he had with Preuß on the morning of 15 November, Friedrich Ebert supposedly told Preuß: "We cannot do that; we do not have people for that." Theodor Wolff, *Tagebücher 1914–1919*, ed. Bernd Sösemann (Boppard, 1984), 654.
 42. Hugo Preuß, *Das Deutsche Volk und die Politik* (Jena, 1915); see also Bruendel, *Volksgemeinschaft*, 104–106; Jasper Mauersberg, *Ideen und Konzeption Hugo Preuß' für die Verfassung der deutschen Republik 1919 und ihre Durchsetzung im Verfassungswerk von Weimar* (Frankfurt am Main, 1991), 40–43. On Hugo Preuß see the 1955 dissertation by Günther Gillissen, *Hugo Preuß, Studien zur Ideen- und Verfassungsgeschichte der Weimarer Republik* (Berlin, 2000); also Detlef Lehnert, *Verfassungsdemokratie als Bürgergenossenschaft: Politisches Denken, Öffentliches Recht und Geschichtsdeutungen bei Hugo Preuß: Beiträge zur demokratischen Institutionenlehre in Deutschland* (Baden-Baden, 1998).
 43. Hugo Preuß, "Volksstaat oder verkehrter Obrigkeitsstaat," in *Staat, Recht und Freiheit: Aus 40 Jahren deutscher Politik und Geschichte* (Hildesheim, 1964), 365–368, here 367f.; Preuß linked his constitutional concepts with the demand to abolish the states, particularly Prussia, and the creation of a unified national state, while simultaneously criticizing unlimited centralization. Instead, the "cultural diversity" of the German Volk was to be nurtured and the autonomous self-administration of communal and rural associations was to be strengthened. Preuß, "Denkschrift zum Entwurf des allgemeinen Teils der Reichsverfassung vom 3. 1. 1919," in *Staat, Recht und Freiheit*, 368–394; see Detlef Lehnert, "Verfassungsdispositionen für die politische Kultur der Weimarer Republik: Die Beiträge von Hugo Preuß im historisch-konzeptiven Vergleich," in *Pluralismus als Verfassungs- und Gesellschaftsmodell: Zur Politischen Kultur in der Weimarer Republik*, ed. Detlef Lehnert and Klaus Megerl (Opladen, 1993), 11–47.
 44. See also Christoph Gusy, *Die Weimarer Reichsverfassung* (Tübingen, 1997), 62–66.
 45. Gerhard Anschütz, *Die Verfassung des Deutschen Reiches vom 11. August 1919: Ein Kommentar für Wissenschaft und Praxis*, 3rd ed., 12th printing (Berlin, 1930), 1.
 46. Quoted in Gusy, *Weimarer Reichsverfassung*, 64f., 372f.; see Ernst Fraenkel, "Die representative und plebisitäre Komponente im demokratischen Verfassungsstaat," in *Deutschland und die westlichen Demokratien*, ed. Alexander v. Brünneck (Frankfurt am Main, 1991), 153–203.
 47. Max Weber, "Zur Neuordnung Deutschlands," in Max Weber, *Gesamtausgabe*, sect. I, vol. 1 (Tübingen, 1988), 91–146; see Wolfgang Mommsen, *Max Weber und die deutsche Politik, 1890–1920*, 2nd ed. (Tübingen, 1974), 356–370. According to the protocol of the Council of the People's Representatives for the morning session on 15 November, Max Weber was even considered as an alternative to Preuß for an appointment to state secretary for the interior. But then Ebert was assigned to continue negotiations together with Hugo Preuß, whose appointment was confirmed on the same day (*ibid.*; Mommsen suggests that Weber's public appearance in opposition to the government of the People's Representatives may have helped destroy this great political opportunity, about which Weber apparently knew nothing).
 48. W. Mommsen, *Weber*, 364.

49. Friedrich Meinecke, "Bemerkungen zum Entwurf der Reichsverfassung," in *Werke*, vol. 2: *Politische Schriften und Reden*, ed. and with an introduction by Georg Kotowski (Darmstadt, 1968), 299–312.
