Shulamit Volkov (Tel Aviv)

On the Primacy of Political Violence

The Case of the Weimar Republic

The Weimar Republic grew out of two »German catastrophes«: the complete and final capitulation of the army in the fall of 1918 and the violent revolution that overthrew the old regime and established a republican democracy instead, following a prolonged fight with its opponents – first on the Left and then on the Right. Within a few years, even before a reasonable measure of orderly routine was established, Germans found themselves confronted with galloping inflation, which ruined complete segments of the middle class and gradually brought the entire economy to a halt. And as soon as the inflationary crisis was brought under control, attention was turned to the political crisis, manifested in a series of quickly changing coalitions, no longer headed by the Social Democrats but now led by the parties of the more or less liberal center. Historians still debate the nature of the following stage of prosperity and relative stability that were the hallmark of the middle years of the republic, between 1924 and 1929, but there is no doubt that by 1929, following the collapse of the so-called Great Coalition, which was unable to reach a compromise on some of the burning socio-economic issues of that time, and in the wake of the world economic crisis, it was no longer possible to form *any* kind of viable coalition at all, and by March 1930, the aged Reichswehr general, Paul von Hindenburg, who had been made president of the republic, was forced to apply the famous – or rather infamous – article 48 of the Weimar Constitution, practically, but never completely, taking over the torn country. He first relied on the services of Heinrich Brüning of the Catholic Center Party, and then, for two short periods, on the maneuvers of Franz von Papen and the ever-present General Kurt von Schleicher. Finally, though with no enthusiasm and much apprehension, Hindenburg handed over the post of Reichskanzler to Adolf Hitler.

Even at the time, the inherent weakness of the republic seemed apparent and not too difficult to explain. Much has been made of the effects of the Treaty of Versailles, the reparation arrangements and the link in the minds of many between the new republic and the preceding military defeat. From the outset criticism was directed at the Social Democratic Party

for its failure to institutionalize sufficient reforms and its miserable show at the polls as early as 1920. The split within the Left, too, was given a great deal of weight in explaining Weimar's fate, not to speak of the weakness of the various bourgeois parties, the greed of the industrialists and the insistence of the aristocratic landowners, still part of Germany's elite, on continuing state support for their failing agricultural enterprises. German militarism was made responsible for the collapse of the republic, the lack of democratic tradition in the country, the feeble character of liberalism, and more.[1]

Clearly, such a resounding collapse cannot be explained by a single cause. But here I would like to stress one element that was surely apparent to contemporaries but has been often underestimated by historians or treated in an offhand manner, namely, the violent character of Weimar's political life.[2] Although this phenomenon has begun to attract more attention during the last decade, other themes still seem to crowd it out. Richard Evans, for instance, opens the chapter on the Weimar Republic in the first volume of his monumental history of the Third Reich with the following words: »Fear and Hatred ruled the day in Germany at the end of the First World War. Gun battles, assassinations, massacres and civil unrest denied Germans the stability in which a new democratic order could flourish.«[3] Soon, however, the focus shifts elsewhere and Evans turns to Weimar's constitutional arrangements, its party system, or the twists and turns of its social policies. To be sure, the place of the army within the new state is also addressed, with a stress on the doubtful loyalty of its high command to the republic, but the violence in the streets only reappears in the following chapter, dealing with »The Rise of Nazism« during the early 1930s in four brief pages, half of which are devoted to relating the particular, and admittedly symbolic, case of Horst Wessel.[4]

1 The literature on the Weimar Republic is enormous. Even the general presentations are too numerous to be listed here. It seems to me that the best were published during the 1980s and early 1990s: Eberhard Kolb, Die Weimarer Republik, Munich/Vienna 1984; Detlev J.K. Peukert, Die Weimarer Republik. Krisenjahre der Klassischen Moderne, Frankfurt am Main 1987; Hans Mommsen, Die verspielte Freiheit. Der Weg der Republik von Weimar in den Untergang, Berlin 1989; Heinrich August Winkler, Weimar 1918-1933. Die Geschichte der ersten deutschen Demokratie, Munich 1993.

