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JEWS, DEMOCRACY
AND WEIMAR GERMANY

BY

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THE LEO BAECK INSTITUTE was founded by representative organizations of Jews from Germany for the purpose of collecting material on and sponsoring research into the history of the Jewish community in Germany and in other German-speaking countries from the Emancipation to its dispersion. The Institute is named in honor of the man who was the last representative figure of German Jewry in Germany during the Nazi period.

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THE WEIMAR REPUBLIC was ushered in by a revolution brought about by the need to terminate the First World War. That war had resulted in a catastrophic defeat, the power structure of the country was paralyzed and the masters of Imperial Germany offered no resistance. The leaders of the Socialists provided guidance to the new forces. The "*Ver-nunftrepublikaner*" accepted their leadership as inevitable. There had been no strong resentment within the German middle class against the domestic policy of the former Reich and State governments. The German parliament had never been held in high esteem. The citizens of the states of Southern Germany felt close to their princes. When proclaiming Wuerttemberg a Republic, the revolutionaries hastened to emphasize that the King had always been animated by the love of the people in all his actions.

The difficulties which were soon to arise were augmented by the fact that no one was prepared to cope with the strange revolution that had developed. Georges Clemenceau is reported to have said that the French Revolution of 1789 had been written long before the event. Montesquieu, Rousseau, the Encyclopedists had prepared it intellectually. In 1918 the contrary was true. The Socialists had always considered a democratic republic ideally suited for a transition from the old to a new society and for establishing the Socialist state—the aim of a distant future. Now they had to rule in a situation strikingly different from that foreseen. With few exceptions the Socialists, moderate and radical alike, were

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agreed that this was the most unassuming moment for socialization. Moreover the Social Democrats had been excluded from all positions and were therefore totally lacking in governmental and administrative experience and adequate personnel. Their party consisted almost exclusively of manual workers with a very thin layer of intellectuals. Wolfgang Heine, the Socialist Prussian Minister of the Interior in 1919, criticized because of his personnel policy, retorted that he could not rule the state solely with trade union officials and Jewish lawyers.¹

In this situation a revolutionary break with the prewar social order appeared self-defeating. The Socialists, therefore, relied on the evolutionary process. For the time being they felt it to be a great achievement that they were able to maintain the unity of the Reich against formidable odds and to establish the equality of rights of labor. They also abolished the electoral and the worst social injustices, but overconscious of their deficiencies, they omitted to carry out certain other reforms which they could have achieved. They knew that they had to master a chaotic situation left as a legacy from the old regime. Ten million men had to be brought back from the battlefields in an extremely brief period of time and provided with jobs; starving people had to be fed. The Social Democrats therefore looked for allies among other parties, administrators and the military. The labor movement was split wide open. The right wing became dependent upon the cooperation of bourgeois elements. The left wing resorted to senseless riots which could not succeed. The non-Socialist parties of the left and the center showed willingness to cooperate with the Socialists. Although a real democratic movement among the German bourgeoisie had always been lacking in the past, the requirements of the moment suggested support for a democratic republic. The revolution of 1918, born in defeat, remained unpopular. But the "Weimar Coalition" of Social Democrats, Democrats and the Catholic Center, which dominated the National Assembly, reflected the determination of large segments of the working class and the bourgeoisie to join forces, an indispensable condition for the survival of the Republic. It was an ominous sign that this

Coalition lost the parliamentary majority in the first election to the Reichstag and never regained it.

THE ENEMIES of the Republic claimed that the revolution had been made by Jews. Accordingly they called the Weimar Republic a *Judenrepublik*, often also *das undeutsche Zwischenreich*, assessing it as a phenomenon alien to the German soul and to German interests, wedged between the Reich created by Bismarck and the coming "Third Reich." The state of mind which gave rise to such assessments was by no means confined to Hitler's followers. A prominent leader of the Bavarian Catholics condemned the revolution as the worst crime which could have been committed against the German people.²

The identification of the concepts "Jew" and "Jewish" with the revolution and the Republic was no innovation. This *epitheton ornans* for things disliked had been found useful by antisemites long before and during the war. When the enthusiasm of the first months dwindled and when losses in human lives and shortages of all kinds increased appallingly, the antisemitic movement recurred with renewed vigor. The ministry of War and the political parties from the right to Gustav Stresemann's National Liberals joined hands in approving and organizing the shameful census of Jews serving in the army and of those working in war agencies. Leaders of the newly founded and rapidly increasing Party of the Fatherland called the elections of 1912 to the Reichstag a *Judenwahl* and the Parliament a *Judenreichstag*.

Jewish and pro-Jewish fighters against antisemitism showed hardly more historical awareness than did the antisemites; they tried to absolve the Jews of the charge of having initiated and taken a leading part in the revolution. The Jews as a group were indeed anything but revolutionary. They did not see any reason for rebelling against the German monarchy. They had risen from scratch to a modest or even higher level of well-being, occupied important positions in the economy

and in the professions and were provided with titles and decorations. Businessmen and lawyers do not mount barricades and economically independent people dislike bureaucratic establishments whatever ideological button they may wear. The war did not affect these basic tendencies. Two weeks before the revolution, in a by-election for a district of Berlin with a considerable number of Jewish residents, Maximilian Kempner, a Jewish industrialist, defeated his moderate Socialist opponent by a comfortable margin.³

To be sure, the Jews had grievances. They bitterly resented and fought the discrimination practiced against them. There were no Jews in the Officer and Reserve Officer corps, in the diplomatic service, in the general state administration, and in the higher echelons of the judiciary. It was very difficult for them to attain the rank of a full professor. However, their discontent did not diminish their loyalty toward *Kaiser und Reich*.

There were no Jews in the Navy where the revolution started and none, or hardly any, among the manual workers in big industrial centers who carried the revolution forward. The picture is different, however, when we consider the leaders who occupied the posts vacated by the former elite.

This fact has been proved abundantly;⁴ it is not necessary to repeat the details. Suffice it to recall that two Jews, Hugo Haase and Otto Landsberg, were among the six people's delegates who constituted the Executive. Hugo Preuss, Secretary of the Interior, Eugen Schiffer, a baptised Jew, Secretary of the Treasury, and Emanuel Wurm, Secretary of the Food Administration, as well as the Prime Ministers of the three most populous states and several Ministers in these and other German states, were Jewish.

The reasons for the appearance of these and others in such positions, which drew unfavorable comments and criticism, are not difficult to discover.