50. For details see W. Mommsen, *Weber*, 380–396; also Mauersberg, *Ideen und Konzeption Hugo Preuß' für die Verfassung*, 60–77.
51. Hugo Preuß, "Das Verfassungswerk von Weimar," in *Staat, Recht und Freiheit*, 426. But compared to Weber's caesarian model, in Preuß's political thought the parliament retained its position as the "supreme organ of communal whole [*Gemeinwezens*]."
52. The text for this early draft is documented in Heinrich Triepel, ed., *Quellensammlung zum Deutschen Reichsstaatsrecht*, exp. 4th ed. (Tübingen, 1926), 6–8. This qualifies Böckenförde's argument that a preliminary decision in favor of a strong Reich president was first made with the law passed on 10 February 1919 regarding the provisional order of imperial authority, since the discussions at the end of 1918 had already provided for a president elected by the people who would act as a counterweight to the Reichstag. Böckenförde, "Zusammenbruch der Monarchie," 336.
53. "Entwurf einer Verfassung des Deutschen Reiches (Entwurf II). Vom 20. Januar 1919," in Triepel, *Quellensammlung*, 10–15. Recalling the long and procrastinatory debate over fundamental rights in St. Paul's Church in Frankfurt, Preuß dispensed with a catalogue of fundamental rights. Instead he wanted the new state to have a unitary character and sought, in particular, the dissolution of the state of Prussia. The Reichstag was to be comprised of a Volkshaus (House of the People), with "representatives of the unified German Volk" chosen in general elections, and a Staatenhaus (House of the States), whose representatives were delegated by each respective Landtag (state parliament).
54. Preuß, "Denkschrift," 370f.
55. This contest regarding the federal character of the new imperial constitution shapes the account by Horst Möller, *Weimar: Die unvollendete Demokratie* (Munich, 1985), 110–132; for a contemporary account of the legal critique of the unitary character of the first constitutional drafts, see Fritz Stier-Somlo, *Deutsches Reichs- und Landesstaatsrecht* (Leipzig, 1924), vol. 1, 248–258.
56. "Entwurf einer Verfassung des Deutschen Reiches (Entwurf III). Vom 17. Februar 1919," in Triepel, *Quellensammlung*, 17–27. Later in the constitution committee of the National Assembly, Preuß confirmed that the committee representing the states intervened against the formulation that the realm's entire authority lay with the German Volk because that would endanger the political existence of the states. *Berichte und Protokolle des Achten Ausschusses über den Entwurf einer Verfassung des Deutschen Volkes*, no. 21 of *Berichte der verfassungsgebenden Deutschen Nationalversammlung 1919* (Berlin, 1920), 29.
57. "Entwurf einer Verfassung des Deutschen Reiches (Entwurf IV). Vom 21. Februar 1919," in Triepel, *Quellensammlung*, 27–31.
58. Böckenförde, "Zusammenbruch der Monarchie," 333f.
59. This established important trajectories for further constitutional deliberations, for as per earlier drafts, the law concerning imperial authority placed the Reich president in a strong position. He conducted the business of the empire (§ 6), he represented the empire in international law vis-à-vis foreign nations, and he convened the imperial administration (§ 8), although the imperial ministers needed to be confirmed by the National Assembly. This law, for instance, made no mention of a Reich chancellor. In any event, as early as 11 February Ebert commissioned Philipp Scheidemann to create an administration and thus created de facto the office of the Ministerpräsi-

- dent (prime minister). The Weimar constitution reinstated the term "Reichskanzler" (Reich chancellor).
60. *Verhandlungen der Deutschen Nationalversammlung 1919/20*, vol. 326, pp. 371f., 379, 390f.; an instructive study of the National Assembly as a place of communication is provided by Thomas Mergel, *Parlamentarische Kultur in der Weimarer Republik: Politische Kommunikation, symbolische Politik und Öffentlichkeit im Reichstag* (Düsseldorf, 2002), 41–80.