2 In addition to the detailed 16th chapter of Winkler's book, Die Drohung des Bürgerkrieges, in: ibid., 477-520, see now also Dirk Schumann, Politische Gewalt in der Weimarer Republik 1918-1933. Kampf um die Straße und Furcht vor dem Bürgerkrieg, Essen 2001; and Dirk Blasius, Weimars Ende. Bürgerkrieg und Politik 1930-1933, Göttingen 2005.

3 Richard J. Evans, The Coming of the Third Reich, New York 2004, 78.

4 Ibid., 266-270.

The fifteen years of the republic were no doubt extremely intense, providing a plethora of events that engage the attention of historians. But it is perhaps the identity of the victims of that pervasive lawlessness in Weimar and the constant street fighting in some parts of its cities and not in others that best explains the later disinterest in these matters. This point can be illustrated with two seemingly unrelated quotes. Here, first, is Frau Betty Scholem, writing to her son Gerhard – Gershom as he was later to be known – then in Bern, Switzerland, on February 13, 1919. Having described the situation caused by a strike that closed down all the warehouses and big businesses as »abscheulich« (abominable), Scholem's mother adds the following: »We have all become thinner again,« she notes, referring to the effect of the revolution on the members of her household, and »although we eat well [...] [w]e freeze terribly.« And then – in a complete non-sequitur – she writes: »The rug in the dining room looked just like a floor-cloth and had two large holes under the heavy chairs; I couldn't wait for peace and better times and have finally bought a new one. It is nice; expensive too.«[5]

The second quote is taken from the relevant chapter in Sebastian Haffner's memoirs, *Geschichte eines Deutschen*: »The Revolution of 1918 was, as is well known, no planned event, but a side effect of the military collapse [...]. With all good will, it was difficult to find anything elevating in this whole spectacle [...] it was all too disgusting, and the smell of treason was too penetrating [...].« Then, comparing the events with the fine and clear-cut sense of good and evil during the war, he adds: »you could hear the shots almost daily, but you could by no means always figure out their meaning.«[6]

Both these quotes clearly come from the German bourgeois milieu of the period. Indeed, Haffner explicitly stresses the bourgeois perspective that he shared with his parents and schoolmates at that time. Apparently, while life came to an almost complete halt in the poorer sections of various towns, it somehow continued relatively peacefully in the bourgeois neighborhoods of Berlin, Munich or Hamburg. It is sobering to remember that Frau Scholem was shopping for a new rug during the short interval between the Spartacist uprising in mid-January 1919 and the general strike in Berlin in early March of that year, the culmination of weeks of demonstrations throughout the country, whose human toll in Berlin alone was

5 Betty Scholem/Gershom Scholem, Mutter und Sohn im Briefwechsel, 1917-1946, Munich 1989, 39.
6 Sebastian Haffner, Geschichte eines Deutschen. Die Erinnerungen 1914-1933, Stuttgart/Munich 2000, 33, 35.

about a thousand dead.[7] For almost four years after its establishment, the Weimar Republic was in fact a scene of bitter civil war, moving in waves of increasing and receding violence.

A caveat must be added here. Violence characterized other societies in postwar Europe, too. In a book of 1975, Charles Maier already dealt with the pains of stabilization in France and Italy, in addition to Germany, and Andreas Wirsching's more recent study, comparing political violence in Paris and Berlin at that time, also emphasizes the general chaos in both capitals, even if it argues that the attack against the »system« – from both the Left and the Right – was far more dangerous in Weimar Germany than in the French Third Republic.[8] Many similarities can be found between the situation in Germany and that in Austria and Hungary, while other cases, particularly from among the countries on the losers' side of the war, can also serve to relativize the German situation.[9] Still, in contradistinction to some of these, Germany, although not a democracy before the war, had surely been a respectable *Rechtsstaat* at that time. Only in the wake of extreme brutalization at the front, the final capitulation, and a radical, popular revolution did it suddenly become a kind of lawless, violent country in the immediate postwar period. It was an unfamiliar, frightening, worrying state of affairs.