Contrary to the attitude of the Jews as a group, individual Jews had joined the Socialist ranks. Deeply hurt by their rejection they incarnated what Wilhelm Liebknecht, a revolutionary of 1848 and later a leading Socialist, called the large amount of idealism caused by enslavement: it could, he said, create rebels and purify the soul.⁵ Professor Ernst Simon recently expressed a similar idea; he described how, when he first encountered Zionism, he became a Zionist, and added that a first encounter with Socialism could have made him a Socialist as well.⁶ Wedded to the secularized religion of Socialism, to use Robert Weltsch's expression,⁷ the feelings of these Jews were aroused against any kind of injustice and they were inspired by a revolutionary urge for an overall improvement of the human situation. Their links with the Jewish religion were loose or nonexistent. Yet, there recurred in them the universalism of the prophets and their longing for social justice: relieve the oppressed; secure for all the observance of the holiday, including the dependents and servants; do not withhold wages from the workingman; plead for the widows and orphans, protect the strangers. German and German-Jewish philosophical thought strengthened these traditions. Haase was raised in Königsberg where Immanuel Kant had stressed the greatness of the idea, and acted as a Kantian rather than a Marxist under deeply felt moral obligations. In the classroom of Hermann Cohen in Marburg, Kurt Eisner, a gifted newspaper editor and writer found his own internationalist, socialist and pacifist beliefs confirmed by the teachings of his friend, the leading scholar of Neo-Kantianism.⁸

Thus Jews being themselves subjected to discrimination played the role, often assumed by persons of a higher class of helping the underprivileged in their fight for recognition and betterment. The best known examples of such men are the Gracchi brothers in ancient Rome, Mirabeau in the French Revolution and Karl Marx and Friedrich Engels in the nineteenth century. German non-Jews were seldom inclined to throw in their lot with the radical opposition and to lose touch with their peers and access to highly valued jobs and opportunities. Among the 110 Socialists in the

Reichstag of 1912, twelve were of Jewish origin, and eleven of them had an academic background. Of the 98 others not more than twelve had a full or in several cases partial university education. Of the eight lawyers, six were Jewish.

The acceptance of the new responsibilities by some of the Jews was self-evident to all. Haase, the leader of the Independent Socialists, who had voted against the war credits since 1915, was an automatic choice for the first of their seats on the Council of People's Delegates. Paul Hirsch, the floor leader of the Social Democrats in the Prussian Diet, assumed the post of Prussian Prime Minister. Ludwig Marum, a lawyer, who headed the Social Democratic group in the Diet of Baden, was put in charge of the Ministry of Justice in Baden.

A second group consisted of persons regarded as experts. Friedrich Ebert, the leader of the Social Democratic Party, invited Otto Landsberg, a brilliant lawyer and member of the Reichstag, to act as the third People's Delegate of his Party; he became Ebert's principal adviser. Five days after the revolution Professor Hugo Preuß, an authority on constitutional law, reproached the Socialists in a newspaper article for establishing an *Obrigkeitstaat* in reverse instead of a *Volksstaat*.⁹ The article did not put him in jeopardy. On the contrary, Ebert entrusted him with drafting the new constitution. Berthold Heymann, the Socialist spokesman on educational matters in the Diet of Württemberg, became Minister of Public Education in Stuttgart.

A third group comprised non-Socialists who were asked to cooperate with the Socialists. Ludwig Haas, a member of the Reichstag, who was prominent on the Board of the Central Association of German Citizens of Jewish Faith, was Minister of the Interior in Baden.

The fourth group consisted of one man only, Kurt Eisner, then a free-lance writer, a member of the Independent Socialists. In spite of his background—he was not only a Jew, but also a Prussian from Berlin, detestable to every good

Bavarian—he crushed the 800 year-old dynasty of the Wittelsbachs without bloodshed, and with a handful of followers, in a few hours. Eisner took the initiative 36 hours ahead of his party comrades in Berlin.¹⁰ This is the only example of a decisive revolutionary action taken individually by a Jew.

JUST AS VARIED as the reasons of the appearance of Jews in leading positions were the attitudes adopted by them.

The Social Democrats were swamped with day-to-day difficulties. They had to fight separatist movements, listen to the complaints of an endless succession of delegates, deal with tremendous economic hardship and with problems of armistice and peace negotiations. The election of a National Assembly, which was uppermost in Friedrich Ebert's mind, appeared to be an absolute necessity in every way. Max Cohen-Reuß, a Social Democratic member of the Reichstag, was instrumental in persuading an overwhelming majority of the Central Council of the Workers' and Soldiers' Councils to cast their votes in favor of convening a Constituent Assembly. This was the basic decision in favor of a democratic system of government and against a Councils Republic, a *Räterepublik*. In his masterful speech Cohen declared that the cooperation of bourgeois and intellectual circles had to be secured in order to overcome the almost unsurmountable odds of the hour.¹¹

Haase in Berlin and Eisner in Munich were sincere democrats, but felt that some kind of Council system should be integrated in the future German institutions. They, too, appealed to the leading administrative and military personnel to stay on their jobs, reluctantly admitting that the Socialists were incapable of governing Germany without their cooperation. Both understood that in the crucial weeks after the revolution the two Socialist parties had to close ranks. Haase, who enjoyed an unusual authority, was anxious to maintain the cooperation with Ebert while expressing his critical views strongly enough to secure the unity of his party

and to induce its radical wing to toe the line; he succeeded for the decisive two months. Eisner, master of the situation in Munich, invited the majority Socialists to join the revolutionary government. He kept the first part of the Bavarian revolution free from violence. But he was also conscious of the spiritual chasm between himself and the Bavarian middle class. Deeply convinced that there had to be a revolution of minds, he appealed to Gustav Landauer, the Jewish anarchist-socialist, to come to Munich "in order to transform the souls,"¹² in the naive belief that the abyss could be bridged by a man who was much more remote from the common people than Eisner himself.

Eisner's assassination on the day he intended to transfer his power to the Bavarian National Assembly brought about a new paralysis in the government machinery. The vacuum was filled by high-minded literati like Landauer, Erich Mühsam, a philosophical anarchist, Ernst Toller, the playwright, and others totally inexperienced in politics. These emotional ultraradicals were succeeded by the rational revolutionary Communists under the leadership of Eugen Leviné. About ten Jews formed part of the approximately fifty leading persons of the two Councils Republics. Landauer was a Messianic and universalist figure, devoted to the ideals of Israel's prophets. Antiauthoritarian, opposed to Capitalism as well as Marxism, he lived, to quote Martin Buber, as a prophet of the humanity which is to be and died as its martyr. No doubt that his attempt to translate theological Messianism into Messianic politics in Bavaria, overlooking the German political reality, was bound to lead to disaster. Unaware of his inability to administer any agency, Landauer proposed himself for the Ministry of Education. In terms almost identical with those applied by the venerable Prussian democrat Johann Jacoby eighty years earlier, he expressed his conviction "I accept my fate and what I am: my being German and being Jewish do not harm each other and do much for each other's sake."¹³ After the second Councils Republic, in which he took no part, was quashed, Landauer was brutally murdered and Leviné sentenced to death by a People's Court in Munich. The impact of two happenings

unconnected with basic factors of historical development was calamitous: Without Eisner's change of residence from Berlin to Bavaria several years before the war the Bavarian revolution would have followed, not preceded, that of Berlin; if he had not been assassinated, the Jews active in the Councils republics would have been remembered only as philosophical or literary figures. No one would have suspected in 1919 that, after being subjected to unspeakable defamation, Eisner would have a street in Munich named in his honor fifty years after his death.