 61. Rudolf Morsey, *Die Deutsche Zentrumspartei 1917–1923* (Düsseldorf, 1966), 237. In terms of dogma, the point of departure for this debate is the well-known passage in Paul's epistle to the Romans (13:1): "Everyone must submit himself to the governing authorities, for there is no authority except that which God has established. The authorities that exist have been established by God." Significantly, Luther translated the Greek term which means power, violence, and lordship, as authority.
 62. Quoted in Morsey, *Deutsche Zentrumspartei*, 238.
 63. *Ibid.*, 240.
 64. Cohn repeatedly called for social and democratic corrective actions and for the "democratization of the life of the Volk." Nowhere should the attitude still prevail "that the Volk is only supposed to wait for the command of the authorities and then take its position and if necessary fall in line as commanded by the authorities." Rather it must become a commonplace that each individual is "the State," that each individual is a part of the Volk totality, and that the state is each individual. With regard to the right to protection for national minorities, he raised the question about whether this right should also apply to the Jewish minority. He opposed the notion that there was no "national Jewish question"; and in light of the Versailles peace conference, which was prepared to recognize the Jewish Volk as an independent nation, Cohn called for the consideration of whether the constitution should also provide for national minority rights for the Jews.
- Born in 1869, Oskar Cohn was a Social Democratic representative in the Reichstag from 1912 to 1918 and from 1919 (as of 1922, again for the SPD) to 1924 a member of the Prussian Landtag; he was board member for the Human Rights League and active in Jewish organizations. He fled to Paris immediately after the National Socialists came to power and later to Switzerland, where he died in October 1934. See Ludger Heid, "Er ist ein Rätsel geblieben: Oskar Cohn—Politiker, Parlamentarier, Poale-Zionist," in *Jüdisches Leben in der Weimarer Republik/ Jews in the Weimar Republic*, ed. Wolfgang Benz, Arnold Paucker, and Peter Pulzer (Tübingen, 1998), 25–48.
65. "Programmatische Kundgebung," in *Protokoll über die Verhandlungen des außerordentlichen Parteitag der Unabhängigen Sozialdemokratischen Partei Deutschlands vom 2. bis 6. März 1919 in Berlin* (Berlin, 1919), 3.
 66. "Antrag 99, 1," in *ibid.*, 270. This unequivocal mood in the USPD clearly led the fraction in the National Assembly (including Oskar Cohn) to reject the constitution in the final vote.
 67. Gustav Stresemann, who in a letter in February 1919 categorically refused to consider himself a republican, stated in that same month in a election campaign speech that the form of the state had become a "question of action" and that this question had been decided in favor of a republic. Thus one could not abstain from cooperation with this republic. "But we want to make no bones about the fact that we are firstly opponents of the Revolution and will remain so." Quoted in Wolfgang Hartenstein, *Die Anfänge der Deutschen Volkspartei 1918–1920* (Düsseldorf, 1962), 48.
 68. Meeting of 2 July 1919, *Verhandlungen der Deutschen Nationalversammlung*, vol. 327, 1223.
 69. Quoted in Christian Trippe, *Konservative Verfassungspolitik 1918–1923: Die DNVP als Opposition in Reich und Ländern* (Düsseldorf, 1995), 88; see in the same place also a detailed account of the actions of the DNVP fraction in the National Assembly.
 70. Axel Freiherr v. Freytagh-Loringhoven, *Die Weimarer Verfassung in Lehre und Wirklichkeit* (Munich, 1924), 15.
 71. *Ibid.*, 20.
 72. Christoph Gusy, "Verfassungsumbruch und Staatsrechtswissenschaft: Die Verfassung des Politischen zwischen Konstitutionalismus und demokratischer Republik," in *Neue Politikgeschichte: Perspektiven einer historischen Politikforschung*, ed. Ute Frevert and Heinz-Gerhard Haupt (Frankfurt am Main, 2005), 166–201.