Deadly clashes were not single, outstanding incidents. They came in clusters. The first was in December 1918 and January 1919, the second, in March 1919, mainly in Berlin and Saxony, and then again in April, especially in Munich. In March 1920 – first during incessant workers' demonstrations and then as a result of the right-wing Kapp Putsch – another violent wave raged up and down the country; and finally, a bit later, in the Ruhr area, some 50,000 armed miners, the so-called Red Ruhr Army, confronted organized military battalions in and around the city of Mün-

7 See Winkler, Weimar 1918-1933 (fn. 1), 76. Notice the dearth of literature on this subject in Winkler's footnotes. See (fn. 3), 622. He refers to a book of 1925 and an article published in 1959.

8 See Charles S. Maier, Recasting Bourgeois Europe: Stabilisation in France, Germany, and Italy in the Decade after World War I, Princeton, NJ 1975; and Andreas Wirsching, Vom Weltkrieg zum Bürgerkrieg? Politischer Extremismus in Deutschland und Frankreich 1918-1933/39. Berlin und Paris im Vergleich, Munich 1999.

9 See Robert Gerwarth, The Central European Counter-Revolution: Paramilitary Violence in Germany, Austria and Hungary after the Great War, in: *Past and Present* 200 (2008), 175–209. For violence in other countries, especially in eastern and southeastern Europe, see Piotr Wróbel, The Seeds of Violence: The Brutalization of an East European Region, 1917-1921, in: *Journal of Modern European History* 1/1 (2003), 125-149.

ster. Each of these clashes ended with hundreds of casualties.[10] The year 1923 was again one of violence, first in response to the French occupation of the Ruhr area; later as a consequence of Hitler's putsch in Bavaria.

Following what was conceived as camaraderie and solidarity experienced by many in the trenches of war, Weimar began with the trauma of civil war, which shattered all forms of togetherness and then erupted again and again in waves of political violence. Street battles and political assassinations were rampant everywhere, and both were practically endemic throughout the republican years. As early as October 1922, a relatively unknown German-Jewish statistician, a left-wing socialist and long-time pacifist, Emil Julius Gumbel, published a small book entitled *Four Years of Political Murder*.[11] He had singlehandedly investigated hundreds of cases of political assassination, focusing only on those in which the precise names and details of both victims and perpetrators were known, not random casualties in demonstrations or street-fighting. He sought to stress that most of these cases had gone unheeded; either never brought to court or if so, quickly abandoned, ending in one legal fiasco after another.

The numbers are staggering. Gumbel begins in the days of the Spartacist uprising and since he wants to stress the murder of »little people,« not the famous or the influential, he opens with the story of some anonymous revolutionaries who stormed the building of the Social Democratic daily in Berlin, the *Vorwärts*, and were immediately surrounded and locked in by heavily armed government forces. The besieged then sent out a group of seven publicly known figures, mostly one-time parliamentarians, all unarmed, to negotiate an end to the conflict. These were promptly arrested, taken to one of the army barracks in town and on the next morning unceremoniously shot. Even though it was easy to ascertain who they were, easy to identify the men who shot them, clear on whose orders the execution took place, no one was brought to trial and no one was punished.[12]

Then came the brutal murder of Karl Liebknecht and Rosa Luxemburg. In the atmosphere of violence that was typical of the time, even their Socialist opponents tended to stress the victims' own responsibility and treat the perpetrators with leniency. On the day following the murder, the prominent SPD politician Philipp Scheidemann cold-bloodedly declared that »they repeatedly called the *Volk* to arms« and that they were »the

10 See Kolb, Die Weimarer Republik (fn. 1), 39 f.
11 Emil Julius Gumbel, Vier Jahre politischer Mord, Berlin-Fichtenau, 1922.
12 Ibid., 9 f.