Preuß and Schiffer were prominent among the non-Socialist Jews who wielded power during the revolution. Both became members of the German Democratic Party in November 1918. Preuß had given thorough thought to constitutional matters during the war years and was now fully absorbed by his work on the draft constitution. The Social Democrats had no experts on constitutional law and the university professors had disqualified themselves by the glorification of the Constitution of the Empire and, during the war, by speeches and writings unworthy of any scholar. Schiffer formed a center of resistance against attempts at sweeping reforms and Socialist aims. This versatile politician served in turn Imperial Germany, Weimar Germany, and, after the Second World War, the Government of the Soviet-occupied zone where, at the age of 86, he was entrusted with the organization of the judicial services.

Thus, Jews appeared in leading positions mainly because they constituted a relatively large percentage of the intelligentsia among the leadership of the Social Democratic Party. Most of the Jews among the non-Socialists who exercised influence had been members of the Progressive Party, the political home of the Jews at the time of the Empire.

THE TRANSITION from the revolutionary era to a constitutional system of government required months. Nevertheless the promulgation of the Constitution of Weimar on August

11, 1919, was a landmark. The Jews accepted the democratic and republican system more readily than the majority of non-Jews in a similar social and occupational environment. The Weimar Constitution expressed in fact certain political ideas and aspirations cherished by the German Jews.

The power of the authorities of the Reich was strengthened at the expense of those of the *Länder*. The German Jews had always manifested a desire for greater German unity. In his correspondence with the historian Christoph Friedrich Dahmann in 1848, Frederic William IV of Prussia complained about the "*Teutschwut der Juden*." The salutary impact of their attitude on the development of German unity was stressed by Theodor Mommsen. The Bavarian Federalist Georg Heim referred to Preuß and Landsberg contemptuously as the *Zentraljuden von Berlin*.¹⁴

The Jews were moreover satisfied by the strong emphasis on freedom, especially freedom of religion and its practice. The Constitution guaranteed freedom of association to all religious bodies and their official recognition. On this basis the *Preußischer Landesverband jüdischer Gemeinden* (Prussian Union of Jewish Communities) was established. Similar associations existed in the other states. In 1931 the Prussian Government approved the principles on which the intended legal unification and modernization of the twelve antiquated laws on the Jewish communities were to be based.¹⁵

The Act of 1869 guaranteeing admission to official posts regardless of religious creed had to a large extent, remained a dead letter under the traditional leadership of the *Junker* caste in Imperial Germany. The relevant provisions of the new constitution were now likely to become a fact of public life.

The beneficial effect of the constitutional provisions and of their application was noticeable in the close relationship between *Deutsch-Israelitische Gemeindebund* as well as the Prussian Union of Jewish Communities and the German authorities. The Prussian Diet included subsidies for the support of overburdened Jewish communities in its budget

to secure religious instruction, a minimum remuneration of Jewish rabbis and teachers and pensions for widows and orphans of rabbis. Departing from the principle of separation of State and Church, the Social Democrats voted for the subsidies which could be adopted only with their approval since the parties of the right rejected them. Prime Minister Otto Braun convinced the Socialists that, since they could not prevent the adoption of subsidies to the Christian Churches, the upholding of the principle of separation of State and Church in the case of the Jews would violate the more important principles of equality and justice. Basing himself on the same principles, Karl Severing, *Reich* Minister of the Interior, was the first head of a *Reich* ministry to order that all Jews in the service of the ministry should be granted leave of absence on the highest Jewish holidays.¹⁶

While the status of the Jews and of their religious bodies was thus enhanced, the German Jews suffered serious setbacks on both counts, as Germans, in general, and as Jews, in particular.

Intellectually, Germany's defeat was a severe blow to the leading role played by German Jewry among the Jews of the world. The loss of Germany's position in world affairs and the reduction of the impact of the German language in Central-Eastern Europe and in the United States entailed a perceptible curtailment of German-Jewish intellectual leadership.¹⁷

Economically, the Jews were hurt first by the runaway inflation and later by the economic crisis. Hundreds of small Jewish banking firms were absorbed by big banking corporations. Structural changes of the national economy, such as the rapidly growing number of cartels and trusts narrowed the domain in which Jewish businessmen could do pioneering work, the source of their prosperity in the era of early Capitalism. The average income of the Jews compared to that of the total population declined and the number of unemployed rose to a figure of about one fourth of the total gainfully employed Jewish population. Jewish social assistance had to be extended to German Jews; before 1914 Jews from the East only had to be assisted.¹⁸

Antisemitic propaganda created further difficulties. Threats were frequent and bodily attacks occurred especially in towns of the Eastern provinces. Foreign-born Jews were hardest hit. In 1921, thousands of Jews from the East were sent to internment camps, a shameful action, denounced as "Kulturschande" by the left.¹⁹ In Bavaria a mass-expulsion of Eastern Jews was ordered in 1923.²⁰

To defend their political and social interests most Jews joined or voted for the German Democratic Party. The Party, however, did not escape the unfortunate history of German liberalism; unfortunate, because the German people of our time were not animated by a sense of individualism, but relied on military, Church and trade union discipline. The liberal voters moved first to the moderate, then to the extreme, right. Gustav Stresemann's People's Party, which had won the adherence of a small number of Jews, suffered the same fate. Both parties tried to survive by compromising with rightist, including antisemitic, forces. However, the two parties which had enjoyed the allegiance of most Jewish voters all but disappeared in the last years of Weimar. In Bavaria Jews often supported the Catholic Bavarian People's Party despite its antisemitic coloring. The Party appeared to them a safer center of resistance against the Nazi onslaught than the impotent parties of the left.²¹

Weimar culture, as has often been said, was largely shaped by the German-Jewish intelligentsia.²² However, on the whole, the general situation of the Jews under the Weimar Republic, while favorable in some respects, was not as satisfactory as was assumed at that time and full of dismal forebodings. The disappearance of the liberal parties was the most disquieting feature. Since the composition of the Social Democratic Party was determined by organized labor, it could not replace the loss caused by the desertion of that stratum of society from which the liberals had derived their strength.