 73. "Die Verfassung des Deutschen Reiches von 11.8.1919, RGBl. 1919, 1383" in Huber, *Dokumente*, vol. 4, 151–179. Naturally, the programmatic preface of the Weimar constitution also made reference to the preamble in the Imperial Constitution of 1871, whose creators were not the Volk but rather a federation of princes: "his majesty the King of Prussia in the name of the North-German Federation, his majesty the King of Bavaria, his majesty the King of Württemberg, his royal highness the Grand-Duke of Baden, and his royal highness the Grand-Duke of Hesse and by Rhine for the parts of the Grand-Duchy of Hesse that lie south of the Main, seal an eternal federation to protect the federation territory and the valid laws within the same, and to support the welfare of the German Volk. This federation will bear the name 'German Empire' and will have the following constitution." See Anschütz, *Verfassung des Deutschen Reiches*, 32f.
 74. Hans Liermann, *Das deutsche Volk als Rechtsbegriff im Reichs- Staatsrecht der Gegenwart* (Berlin, 1927), 166.
 75. *Ibid.*, 170 (emphasis in the original). On Liermann, see Michael Stolleis, *Geschichte des öffentlichen Rechts in Deutschland*, vol. 3: *Staats- und Verwaltungsrechtswissenschaft in Republik und Diktatur 1914–1945* (Munich, 1999), 264.
 76. According to H. Mommsen, *Verspielte Freiheit*, 71.
 77. Weber, "Der Reichspräsident," in *Max Weber Gesamtausgabe* (Tübingen, 1988), sect. I, vol. 16, 220–224. This article appeared for the first time in the *Berliner Börsenzeitung* on 25 February 1919 and was reprinted by a number of newspapers in the days that followed.
 78. It was the Social Democrat Richard Fischer who perceptively forewarned in the National Assembly against allowing oneself to be influenced by the fact that a Social Democrat now held this office. It could be possible that one day another man from another party would become the Reich president. Fischer did not want to rely on the Volk, for the Germans were not a free Volk—"a Volk must be educated for freedom, and the German Volk more than any other needs to be educated for freedom"; Session on 28 February 1919, in *Verhandlungen der Deutschen Nationalversammlung*, vol. 326, 374. In opposition to the votes of Richard Fischer and Oskar Cohn, the constitution committee voted to establish a very powerful Reich president who was elected by the people. Bericht des Achten Ausschusses, Aktenstück Nr. 391 zu den *Verhandlungen der Deutschen Nationalversammlung*, vol. 335, 459.
 79. Carl Schmitt, *Verfassungslehre* [1928] (Berlin, 1993), 61 (quote translated by Bernard Heise).
 80. *Ibid.*, 50 (quote translated by Bernard Heise). The research literature on Carl Schmitt and the German State-Law debate in the Weimar Republic is too extensive to be cited here; consider thus William E. Scheuerman, *Carl Schmitt: The End of Law*

- (Lanham, MD, 1999). Suggestive for me in the context of this chapter was the essay by Ulrich K. Preuß, "Carl Schmitt – Die Bändigung oder die Entfesselung des Politischen?" in *Mythos Staat: Carl Schmitts Staatsverständnis*, ed. Rüdiger Voigt (Baden-Baden, 2001), 141–167.
81. See Ulrich Thiele, *Advokative Volkssouveränität: Carl Schmitts Konstruktion einer "demokratischen" Diktaturtheorie im Kontext der Interpretation politischer Theorien der Aufklärung* (Berlin, 2003).
 82. Schmitt, *Verfassungslehre*, 27. "The political being preceded the granting of the constitution. That which is not available politically can not consciously make decisions. With respect to this fundamental act [the French Revolution, author's note] in which a Volk acted in a politically conscious manner, the political existence was presupposed and the act by which the Volk gives itself a constitution is to be distinguished from the constituting of the state." Ibid. (quotation translated by Bernard Heise).
 83. Carl Schmitt, *The Concept of the Political*, trans. with introduction and notes by George Schwab (Chicago, 2007), 27.