victims of their own terror tactics.«[13] At the same time, while the role of the Garde-Kavallerie Schützendivision (GKSD) in the affair was an open secret, the authorities preferred to look the other way.[14] The ensuing trial of the murderers soon turned out to be what Gumbel justly called »a comedy.«[15] And in the aftermath of this affair it became evident to all concerned that violence as a political instrument, while not openly condoned, was an option and that the authorities themselves were learning to disregard or even silently accept it.[16]

The list of horrors, indeed, goes on. Gumbel reports of Spartacists who were shot in the woods near Berlin for presumably trying to escape arrest, and of prisoners suspected of revolutionary activity who were shot in prison, on the streets of Berlin or at various meeting places.[17] Such murders occurred elsewhere too: in the Rhineland, in the Ruhr-area, and then especially in Munich. During the violent dissolution of the Soviet-style Bavarian Räterepublik, no less than 160 men (and a couple of women too) – all listed by Gumbel with their full names, addresses and professions – were summarily shot to death.[18] Finally, he also reports the violent murders accompanying the Kapp Putsch in March 1920, again mainly but not exclusively in Berlin, continuing thereafter almost as a matter of routine into the following two years. Gumbel tells it all, with stress on the particular individuals: a city councilor in the Berlin district of Köpenick, a veterinarian in a little town near Erfurt, a policeman from Düsseldorf, and many more. He reaches a total of 354 individuals who were murdered by government forces or right-wing activists, and 22 who were intentionally murdered by the Left.[19]

Most well-known, of course, were the assassinations of famous politicians: Aside from Liebknecht and Luxemburg, shot on January 15, 1919, Kurt Eisner was assassinated on February 21, 1919, Mathias Erzberger – on August 26, 1921 and finally Walther Rathenau – on June 24, 1922. Eisner, the leader of the Bavarian Red Republic and its most outspoken defender, was killed at the time of the Scholem »rug episode« mentioned above.

13 Quoted by Helmut Trotnow, Liebknecht's biographer, in an essay entitled »… es kam auf einen mehr oder weniger nicht an«. Der Mord an Rosa Luxemburg und Karl Liebknecht und die Folgen für die Weimarer Republik, in: Hans Wilderotter (ed.), Walther Rathenau 1867-1922. Die Extreme berühren sich, Berlin 1994, 209.
14 See Gustav Noske, Von Kiel bis Kapp. Zur Geschichte der deutschen Revolution, Berlin 1920, 199.
15 Gumbel, Vier Jahre politischer Mord (fn. 11), 13.
16 See Trotnow, »… es kam auf einen mehr oder weniger nicht an« (fn. 13), 218.
17 Gumbel, Vier Jahre politischer Mord (fn. 11), 13-26.
18 Ibid., 43-49.
19 Ibid., 73-80.

Mathias Erzberger, a prominent Center Party politician since the late Kaiserreich, who had joined the opposition already during the war, finally became the focus of public attention when he agreed to serve on the German delegation to peace talks in Versailles and as one of the signatories of the treaty that was finally agreed upon there. In the coming months he was constantly under attack, accused of treason, and then practically forced to engage in a prolonged and eventually unsuccessful slander trial against the aggressive chief of the German National Volk Party (DNVP), Karl Helfferich. It was to no one's surprise that he was afterwards made a target of several assassination attempts and finally, while recuperating in the peaceful Schwarzwald resort of Griesbach, was gunned down by two men, who shot him first from an ambush and then again from nearby, making sure that this time they had completed their job. The third spectacular case was Rathenau, Weimar's Jewish foreign minister, who was shot in full daylight while riding in his open-roof coupé on the way from his Grunewald Villa to his Wilhelmstraße offices in Berlin.[20]

Unlike in all the previous cases, this time the police soon managed to capture the man who drove the vehicle that had served the two assassins, and some three weeks later tracked down the actual murderers, too: Erwin Kern, a 23-year-old student from Kiel and the somewhat older Hermann Fischer from Chemnitz. Both were killed during the ensuing gun battle, but by then the police had many of their potential and actual helpers and helpers' helpers in jail and had collected a great deal of material that provided it then – and can provide us now – with a closer look at the whole affair.