The rise of the Jews to civil and political equality had originally been due to the conception of the *Rechtsstaat*, of

which Eduard Lasker was the ablest spokesman in nineteenth century Germany. Under the governments of Heinrich Brüning, Franz von Papen, and Kurt von Schleicher the Jews continued to live in precarious safety with the exceptions created by National Socialist terrorism. In June 1932, the *Jüdische Telegraphen-Agentur* carried a news item underlining Papen's disavowal of any discrimination against the Jews.²³ Debatable as is the question to which historians in the Federal Republic give different answers as to whether Weimar democracy was brought to an end in 1930 by the resignation of the Socialist-led Government or in 1932 by the dismissal of Brüning, the turn of German-Jewish history came at neither of these dates; it came on the 30th of January 1933, when Hindenburg appointed Adolf Hitler Chancellor of the Reich and presided unperturbed over the destruction of the remainders of the *Rechtsstaat*.

THE ADMISSION of Jews to public service which I shall now discuss has attracted special attention. Under the monarchy Jews were eligible to be elected, and were elected in fact, to German parliaments. The story of the Jews in the parliamentary life of Weimar is that of their role in the parties of the left. The right had always been antisemitic. When political antisemitism became rife under the Empire, the liberal parties were hesitant to nominate Jews as candidates. Most Jewish members of parliament were therefore to be found in the Social Democratic group.²⁴ This trend continued in the Weimar Republic. The People's Party had, at times, a few baptised Jews among its members of the *Reichstag* and the Prussian Diet, f.i. Jacob Rießer, Gabriel Rießer's nephew, a director of a big banking corporation and later Professor of Commercial Law in Berlin. He was a vice-president of the Reichstag until 1928.

The German Democratic Party, left of center, nominated some Jews such as Ludwig Haas, and Bernhard Falk from Cologne, for the National Assembly. Gustav Stolper, editor-in-chief of the economic weekly *Deutscher Volkswirt* served

in the Reichstag as a member of the *Staatspartei*, the new name of the Democratic Party, from 1930 to 1932, as the last Jewish liberal in a German parliament. Haas became floor leader of the Democrats in the Reichstag; Falk later held the same post in the Prussian Diet.²⁵ The German and Prussian governments gave him due credit for his courageous fight against Rhenish separatism. Hugo Preuß was not nominated to the National Assembly and to the Reichstag. The Democrats obviously feared that the Father of the Constitution of the "Judenrepublik" might damage their electoral chances. Their apprehension is reflected in a letter written in February 1919 by Hermann Dietrich, later minister of Finance. He stated that the Jewish question raised serious difficulties for his party and predicted that Preuß would not continue as Secretary of the Interior for a long time.²⁶

The Socialist left was deeply divided. Social Democrats, Independent Socialists as well as Communists, deadly enemies of Weimar democracy from the left, competed for the votes of the workers. Since there was no room left for a party between Weimar and Moscow, which would be radical but independent of the Soviets, and pacifist without compromising with the military, the Communists succeeded in destroying the Independent Socialist Party. During the First World War the Jewish members of the Social Democratic group had been attracted by the non-conformist and pacifist attitude of the new party. While twelve of the 98 non-Jewish members left the old party, more than half of the Jewish members, six out of eleven, joined the Independent Socialists.

The participation of Jews in the Social Democratic group continued to hover around ten per cent in the *Reichstag* and seven per cent in the Prussian Diet. All were renominated in the last years of the Republic, including the election of 1933. Oscar Cohn, however, had abandoned parliamentary life in 1924 in order to devote himself to Jewish affairs and especially to the promotion of Zionism.

A few of the Jewish members of Parliament rendered remarkable services. Paul Hertz served as an efficient secretary of

the Socialist group in the Reichstag. In the Prussian Diet Ernst Heilmann supplied forceful leadership required to maintain the Weimar Coalition. He adopted a parliamentary style different from that of the group in the Reichstag which often vacillated. In the day-to-day work Hugo Heimann, Chairman of the Main Committee of the Reichstag, expedited legislation authoritatively and courteously. He was held in high esteem by members of all parties.²⁷ The most brilliant critic of the attitude of the Party was Paul Levi, a lawyer, a man of refined culture, once the head of the Communist Party after the murder of Karl Liebknecht, Rosa Luxemburg and Leo Jogiches. Horrified by the victimization of German workers in senseless putschist movements, he left the Communist Party and joined eventually the Social Democrats. He was one of the best forensic orators, exposing judges and prosecutors who abused their functions by protecting criminals of the right.²⁸

The sharp decrease of the number of Jews in the Communist parliamentary group was in contrast to the consistency in the number of Jewish members in the Social Democratic group. Of 62 Communists, elected in May 1924, six were Jews, but no Jew was among the hundred Communists elected to the Reichstag in November 1932. Many became victims of the frequent changes of the party line and of purges carried out in accordance with the shifting needs of Soviet policy. Arthur Rosenberg, the only Communist scholar in the Reichstag, left his party in 1927.²⁹ His books on Weimar and on Bolshevism have retained their high value. Werner Scholem, who was expelled from the Party in 1926, was a fierce spokesman of the Communists. Heinz Neumann, the last Jewish Communist in a German parliament, fell into disgrace in 1932. No example is more indicative of the fantastic lives of some people in our century and reveals the impact of revolutionary, ruthless, adventurous Communism: Son of a well-to-do Jewish family; won over for Communism at the age of 18; a staunch Stalinist, selected for organizing a rising in Canton, China, where he showed a blatant recklessness and disregard for human lives; husband of a Prussian officer's daughter who had before been married to the son of Martin

Buber; author of the Communist Manifesto of 1930 for the national and social liberation of the German people, indulging in nationalist language in order to outdo the Nazis; after 1933 in the Soviet Union and four years later a victim of one of the Stalinist purges.³⁰

The omission of Jews as candidates for parliament and, incidentally, the marked decline of their number in other positions of leadership testify to the distrust with which intellectuals were viewed by the bureaucrats who increasingly dominated the Communist movement. Addressing the German Commission of the Communist International Executive Committee in 1926, Stalin shouted: "If the intellectuals want to dominate our movement, send them to hell!" In this fight against the intellectuals anti-Jewish feeling was not absent and the desire was obvious to refute the Nazi slogan that Bolshevism was a Jewish conspiracy.³¹

Thus, at the end of the Weimar Republic, only the Social Democrats had Jews among their parliamentary representatives. The *Staatspartei* was virtually extinct and the Communists did not put forward Jews as candidates.