 84. For that reason I disagree with Steffen Bruendel, who distinguishes between an "exclusive" Volksgemeinschaft and an "inclusive" Volksgemeinschaft, in which he claims to recognize elements of participatory reform, a "foundation for future togetherness" in the "Spirit of 1914," and even the concept of a "democratic Volksgemeinschaft." It was not, as Bruendel maintains, the "inflationary usage by the National Socialists" that first "contaminated" the notion of the Volksgemeinschaft; instead, the "Volksgemeinschaft," based on identity and homogeneity rather than representation, was itself the antithesis of a liberal constitutional state. Bruendel, *Volksgemeinschaft*, 258–313.
 85. Zentrale für Heimatdienst, ed., *Der Geist der neuen Volksgemeinschaft: Eine Denkschrift für das deutsche Volk* (Berlin, 1919), 4.
 86. Jürgen C. Heß, "Das ganze Deutschland soll es sein" (Stuttgart, 1978), 332.
 87. Quoted in Werner Schneider, *Die Deutsche Demokratische Partei in der Weimarer Republik 1924–1930* (Munich, 1978), 48, note 82.
 88. Reichsgeschäftsstelle der DDP Berlin, *Staat und Wirtschaft: Rede von Gustav Schneider, Bundesvorsitzender des Gewerkschaftsbundes der Angestellten, auf dem Reichsparteitag der Deutschen Demokratischen Partei in Weimar am 6. April 1924* (Berlin, n.d.), 3; see also Heß, "Das ganze Deutschland," 331.
 89. Hugo Preuß, "Volksgemeinschaft?" in *Um die Reichsverfassung* (Berlin, 1924), 17–22, here 19.
 90. "Manifest der Deutschen Staatspartei," in Wilhelm Treue, *Deutsche Parteiprogramme 1861–1954* (Göttingen, 1954), 148–152, quote on 148; see Burkhard Gutleben, "Volksgemeinschaft oder zweite Republik? Die Reaktionen des deutschen Linksliberalismus auf die Krise der 30er Jahre," *Tel Aviver Jahrbuch für deutsche Geschichte* 17 (1988): 259–284; for a survey see Konrad Jarausch and Larry E. Jones, eds., *In Search of a Liberal Germany: Studies in the History of German Liberalism from 1789 to the Present* (New York, 1990), and Eric Kurlander, *Living with Hitler: Liberal Democrats in the Third Reich* (New Haven, 2009).
 91. Quoted in Hartenstein, *Anfänge der Deutschen Volkspartei*, 53, 207.
 92. Quoted in *ibid.*, 210.
 93. "Aufruf und Leitsätze der Deutschen Zentrumspartei, 21.11. 1918 (Berlin)" in Herbert Lepper, ed., *Volk, Kirche, Vaterland: Wahlaufträge, Aufrufe, Satzungen und Statuten des Zentrums 1870–1933* (Düsseldorf, 1998), 387–390, quote on 388.
 94. "Richtlinien der Deutschen Zentrumspartei, 16.1. 1922," in *ibid.*, 418–428, quote on 418f.
 95. "Wahlauftrag der Deutschen Zentrumspartei zu den Reichstagswahlen, 14.3. 1924" in *ibid.*, 428–430, quote on 430.
 96. "Wahlauftrag der 'Germania,' 27.3. 1925" in *ibid.*, 450–453; on the politics of the Center Party during the 1925 election of the Reich president, see Karsten Ruppert, *Im Dienst am Staat von Weimar: Das Zentrum als regierende Partei in der Weimarer Demokratie 1923–1930* (Düsseldorf, 1992), 109–130.
 97. Regarding the Center Party's political theories about the state, see Detlef Junker, *Die Deutsche Zentrumspartei und Hitler 1932/ 33: Ein Beitrag zur Problematik des politischen Katholizismus in Deutschland* (Stuttgart, 1969), 127–155; Morsey, *Deutsche Zentrumspartei*, 236–242; on the connection between Social Democratic and Catholic republicans see Detlef Lehnert, "Von der politischkulturellen Fragmentierung zur demokratischen Sammlung: Der 'Volksblock' des 'Reichsbannerlagers' und die katholischen Republikaner" in Lehnert and Megerle, *Pluralismus als Verfassungs- und Gesellschaftsmodell*, 77–129.
 98. Moritz Föllmer, "The Problem of National Solidarity in Interwar Germany," *German History* 23, no. 2 (2005): 202–231.