It was during the investigation of Erzberger's assassination that the authorities were made aware of the existence of a right-wing terrorist network, calling itself »Organization Consul«, intent on destroying the republic. In that case, while the murderers managed to escape – first to Austria and then to Hungary – the police was able to put its hand on many of their half-burned papers and reconstruct with some precision both their close sociopolitical milieu and their deeper motivation.[21]

Organization Consul was apparently an offshoot of the Ehrhardt Brigade, one of the so-called Free Corps units that had been established in the aftermath of the First World War and used, even by the revolutionary gov-

20 For a detailed description of the preparations for and execution of Rathenau's assassination, with information on prior cases too, see Martin Sabrow, Der Rathenaumord. Rekonstruktion einer Verschwörung gegen die Republik von Weimar, Munich 1994.

21 I have here relied entirely on Martin Sabrow's analysis, ibid. In addition, I have used his Märtyrer der Republik. Zu den Hintergründen des Mordanschlags vom 24. Juni 1922, in: Wilderotter (ed.), Walther Rathenau (fn. 13), 221-236.

ernment at the time, to put down radical left-wing revolts in an effort to preserve at least a measure of public order in the streets.[22] Later on, having been officially disbanded, some of the more fanatical anti-republican men, headed by their one-time commander Hermann Ehrhardt, organized themselves in small underground terrorist bands and conspired to destroy the hated »system.« Munich of the post-revolutionary years, brimming with right-wing activities, provided a safe haven for them and became their headquarters, while at the same time, small terrorist cells were spread throughout the country, working in isolation from each other so as to preserve secrecy and protect their top leadership.

The historian Martin Sabrow reconstructed the police investigation of these men and came to the conclusion that Rathenau's murder, as well as the attempt on Philipp Scheidemann's life a mere three weeks earlier and the assassination of Erzberger some ten months before, were all part of a well-calculated strategy intended to create general chaos in republican Germany, send the workers to the streets in angry protest and produce a situation in which the old Free Corps would be recalled to impose order and finally install what they called a »national government,« acting according to their political agenda. »We should not act first,« explained an activist of the Frankfurt cell, »the Communists should do that […]. One ought to force them […]. We should kill Scheidemann, Rathenau, […] Ebert, and the entire band of these November criminals, one after the other. Then we will see if they don't begin to march: the Red army, the USPD, the KPD and the like of them.«[23] They seemed to have learned the lesson of the Kapp Putsch, in which the Right took the initiative and the Left fought back, successfully, as it transpired. Next time, they promised themselves, they would appear as the legitimate representatives of the true interests of the Reich and join forces with the legitimate army to save their fatherland.

Things turned out differently. Following Rathenau's assassination, the masses did march indeed, in Berlin and elsewhere, but not in protest against the government but in honor of the murdered foreign minister, who had suddenly become their martyr. Over half a million gathered for his funeral in Berlin and mourning masses assembled in many other German cities.[24] At this point, the government even managed to pass a Law in Defense of the Republic, and although Bavaria refused to enact it and the

22 Still useful on the Free Corps is Hagen Schulze, Freikorps und Republik 1918-1920, Boppart am Rhein 1969.

23 Sabrow, Märtyrer der Republik (fn. 21), 233.

24 See the concluding chapter of Shulamit Volkov, Walther Rathenau: Weimar's Fallen Statesman, New Haven/London 2012.

year 1923 was still a year of incessant violence, it did eventually seem to put an end to the general Wild West situation in the country – at least for a while.

To be sure, between 1924 and 1929, the central government as well as the federal states seemed to have regained their monopoly over the use of force. But these years were soon over and were followed by a second period of violent politics, at first somewhat less bloody than the first but in the end, as we know, far more catastrophic. Events conjured up memories of earlier violent outbursts, making things appear even worse now, and in any case, the overall scene had meanwhile considerably changed.