WHILE THE general trend of the participation of Jews in parliamentary life continued in Weimar Germany, new ground was broken by their appointments to cabinet and civil service posts. Seven persons of Jewish descent served as Reich Ministers. Preuß and Walther Rathenau were members of the Jewish Community of Berlin and in party politics, of the Democratic Party. The three Socialists, Otto Landsberg, Minister of Justice, Georg Gradnauer, Minister of the Interior, both during several months only, and Rudolf Hillerding, twice Minister of Finance, called themselves dissidents. Two belonged to the Protestant faith and tended towards the right: Schiffer, several times Minister of Finance and Minister of Justice, who left the Democratic Party in 1925, and Curt Joël, the son of parents who had become converted to Protestantism, and who was appointed Minister of Justice in the second cabinet of Brüning. With the excep-

tion of two senators (members of Government) in the City-State of Hamburg, there was no Jewish Minister of a Land after 1921.

Rathenau and Hillerding had a vision of the future and were convinced that planning of the national economy had to be substituted for economic anarchy. Hillerding reinterpreted the Marxist doctrine in the light of new developments in the imperialist era, while Rathenau accorded an important place to personal initiative also in the society of the future. Rathenau was at his best as a planner and organizer of the national economy during the war; Hillerding laid the foundations for a new strategy of the working class, adapted to the changed conditions, in its fight for recognition, equality and betterment.

Rathenau's spiritual qualities and his worldwide relationships appeared to Chancellor Joseph Wirth as a valuable complement to the pedestrian attitudes of the rest of his cabinet. In his negotiations with statesmen and economists Rathenau showed brilliance, superior skill and oratorical gifts. Yet, as head of the Foreign Office he lacked consistency and firm control of his Ministry. This became evident when he yielded to the knowledgeable and energetic member of his staff, Ago von Maltzan, who masterminded the Treaty of Rapallo with Soviet Russia, with its conspiratorial elements directed against the West. In the opinion of Leo Baeck, Rathenau was a man with a mind that was continuously searching; as to his Jewishness, Baeck believed that he might eventually have found it.³² But continuous searching is not a sign of strength in a statesman. Hillerding appeared to the Social Democrats as the obvious candidate for the Ministry of Finance. It was not their only error stemming from the assumption that great theorists even when endowed with superior intelligence, are necessarily good statesmen. As a scholar who had predicted developments in the future with amazing precision and as a man without personal ambition he was admired by the other cabinet ministers while his inability to reach decisions was a serious flaw in the fulfillment of his ministerial functions.³³

Preuß had to abandon important ideas reflected in his first draft. Nevertheless he has been rightly called the Father of the Weimar Constitution. He also gave enlightened guidance to the Constitutional Committee of the National Assembly in its deliberations. The description of the Constitution as un-German, he wrote, emanated either from the bad faith of the antisemites or from total ignorance of the great currents of German history. Preuß once expressed his grief at being considered a stranger in his father's house. In 1926, after his death, Theodor Heuß, later the first President of the Federal Republic of Germany, wrote of the tragedy of the German Jew who, while working for the good of his country, meets with distrust and ill-will.³⁴

Joël served as *Staatssekretär* under eleven ministers who followed each other in rapid succession. He virtually dominated the Ministry of Justice already twelve years before he reached the highest post. His appointment in the fall of 1931 proves how little racist antisemitism had penetrated the governing circles. The man who called himself "the oldest civil servant of the old Prussian coinage still in service" guided the civil servants who, in 1920, offered resistance to Wolfgang Kapp, the putschist, and in 1932, rejected Papen's offer to enter his Cabinet. However, he refused to acknowledge any reasons other than legal competence for the choice of personnel. Within his jurisdiction, the Republic was denied the democratically-minded judges and administrators desperately needed for its survival.³⁵

The Jews in cabinet posts represented all varieties of ideas, methods of work and aims. Two, Rathenau and Hilferding, were assassinated. One died of natural causes, one was sent to a concentration camp, two were able to hide, and one was spared death or misery other than humiliation because he had a non-Jewish wife. The enormous demonstrations staged after Rathenau's assassination proved the strange fronts erected in the Weimar Republic. The masses of the workers mourned the faithful servant of the Republic, a millionaire, manager of capitalist enterprises, the Jew who rejected baptism although he suffered all his life from his Jewish heritage.

His peers, in contrast, defamed him. For Hugo Stinnes, the industrialist, he was a man with a racially alien soul. On the day before his assassination, Karl Helfferich, leader of the German National Party launched a blistering attack, poisoned with hatred, against the statesman whose life and work were inspired by the love of Germany.

As civil servants one or some Jews were active in almost every ministry of the Reich and Prussia and in regional and local agencies subordinated to them. Professor Julius Hirsch, a distinguished economist, was the first Jew to be assigned the position of *Staatssekretär*, second to the minister. In the troubled first years of the Republic he served in the Reich Ministry of Economics. Hans Schäffer who entered the same ministry, was later transferred to the Reich Ministry of Finance of which he became *Staatssekretär* in the no less difficult last years. Hermann Badt, an orthodox Jew and a Zionist, was the highest ranking Jewish civil servant in the Prussian administration. There were, however, no Jewish officials in Bavaria, and in several *Laender*, for instance in Wuerttemberg and Saxony, only a few had been appointed.

Since, contrary to the Anglo-Saxon concept, a judicial career was not so highly considered in Germany, several hundred Jews were appointed judges in Imperial Germany, but in Prussia they were promoted in exceptional cases only, while Bavaria followed a broadminded policy. The appointment of Nathan Stein as President of the District Court of Mannheim in Baden was a unique case. In Weimar Germany the situation was reversed. Prussia's policy was liberal and devoid of discrimination. In contrast, the Minister of Justice in Bavaria, who was to become Reich Minister of Justice in Hitler's Government, did not appoint Jewish judges and did not promote those in office.³⁶

CERTAIN CATEGORIES of activities can be singled out in which Jews made a special contribution to Weimar Germany.

Preuß was not the only Jew to take a leading part in constitution making. Professor Eduard Rosenthal in Thuringia and Judge Ernst Ruben in Braunschweig performed a similar work. Professor Hans Nawiasky, a baptised Jew, influenced the development of the Bavarian Constitution. Professor Hans Kelsen was the father of the Austrian Constitution of 1920. The prominence of Jews in formulating constitutional law was due to the traditional learning and studying of the Jewish law throughout generations, to the benefit they derived from the teaching of eminent German scholars; and to the political orientation of the Jews as members of an underprivileged group. A significant combination of Jewish, German, and German-Jewish factors accounted for the success of Jews in this field.