 99. From the *Deutsche Mittelstandszeitung*, 1/1/1927, quoted in Föllmer, "Problem of National Solidarity," 216, who rightly noted that discord could hardly be smashed. Föllmer's observation could be taken further—the metaphor does not so much seek reconciliation but rather a violent production of enforced consensus.
 100. Quoted in Heinrich August Winkler, *Von der Revolution zur Stabilisierung: Arbeiter und Arbeiterbewegung in der Weimarer Republik 1918 bis 1924* (Berlin: 1984), 436.
 101. *Protokoll über die Verhandlungen des Parteitags der Sozialdemokratischen Partei Deutschlands, abgehalten in Görlitz vom 18. bis 24. September 1921* (Berlin, 1921), III; on the discussion of the program, see Heinrich August Winkler, "Klassenbewegung oder Volkspartei? Zur Programmdiskussion in der Weimarer Sozialdemokratie 1920–1925," *Geschichte und Gesellschaft* 8 (1982): 9–54.
 102. Quoted in Paul Nolte, *Die Ordnung der deutschen Gesellschaft: Selbstentwurf und Selbstbeschreibung im 20. Jahrhundert* (Munich, 2000), 101. According to Nolte, an emphatic and naïve notion of the Volk played an important role for the SPD, generally speaking.
 103. Winkler, "Klassenbewegung," 18.
 104. *Ibid.*, 28.
 105. See Winkler, *Der Schein der Normalität: Arbeiter und Arbeiterbewegung in der Weimarer Republik 1924 bis 1930*, 2nd ed. (Berlin, 1988), especially 324, note 295.
 106. Friedrich Ebert, *Schriften, Aufzeichnungen, Reden*, 2 vols. (Dresden, 1926), vol. 2, 159.
 107. In a speech in Hamburg on 17 August 1922 Ebert said: "In the thought of German unity, in the idea of a German Reich itself that securely circumscribes our Volksgemeinschaft lie the roots not only of our cultural significance but also our economic strength and the possibility of free development." And in Kiel on 4 September 1922: "In this struggle to assert ourselves, we will need the cooperation of all our Volksgenossen (Volk comrades). Thus the thought of a firmly connected Volksgemeinschaft must increasingly become part of or flesh and blood." Ebert, *Schriften*, vol. 2, 253, 265; *ibid.* for more supporting documents.
 108. See the vivid description in Franz Walter, *Nationale Romantik und revolutionärer Mythos: Politik und Lebensweisen im frühen Weimarer Jungsozialismus* (Berlin, 1986), 12–25; also Reinhard Lüpke, *Zwischen Marx und Wandervogel: Die Jungsozialisten in der Weimarer Republik 1919–1931* (Marburg, 1984), 35–40. At a meeting of young socialists at the Imperial Youth Conference in August 1920, they declared: "We are

- beginning to recognize that the political and economic class struggle is not enough to make socialism a reality. We want to become new people, true socialists. A new world needs new people. But then we want to enliven the party with our spirit. We desire that [the party] becomes the party of the future. We demand from the party full freedom for our desire." Quoted in Winkler, *Schein der Normalität*, 265.
109. For elaboration see Lüpke, *Zwischen Marx und Wandervogel*, 52–56.
 110. On the Hofgeismar Conference see Walter, *Nationale Romantik*, 40–48; Lüpke, *Zwischen Marx und Wandervogel*, 63–70; Franz Osterrath, "Der Hofgeismarkreis der Jungsozialisten," *Archiv für Sozialgeschichte* 4 (1964): 525–569; Winkler, *Schein der Normalität*, 367–369.
 111. On Haubach, now see Peter Zimmerman, *Theodor Haubach (1896–1945): Eine politische Biographie* (Hamburg, 2004), 123–150; on Mierendorff, see Richard Albrecht, *Der militante Sozialdemokrat: Carlo Mierendorff 1897–1943* (Berlin, 1987).
 112. Hermann Heller, "Sozialismus und Nation (1925)," in *Gesammelte Schriften* (Leiden, 1971), vol. 1, 437–526, here 468.