The years of revolutionary violence in the aftermath of the war were characterized by clashes between marching demonstrators – sometimes relatively peaceful and occasionally armed and ready for battle – and the so-called »forces of order.« The former were in most cases workers, usually, though not always, mobilized by the various left-wing parties, especially the Communists. The latter were composed of local police authorities and a variety of military divisions, often known as elements of the so-called Schwarze Reichswehr, intended to fortify the drastically cut-down German army in times of need. In the later years, from about 1929 until January 1933, during the final crisis of the republic, violence was staged on both sides by civilians. German society was by then a society in arms. On the far right stood the SA, considered by National Socialists their *Selbstschutzverband* – self-defense organization; on the far left – the Rote Frontkämpferbund. The middle ground too was populated by organized paramilitary formations: right of center stood the Stahlhelm; left of center – the Social Democratic Reichsbanner Schwarz-Rot-Gold. Clearly, the SA and the Communist phalanges were better prepared for civil war and more violent in their behavior, but the atmosphere was constantly heated by the all-consuming fever in the streets and the almost complete transfer of political controversy to the violent arena of daily marches and parades, mass demonstrations and bloody physical clashes.

This became part of everyone's life in Weimar of the early 1930s, though – once again – not so much in the bourgeois quarters of Berlin/West or the quiet neighborhoods of the rich and educated in Frankfurt, Hamburg or Munich, but surely in the workers' districts of these and other cities, as well as in many smaller localities up and down the country. No doubt, their lives were affected not only by the ongoing violence, but especially by the world economic crisis at the time. Unemployment soared and the modern social state, Weimar's pride and its most notable achievement, seemed to crumble under the burden. This in itself, however, does not explain the dramatic reappearance of political violence in the streets of Germany.

Though the time of spectacular assassinations was over, political battles became rampant again and murder as a tactics of persuasion seemed once more to be a matter of daily occurrence. Already during 1929, while Germany still upheld at least the formal appearance of an orderly democracy, the police had to intervene in some 580 political meetings that had degenerated into tumultuous scuffles. Fourteen policemen were killed in these events and 311 wounded.[25] Between January 1, 1930, and the end of November 1931, sixty-one people – including fifteen policemen – were killed in Prussia alone »for provable political reasons,« in the language of the police statisticians.[26] All this, to be sure, was only a prologue to the violent events of 1932, a year of multiple elections and unprecedented chaos. The fierce escalation of violence was characterized above all by the shift of focus from the Communists to the Nazis. Thus, from mid-July to the end of August, during only five weeks, just before and just after the *Reichstag* elections, the Prussian police reported almost 500 violent street clashes with some 99 casualties, mostly involving the SA.[27] On July 17, for example, a Nazi parade-turned-street fighting in Hamburg-Altona ended with twelve dead.[28] News of similar events was reported daily. This, indeed, was nothing less than »a permanent civil war.«[29]

What did the authorities do in this situation? The story of Weimar's failure to protect itself is well known – indeed notorious – and no less instructive is the difference between the government's reactions in the early phase of the republic and towards its end. The way in which the earlier cabinets managed to impose order on insurgents, primarily from the Left, has been criticized only too often. Weimar's Minister of Defense at the time, Gustav Noske, even struck an alliance with the army, including its most reactionary elements, directed against his prior comrades on the Left. This gained him – justly perhaps – much hatred in his own camp and repeated rebuff by historians.[30] Still, the government's insistence on upholding a minimum of public order and its eventual refusal to bow to rad-