In administrative matters Jews were often entrusted with responsible and confidential work far beyond their official rank. Herbert Weichmann and Hans Hirschfeld, personal aids of the Prussian Ministers Braun and Severing respectively, are well-known examples of Jews in this position. Public relation and press officers, unknown in Imperial Germany, were frequently drawn from the press of the left in which Jews played an important part. They were thus in a more favorable position than the old administrators in furthering a good relationship between the administration and the press, as Braun stated in his memoirs. He was unperturbed by the fact that four Jews were serving in the Prussian Press Office, including its chief Hans Goslar.³⁷ When the racist propaganda of the Nazis was in full swing in 1932, Papen did not shy from appointing a member of the staff of the Foreign Office, the baptised Jew Heinrich von Kaufmann-Asser, as head of the Press Office of the *Reich*.³⁸

The Jewish contribution to labor legislation and its application and to the social policy of the Weimar Republic, which became an example for many states, is noteworthy. Hugo Sinzheimer, a member of the National Assembly and Professor in the Faculty of Law of the University of Frankfurt, was the leading scholar and an activist in this field. He devoted a notable book, written in exile in the Netherlands, to

Jewish classics on German jurisprudence.³⁹ Driven by the urge for social justice, many Jews applied for judgeships in the newly established Labor Courts in which rewarding pioneering work could be performed. Three Jews who obtained scholarly fame in their countries of immigration were once judges of Labor Courts in Germany: Otto Kahn-Freund of Oxford University, England; Hans Morgenthau of the University of Chicago and of the City College of the City University of New York, and Wolfgang Friedmann of Columbia University Law School, whose violent death in New York has been mourned throughout the scholarly world of the United States.

Jews in public service made an important contribution to professional, technical and political publications in Weimar Germany and were conspicuous among the intellectuals who raised political activities to a higher spiritual level.⁴⁰ Research on these matters has so far been restricted to periodicals such as *Weltbühne*, which exercised hardly any influence. Other publications, solidly grounded in a large scale political and social environment and therefore more influential, although less widespread, were i.a. the scholarly Social Democratic organ *Gesellschaft, Justiz*, the periodical of the republican lawyers, *Deutscher Volkswirt*, leading in the field of economics of the liberal school, *Das Freie Wort*, the weekly in which topical political problems of the Socialists were discussed, and *Arbeiterwohlfahrt*, which covered social policy and welfare.⁴¹ Each of them had a Jewish editor-in-chief. From 30 per cent to 50 per cent of the contributors were Jews, driven by the wish to express themselves in public on the problems with which they were confronted and to convince others of the justness of their cause. They broke down the barriers between public service and public opinion which weighed heavily on most administrators and judges of the traditional school. Scholarly and, in general, literary encouragement of novel endeavors of Weimar Germany and constructive criticism of deviations from Weimar's original purposes as well as broadminded interpretation and application of labor law and of social legislation constituted a significant contribution of German Jews to Weimar politics.

The influence of leading Jewish personalities on politics, however, was on the whole, inferior to that exercised by Jews at the time of Bismarck: Eduard Lasker and Ludwig Bamberger, outstanding legislators; two baptized Jews, Eduard von Simson, President of the Reichstag and later the first President of the newly established Supreme Court in Leipzig for twelve years, and Heinrich von Friedberg, head of the administration of justice in the Reich or in Prussia for twenty years, not to forget the Rothschilds and Gerson Bleichröder, the bankers, whose impact on German politics was incomparably greater than that of any Jewish director of a banking corporation at the time of Weimar.

IN CONCLUDING, I should like to submit some observations about the end of Weimar democracy and the extirpation of the Jews by Nazi Germany.

In Weimar the first democratic regime was established on German soil. Under this regime the Jews seemed to have won their struggle for equality of rights.

German democracy was weak from the beginning. The Germans had neither a democratic tradition nor any experience in handling political matters in a democratic way. The Republic had to carry the burden which resulted from the loss of a World War. The situation of the Jews was equally weak. It deteriorated economically. It was politically undermined by the virtual disappearance of the liberal parties. It was threatened by the rise of popular antisemitism which began during the First World War as soon as Germany's star was fading. It became apparent that these were parallel developments and that the fate of the German Jews would depend upon Germany's political fortunes. In December 1924, the National Socialists had obtained only 3 per cent, in 1928 2.6 per cent, of all votes, but a year after the outbreak of the economic crisis, they gained seven times as many votes and the first anti-Jewish riots occurred in Berlin.

The parallel does not end here. Anti-democratic majorities in the German parliaments prevented democracy from functioning; it was doomed. It is true that the advent to power of the National Socialists was only one of the possible developments. Forces of the right striving for a dictatorship of another kind were at work. Hitlerism was not predetermined. But it was strongly suggested by the verdict of the voters. In the free elections of 1932, more than one third of the voters, and almost half of the Protestant electorate, cast their ballots for the National Socialists. Hitler did not destroy German democracy; the German citizens did. Hitler and his henchmen, in the death camps and from the desks of their offices, annihilated the Jews; the German citizens made it possible.

The question has often been asked by historians whether National Socialism was an aberration or the end product of German history. It was neither the one nor the other.

It was not an aberration. Nazism had deep roots in modern German history. Long before the end of the monarchy the majority of the students and of the white collar workers, antisemitic agitators, the influential leader of the Pan-German League, and widely read racist writers were travelling the road to the so-called Third Reich.

National Socialism was not the necessary end product of German history either. The members of the generation of my father were impressed by the liberalism of the intelligentsia and of the business community of their time. They considered German antisemitism surmountable. Russia was then the focus of antisemitism, France ravaged by the Dreyfus Affair. A Jew was sentenced for ritual murder under the Habsburg monarchy and wild antisemitic demonstrations took place on Hungarian and Czech soil, by far exceeding similar outbreaks in Germany. Vienna had an antisemitic majority whereas Adolf Stoecker's assaults on Berlin were repelled in one election after the other and came to naught. As German citizens the Jews felt safe. As for the Germans, until 1914, they kept the political choices and options open. The prevalence of antisemitism was not a foregone conclusion.

Two thousand four hundred years ago, Thucydides set forth how the Peloponnesian War brought the brutality inherent in human nature to the surface and changed the character and the political conduct of the Athenians. Humane attitudes among the Germans started vanishing already before the time of William II who typified a serious decline of German political morality. The First World War brought about the brutalization of large segments of German society. Chancellor Wirth spoke of political bestiality. Press organs commented on the political murders of republican leaders and on the death of Ebert in the most repugnant terms. Hitler and the tens of thousands of his mercenaries who constituted the core of National Socialism emerged from this abyss. They became the most bestial exponents of the barbarity of a new era which has since pervaded many countries of the world. Most Jews and many non-Jews bred in the nineteenth century were incapable of understanding how far antisemitism would go. They were intellectually ill-equipped to oppose National Socialism adequately. Wilhelm Liebknecht, who could not be suspected of the slightest trace of antisemitism, once expressed his naïve conviction that Jew-baiting Hermann Ahlwardt and others, if made judges, would never declare a Jew guilty of a crime for the simple reason that he was Jewish.⁴² Liebknecht did not live to see the events of thirty years later.