 113. Thus the *Illustrierte Reichsbannerzeitung* in October 1925 stated that the goal of the organization was "to forge an iron band of German togetherness and Volksgemeinschaft, above everything that was divisive and beyond classes and party-political world views." Quoted in Winkler, *Schein der Normalität*, 383. Regarding conflicts within the young socialists and the whereabouts of the members of the Hofgeismar Circle, see Winkler, *Schein der Normalität*, 376–378; Walter, *Nationale Romantik*, 169–177; Lüpke, *Zwischen Marx und Wandervogel*, 78–133, 145–152.
 114. See the insightful comparative analysis of the National Socialist Volksgemeinschaft and the Social Democratic Volksheim in Sweden by Götz, *Ungleiche Geschwister*.
 115. Martin H. Geyer, *Verkehrte Welt: Revolution, Inflation und Moderne, München 1914–1924* (Göttingen, 1998), 391–397.
 116. Wehler, *Gesellschaftsgeschichte*, vol. 4, 345.
 117. Freytagh-Loringhoven, *Weimarer Verfassung*, 399f.
 118. Quoted here in Adolf Hitler, *Sämtliche Aufzeichnungen 1905–1924*, ed. Eberhard Jäckel and Axel Kuhn (Stuttgart, 1980), 84–204. The speech was first printed in Reginald R. Phelps, "Hitlers 'grundlegende' Rede über den Antisemitismus," *Vierteljahrshefte für Zeitgeschichte* 16 (1968): 390–420; see the extensive interpretation of the speech by Klaus Holz, *Nationaler Antisemitismus* (Hamburg, 2001), 359–430.
 119. Hitler, *Sämtliche Aufzeichnungen*, 184.
 120. *Ibid.*, 190.
 121. *Ibid.*, 200.
 122. *Ibid.*, 201. The call for "the removal of the Jews from our Volk" does not signify an anticipation of Auschwitz; in this regard I oppose Holz's interpretation of the speech, namely that the term *Entfernung* (removal) is the equivalent of killing. Holz, *Nationaler Antisemitismus*, 416–424. In 1920 the formulation "Entfernung der Juden aus unserem Volke" was directed more toward excluding them from the Reich. Hitler continued his sentence as follows: "... the removal of the Jews from our people [thunderous and persistent applause and hand clapping], not because we begrudge them their existence—we congratulate the rest of the world on their visit [much amusement]—but because the existence of our own Volk means a thousand times more to us than that of a foreign race [Bravo!]."
 123. See Shulamit Volkov, "Das geschriebene und das gesprochene Wort: Über Kontinuität und Diskontinuität im deutschen Antisemitismus," in Shulamit Volkov, *Antisemitismus als kultureller Code: Zehn Essays*, exp. 2nd ed. (Munich, 2000), 54–75; see also Donald L. Niewyk, "Solving the 'Jewish Problem': Continuity and Change in German Antisemitism, 1871–1945," *Leo Baeck Institute Yearbook* 35 (1990): 335–370, who like Volkov distinguishes between rhetorical anti-Semitism and the active, murderous anti-Semitism of the National Socialists.
 124. Hitler, *Sämtliche Aufzeichnungen*, 201.
 125. In a study on the widespread topos of the "Führer" in the Weimar Republic, Thomas Mergel notes that the "Führer" was expected to be "one of us," someone who would show us what "we have in us," and an outsider to the quotidian professional political enterprise of reaching compromises; he would be someone who breaks out of the routine and does the unexpected, someone surprising and "intuitive" who "instinctively" makes the right decisions and takes risks. After a number of disappointments in this regard, these expectations converged in a particular and evidently convincing way on Hitler. Thomas Mergel, "Führer, Volksgemeinschaft und Maschine: Politische Erwartungsstrukturen in der Weimarer Republik und dem Nationalsozialismus 1918–1936," in *Politische Kulturgeschichte der Zwischenkriegszeit 1918–1939*, ed. Wolfgang Hardtwig (Göttingen, 2005), 91–127.