25 Figures taken from an article in *Vossische Zeitung*, January 31, 1930, cited in Blasius, Weimars Ende (fn. 2), 24 f.

26 Ibid., 32.

27 Ibid., 83.

28 Ibid., 65 f.

29 Bürgerkrieg in Permanenz, in: *Vorwärts*, July 11, 1932, cited in ibid., 63.

30 See, for instance, the closing sentences of Hans Mommsen's chapter on the revolution and the establishment of the republic, where he mentions Noske together with Ebert and Scheidemann, in: Mommsen, Die verspielte Freiheit (fn. 1), 99 f. For a summary of the various historiographical positions regarding the revolution, see Andreas Wirsching, Die Weimarer Republik. Politik und Gesellschaft, Munich 2000, 51-59.

ical demands from both sides finally created the preconditions for the consolidation of the republic. With the exception of a few episodes in the fall and winter of 1918/19 and the Kapp Putsch of March 1920 – significant exceptions, to be sure – the army did not act on its own during these early years. Its repressive role did not earn it much sympathy – then or later – but it did enable the civilian governments eventually to impose their authority on an unruly country.

This could not be reenacted during the later years of the republic. The various branches of government, the cabinets, the judiciary and the military, could be trusted to act against the Left, as before, but they now displayed even more incompetence, cowardice and lack of will-power vis-à-vis the danger from the Right. Local and federal authorities repeatedly issued decrees for the protection of law and order – usually to no avail. Following clashes with police forces during the May 1st parade in Berlin, 1929, which ended with 30 dead and some 200 wounded, the Prussian government tried to take the lead, but its attempt to prohibit the Rote Frontkämpferbund remained in the end entirely ineffective since it was supported by only a few of the other federal states and flatly rejected by the central government.[31] The reasons were many and became increasingly clear with the appointment of the Center Party politician Heinrich Brüning as Kanzler at the end of March 1930.

During Brüning's first year in office, a measure of domestic disorder seemed an additional tool in his arsenal of arguments against France and Great Britain in the effort to put a stop to reparation payment. Strict measures were usually rejected out of hand by the Reichspräsident, too, asserting his loyalty to the constitution, to be sure, but anxious to preserve the freedom of action of his supporters in the Stahlhelm. Finally, an assault on the Left could spill over and curtail the activities of the Reichsbanner too, so the national leadership of the Social Democrats also repeatedly evaded it.[32] In March 1931 and then again in July and August of that year Hindenburg *did* issue decrees enabling law-enforcement agencies to stop radical violence on both the Left and the Right, but these were timid and contradictory measures and had hardly any effect. At the beginning of April 1932, surely too late to have an impact on the approaching elections in Prussia, came an order to disband the SA, but this too was soon relativized by further decrees, imposing restriction on other organizations as well and further confusing the legal situation.[33]

31 Blasius, Weimars Ende (fn. 2), 25 f.
32 For this entire period, see ibid., 26-32.
33 Ibid., 41-44.

Particularly interesting was the fate of the Decree against Political Terror, issued on August 9, 1932, already under the auspices of von Papen's cabinet, enabling special courts to impose the death sentence on violent political crimes. Immediately thereafter and clearly when the new regulations had already gone into effect, an incident in the small rural community of Potempa in Upper Silesia became an important test case.[34] Four SA men broke into the house of a local KPD member, beat him to death in front of his 75-year-old mother and ferociously battered his brother. The pattern of this affair or of similar affairs, as told for instance by Haffner in his memoirs concerning a slightly later case, is similar to the stories told by Gumbel for the early years of the republic.[35] Law enforcement, however, which initially seemed to be at least partly effective, failed miserably at this platform. On August 22 all four of the perpetrators, together with one of their active assistants, were sentenced to death by a special court, and immediately thereafter all hell broke loose. The *Völkische Beobachter* came out with shrieking, threatening headlines against the »Bluturteil« (bloody sentence) and Hitler attacked von Papen in no uncertain terms from every possible stage, promising no less than »proper revenge.« Things became even worse when only a few days later three members of the Reichsbanner were sentenced to mild jail sentences, following bloody riots in another Silesian town on June 10, 1931. This was conceived almost universally as unjust, and the well-known pacifist historian Ludwig Quidde called for annulling the death penalties in order to calm emotions and – an ever-present argument during those days – avoid a civil war.[36]