Certain German historians have traced the fall of the Weimar Republic to errors committed by German republicans. A few Jewish writers have held that the appearance of too many Jews in leading positions precipitated the collapse of the Republic and the destruction of German Jewry. Time does not permit us to discuss the soundness of these assertions. They show, however, a lack of historical perspective in that they single out details and lose sight of the overall picture. The break-up of two great empires, once pillars of the European concert of powers, the divisive influence of new ideologies, racist and communist, and of the powers behind them, and the disintegration of the international economy hit weakened Germany hardest. Only the solidity of the Socialist labor movement and the aversion of political

Catholicism to authoritarian adventures allowed Weimar to last fourteen years.

German democracy faded away between 1930 and 1932. Weimar Germany was officially buried in 1933. The Jews lost their status of citizens in 1935. Ten years later German Jewry and the largest part of the other European Jews were annihilated and with them that Germany which, since 1848, the German Jews had enthusiastically helped to create and to maintain. German unity was broken and freedom was extinguished in about half of the territory that was once Weimar Germany. It was not the first time in recorded history that the expulsion and the extermination of the Jews were but the most spectacular demonstration and terrifying example of inhumanity, presaging the collapse of governments and the decay of states and nations in which human values are disregarded.

NOTES

- 1 Quoted by Eugen Schiffer, *Ein Leben für den Liberalismus*, Berlin 1951, p. 244. In spite of all difficulties Heine could have taken a more determined action.
- 2 Richard Kessler, *Heinrich Heine als Parlamentarier. Eine Teilbiographie 1868-1924*, Berlin 1971, p. 449.
- 3 *Schulthess' Europäischer Geschichtskalender*, Munich 1918, I p. 344 f.
- 4 See the article of Werner T. Angress "Juden im politischen Leben der Revolutionszeit" in *Deutsches Judentum in Krieg und Revolution 1916-1923*, Werner E. Mosse, (ed.), with the cooperation of Arnold Paucker, Tübingen 1971, pp. 137-315.
- 5 Ernest Hamburger, *Juden im öffentlichen Leben Deutschlands*, Tübingen 1968, pp. 130 ff. Similar opinions expressed by Robert Michels and Léon Blum, *ibid.*
- 6 Ernst Simon "Wie ich Zionist wurde" in Eli Rothschild, (ed.) *Meilensteine. Vom Wege des Kartells jüdischer Verbindungen (K.J.V.) in der Zionistischen Bewegung*, Tel Aviv 1972, p. 45.
- 7 Robert Weltsch, "Gedenkblatt für Julius Braunthal," *M.B.* Tel Aviv August 4, 1972, p. 5.
- 8 Hermann Lübbe, *Politische Philosophie in Deutschland*, Basel and Stuttgart 1963, pp. 102-112; Emil L. Fackenheim, *Hermann Cohen—After Fifty Years*, Leo Baeck Memorial Lecture 12, New York 1969, pp. 11 ff.
- 9 Hugo Preuß, "Volksstaat oder verkehrter Obrigkeitstaat?" in *Berliner Tageblatt*, November 14, 1918, reproduced in Hugo Preuß, *Staat, Recht und Freiheit*, Tübingen 1926, pp. 364-368.
- 10 Allan Mitchell, *Revolution in Bavaria 1918-1919. The Eisner Regime and the Soviet Republic*, Princeton, N. J., 1965; Karl-Ludwig Ay, "Einführung" in *Appelle einer Revolution*, Munich, Süddeutscher Verlag 1968, pp. 15-23.
- 11 Eduard Bernstein, *Die deutsche Revolution*, Berlin—Fichtenan 1921, pp. 91 f.
- 12 Allan Mitchell, *op. cit.*, pp. 36 ff. 162; Gerhard Schmolze, (ed.), *Revolution und Räterepublik in München 1918/1919*, preface by Eberhard Kolb, Düsseldorf 1969, p. 147.
- 13 Paul Breines, "The Jew as Revolutionary. The Case of Gustav Landauer," *L.B.J. Yearbook XII* (1967), p. 83. Buber's remark quoted *ibid.* About theological and political Messianism cf. Uriel Tal, "Jüdisches Selbstverständnis und das Land und der Staat Israel!" in *Freiburger Rundbrief XXIII* (1971) Nr. 85/88, Freiburg i.Br., p. 31. Landauer's political philosophy outlined by Martin Buber, *Paths in Utopia*, London 1949, pp. 46-57.
- 14 Hedwig Hintze "Hugo Preuß" in *Die Justiz* II/3, February 1927, p. 233 (*Teuschaut der Juden*); Theodor Mommsen, "Auch ein Wort über unser Judentum" in *Reden und Aufsätze*, Berlin 1905, pp. 116 f.;

Otto Landsberg, "Der Rat der Volksbeauftragten" in *Friedrich Ebert und seine Zeit. Ein Gedenkbuch über den ersten Präsidenten der Deutschen Republik*, Charlottenburg n.d., p. 201 (Georg Heim).

- 15 *Bundesarchiv, Koblenz* (henceforth quoted B.A.), R 43 I/2288, Bl. 154-155.
- 16 This writer took part in the discussion of the Social Democratic group of the Prussian Diet and was present, when Otto Braun intervened. About Severing, see B.A., R 43 I/2192, pp. 115 and 120.
- 17 Leo Baeck "Die jüdischen Gemeinden" in *Zehn Jahre deutsche Geschichte 1918-1928*. Second edition, Berlin 1928, p. 440.
- 18 Baeck, *ibid.* See also Hans Mommsen, "Zur Frage des Einflusses der Juden auf die deutsche Wirtschaft in der Weimarer Republik" in *Gutachten des Instituts für Zeitgeschichte II*, Stuttgart 1966, pp. 348-369.
- 19 S. Adler-Rudel, *Ostjuden in Deutschland 1888-1940*, Tübingen 1959, pp. 113-119.
- 20 B.A., R 43 I/2193, Bl. 76, 86, 87, 109. Gustav Stresemann, Minister of Foreign Affairs, drew the attention of the Bavarian Government to the dangerous effect of its measures on the German interests in Poland. Adler-Rudel did not discuss the situation of the Eastern Jews in Bavaria in his book (see note 19).
- 21 Werner J. Cahmann, "The Nazi Threat and the Centralverein" in Herbert A. Strauss (ed.), *Conference on Antisemitism 1969, Papers delivered at the fourth Lernitag of the American Federation of Jews from Central Europe, Inc.*, New York City, 23 March 1969, New York 1969, p. 34.
- 22 Peter Gay, *Weimar Culture. The Outsider as Insider*, New York 1968.
- 23 *Jüdische Telegraphen-Agentur*, June 5, 1932, B.A., R 43 I/2192, p. 164 f.
- 24 Hamburger, *op. cit.*, pp. 250 ff.; 338 ff.; 404 ff.
- 25 Judith Schrag-Haas, "Ludwig Haas" in *LBI Bulletin*, Tel Aviv, Nr. 13 (1961) pp. 73-92. Unpublished memoirs of Falk in B.A., *Kl. Erw.* Nr. 385; also Fritz Wahl, "Bernhard Falk, ein rheinischer Patriot" in Gustav Radbruch, Hermann Maas, Lambert Schneider, (eds.), *Den Unvergessenen, Opfer des Wahns 1933-1945*, Heidelberg 1952, pp. 105 ff.; Toni Stolper, *Ein Leben in den Brennpunkten unserer Zeit. Gustav Stolper*, Tübingen 1960. — Two members of the *Staatspartei*, Max Eichholz and Carl Georg Rosenbaum, were members of the *Bürger-schaft* of the City-State of Hamburg until 1933; I am indebted to *Staatsarchiv*, Hamburg for this information.
- 26 B.A., *Nachlass Dietrich*, Nr. 216 Bl. 181 (Letter of February 20, 1919) A strong minority of the German Democratic group in the National Assembly was opposed to Preuß's appointment as *Staatssekretär* of the Interior; see Erich Koch-Weser, "Aufzeichnungen vom 13. Februar 1919" in *Vierteljahrshefte für Zeitgeschichte*, Stuttgart, I/1969, pp. 112 f. See also Ernst Feder, *Hugo Preuß*, Berlin 1926, pp. 25 f.

- 27 Hugo Heimann, *Vom tätigen Leben*, Walther G. Oschilewski, (ed.), Berlin-Grünevald 1949. Oschilewski also wrote an introduction to that booklet.
- 28 Charlotte Beradt, *Paul Levi*, Frankfurt a.M. 1969. See also Charlotte Beradt, (ed.), *Zwischen Spartakus und Sozialdemokratie* (a selection from Levi's writings, speeches, and letters), Frankfurt a.M. 1969.
- 29 Helmut Berding, "Arthur Rosenberg" in Hans-Ulrich Wehler, (ed.), *Deutsche Historiker* vol. IV, Göttingen 1972, pp. 81-96. On page 96 the most important writings of Rosenberg are listed.
- 30 Margarete Buber-Neumann, *Von Potsdam nach Moskau*, Stuttgart 1957, pp. 162-202, 411-420, 458-463. The book is devoted to the memory of Heinz Neumann.
- 31 Hermann Weber, *Die Wandlung des deutschen Kommunismus. Die Stalinisierung der KPD in der Weimarer Republik*, Frankfurt a.M. 1969, vol. I p. 145; vol. II p. 54.
- 32 Leo Baack, "Walther Rathenau" in *Von Moses Mendelssohn zu Franz Rosenzweig*, Stuttgart 1958, pp. 40 f.
- 33 Peter Berglar, *Walther Rathenau*, Bremen 1970, the latest biography of Rathenau, contains a bibliography (pp. 379-408). About Hilferding, see Wilfried Gottschalch, *Strukturveränderungen der Gesellschaft und politisches Handeln in der Lehre von Rudolf Hilferding*, Berlin 1962. See also Alex Möller, *Im Gedenken an Reichsfinanzminister Rudolf Hilferding*, published by *Bundesministerium der Finanzen*, Bonn 1971.
- 34 Theodor Heuß, in his preface to Hugo Preuß, *Staat, Recht und Freiheit*, *op. cit.*, p. 15; also Ernst Feder, *op. cit.*, pp. 15 f. "German constitution" see Preuß, *op. cit.*, pp. 473-481. Max Weber was the only other candidate considered for the preparation of the draft Constitution; Ebert decided in favor of Preuß; see *Die Regierung der Volksbeauftragten 1918/19*, introduced by Erich Matthias, prepared by Susanne Miller with the cooperation of Heinrich Potthoff, Düsseldorf 1969, vol. I, p. 41, with footnote 4.
- 35 Joël's life and work outlined by Walter Strauß in his preface to a speech of Joël, published in *Archiv des Öffentlichen Rechts*, Tübingen, vol. 77, Nr. 2/3, pp. 129 ff. See also Wilhelm Kahl, "Zum 65. Geburtstag des Staatssekretärs Dr. Joël" in *Deutsche Juristen-Zeitung* 1930, II, 15.1.1930 pp. 148 f. "Old Prussian coinage," see Heinrich Brüning, *Memoiren 1918-1934*, Stuttgart 1970, p. 584. I am indebted to Dr. Günther Joël, *Ministerialdirektor a.D.*, Oberursel, Federal Republic of Germany, for information about his father. Joël was sharply attacked in newspapers of the left. Kurt Grossmann, secretary of the German League for the Rights of Man, called him the evil spirit of the Reich Ministry of Justice (*Das Freie Wort*, Berlin, Nr. 8, February 23, 1930, p. 10).
- 36 Sievert Lorenzen, *Die Juden in der Justiz*. Second edition, Berlin and Hamburg 1943, pp. 164 f.
- 37 Otto Braun indicates the reasons for the choice of Weichmann and Goslar in his book *Von Weimar zu Hitler*. Second edition, New York
- 38 B.A., R. 43 I/906; 3121.
- 39 Hugo Sinzheimer, *Jüdische Klassiker der deutschen Rechtswissenschaft*, Amsterdam 1938. Sinzheimer was able to hide during the Nazi occupation of the Netherlands. He died in 1945.
- 40 Karl Mannheim, *Ideologie und Utopie*. Third edition, p. 139: "Es waren zumeist die Intellektuellen, die den blossen Interessenkampf spiritualisierten."
- 41 Hilferding was editor-in-chief of *Gesellschaft*; Albert Salomon substituted for him during the time of his ministership. Sinzheimer was the guiding spirit, together with Gustav Radbruch (who was not Jewish) and Wilhelm Kroner, and later Ernst Fraenkel, of *Justiz*. Gustav Stolper was editor-in-chief of *Deutscher Volkswirt*, Ernst Heilmann of *Das Freie Wort*, Hedwig Wachenheim of *Arbeiterwohlfahrt*. About *Weltbühne*, see Istvan Deak, *Weimar Germany's Left-Wing Intellectuals: A Political History of the Weltbühne and its Circle*, Berkeley 1968.
- 42 Wilhelm Liebknecht, "Nachträgliches zur Affäre" in *Die Fackel*, Vienna, No. 18, September 1899, p. 3; No. 21, October 1899, p. 2 ff.; No. 44, June 1900.