Interestingly enough, the uproar around this case misrepresents the main aspect of the problem, namely, the actual heavy hand of the judiciary against the Left and its conciliatory attitude towards the Right. This phenomenon has in fact often been noted by historians. Moshe Zimmermann gave his article of 1998 on this topic the fitting title, »Blind in the Right Eye.«[37] It is sufficient here to summarize this rather familiar sorry tale. Of the 400 cases of political murder by the Right up to 1924, 330 remained »unsolved.« Of the rest – two perpetrators were convicted and imprisoned for life and the rest managed to get an average of four months' imprison-

34 »Der Fall Potempa« is much discussed in the literature. See, for instance, Richard Bessel, The Potempa Murder, in: *Central European History* 10 (1977), 241-254.
35 Haffner describes an incident in Berlin, in the spring of 1933, that he names »the Cöpenicker Massenmord.« See Haffner, Geschichte eines Deutschen (fn. 6), 200-205.
36 See Blasius, Weimars Ende (fn. 2), 89-95.
37 Moshe Zimmermann, Blind in the Right Eye: Weimar as a Test-Case, in: *Israel Law Review* 32/3 (1998), 395-406.

ment. Significantly, of the twenty-two men from the Left convicted of political murder, ten were sentenced to death, three to life imprisonment and the rest were given an average of fifteen years of jail.[38] The courts' leniency towards political activists on the Right needs no further proof than Hitler's sentence following the Munich Putsch in November 1923. It is likewise instructive to remember that various general amnesties eventually freed many of the convicted – mostly men on the Right – long before their terms were over.

This uneven hand proved particularly crucial during the last stage of the republic. A measure of equilibrium had still been preserved under Brüning's rule, since the existence of his government depended on the toleration of the Social Democrats and he could not afford to alienate them altogether. But now the army was playing a different role. Its leadership simply preferred to be no longer involved, probably fearing the need to clamp down upon the National Socialists. This was not the inaction of a politically neutral body. After all, von Papen's decision to take over the SPD-led government of Prussia, the so-called »Preußenschlag« of July 20, 1932, surely depended on the assurance that the army would back his action in case of violent, or even not so violent, opposition.[39] But the same army hesitated to act against the Nazis, though at this stage clearly no *other* state agency could even begin to control the SA. The army had been a ready instrument for reestablishing law and order in the early phase of the republic, when the enemies of the state were primarily on the Left. It was no longer ready to provide the same services, even to a government of its own choosing, when the enemy was clearly on the Right.

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Political violence was the hallmark of the Weimar Republic. When the Nazis began to take over, they only made it more widespread and more radical. Above all they insisted on making it appear legitimate. They managed to integrate it into their system. As in other aspects of their ideology and practice – anti-Semitism for instance – which initially seemed to be merely a continuation of familiar prior trends, the novelty was not immediately apparent and at first was possible to ignore. Nazi anti-Semitism eventually proved to be very different from prior manifestations of Jew-hatred in Weimar Germany, not to speak of the Kaiserreich, even though

38 See Gumbel, Vier Jahre politischer Mord (fn. 11), 73-81.

39 Among other descriptions of this important episode, see especially Heinrich A. Winkler, Der Weg in die Katastrophe. Arbeiter und Arbeiterbewegung in der Weimarer Republik 1930 bis 1933, Berlin/Bonn 1987, 646-680.

it seemed to use the same language and the same tactics.[40] Violent politics, too, would rapidly turn out to be much more dangerous and much more destructive than its Weimar brand. Soon, the last restraints would be lifted and the days of the republic would appear as no more than a prologue for worse, much worse things to come.

40 See my essay, Das geschriebene und das gesprochene Wort. Über Kontinuität und Diskontinuität im deutschen Antisemitismus, in: Shulamit Volkov, *Antisemitismus als kultureller Code*, Munich 2000, 54-75.