

WEBER AND WEIMAR: THE 'REICH PRESIDENT' PROPOSALS

Peter Baehr

THANKS IN good measure to the work of David Beetham (1985; orig 1974) and Wolfgang Mommsen (1984), an appreciation of Max Weber as a distinctively *political* thinker and actor is gradually gaining recognition in the English speaking world. Even so, Weber's reception from British political scientists has remained hesitant and dilatory. A-level options devoted to Modern Political Ideas and Doctrines (London) or Political Theory (Oxford) have no space for Weber in their syllabi; while, to the best of my knowledge, few degree courses in Politics treat him as a seminal figure deserving of the same detailed scrutiny enjoyed by, say, Tocqueville, Mill or Marx.

This attitude to Weber's political thought is not only archaic, nurtured by old habits of academic pigeon holing which dictate that Weber was above all a sociologist. It is also deeply paradoxical. For as one commentator has put it, the span of Weber's political writings is 'remarkable, ranging from his early analyses of social and political change in East Prussia, through book-length articles on the 1905 Russian revolution, to his sustained polemics on the reform of the German constitution in the wartime and postwar period' (Beetham, 1985, pp 13–14). Are not the themes of these writings – geo-politics, class conflict, state power, legitimacy, 'plebiscitary' leadership, democracy, mass parties etc. – the very staples of the political scientist's diet?

This article examines one episode which occurred towards the end of Weber's life (he died in June 1920) in which political concerns were of paramount importance: his attempt to influence the constitutional powers of the 'Weimar' Reich President. My objective in what follows is merely to highlight Weber the political thinker in action, especially in respect of his preference for a democratic, Caesarist 'dictator' to lead the new Republic. I offer here no assessment or critique. My task is thus a limited one. But if this article helps encourage a wider, cross-disciplinary perspective on Weber's life and work, it will, I believe, have served a useful purpose.

The Scholar as Partisan

Throughout his adult life Weber supported a variety of liberal-nationalist measures designed to establish and enhance Germany's status as a great imperial power. The First World War was, inevitably, the greatest threat to his hopes, and both during and after the catastrophe he was witness to a series of events which filled him with anger and foreboding: the highly publicized rantings of a Kaiser unrestrained by parliament; the irresponsibility of pan-German agitation; the unrealistic expectations that cleaved to demands for unlimited submarine warfare; the plotting of the German Supreme Command; the Brest-Litovsk débâcle. And of course there was the defeat itself and its aftermath – Wilson's humiliating cat-and-mouse diplomacy, naval mutiny at Kiel and at other ports in north Germany, revolution in Berlin, insurrection in Bavaria. Faced with all of this Weber had not hesitated to voice his opinions with a frankness that impressed most who knew of them. But Weber's sphere of action was limited. As a scholar by vocation he was obliged to engage in politics through the media intellectuals customarily use – the public lecture, the congress speech and report, the memorandum to persons of influence, the newspaper article (in November-December 1918 he was actually living in Frankfurt as the political adviser for the *Frankfurter Zeitung*). He could only hope that policy-makers would listen to his arguments and be persuaded by their logic; he was compelled to accept that such impact as he made would inevitably be vicarious.

But then in December 1918, at the instigation of Hugo Preuss (the Secretary of State of the Interior), Weber was invited to join the committee charged with the responsibility for drafting what would become known as the Weimar Constitution: at last the man of letters

might become truly a man of political influence. The committee's deliberations and conclusions, as we shall see, were not wholly to disappoint him. Even after six drafts of the constitution, the last two conditioned by heated discussion on the floor of the Reichstag (National Parliament), the final product endorsed on 31 July 1919 would carry in some limited respects a recognisably Weberian stamp.

Directly preceding and following his cloistered involvement in Preuss's committee, Weber wrote a series of constitutionally oriented articles in which he publicly campaigned for a 'plebiscitarian' (ie popularly elected) Reich President. These texts should be situated in the overall development of Weber's thought for they mark a major reappraisal by him of the conditions he thought most likely to produce effective political leadership in the German situation.

During the latter part of the War, Weber had argued that a vigorous parliamentary democracy of the British type was the model system for Germany to emulate if it were to produce the leaders of energetic intelligence necessary for national reconstruction. The British parliamentary system, he maintained, had much to commend it. It served to expose and remove those politicians whose demagogy was not matched by their political judgement. It enabled the supervision of the leader once installed as head of the executive. The British parliamentary system also stood as a guardian of civil liberties (sic), offering firm resistance to imperious rule. And finally it ensured continuity and 'the peaceful elimination of the Caesarist dictator once he has lost the trust of the masses' (Weber, 1978, p 1452). This was the sort of system that Germany itself would be wise to adopt, Weber had advised.

His post-war writings, in contrast, entertain few hopes of parliamentary government being able to furnish the political conditions imperative for affirmative, dynamic leadership in Germany. On the contrary, he now insisted that the 'necessity for a leader to provide decisive political direction and a focus for national unity could...only be met by *divorcing him* from Parliament and giving him a separate power base in a direct presidential election' (Beetham, 1985, p 232, my emphasis). The causes of this change of heart are implicit in the three main reasons Weber advanced for supporting a President of the Reich 'elected directly by the people' (Weber, 1986, p 128).

A 'Plebiscitarian' President

To begin with, only a directly elected President, Weber argued, would be able to affirm the identity and unity of the infant Republic in the teeth of all those divisive interests that threatened to asphyxiate it at birth.

Of these divisive forces, consider first the particularism arising from Germany's Federal make-up. In the near future, Weber claimed, the Bundesrat (Federal Council), 'will rise again' and with its resurrection the demands of the Republic's constituent states (dominated by Prussia) will come to be elevated above the national interest. The power of the Reichstag will decrease correspondingly – especially in its capacity to select and promote national leaders (Weber, 1986, pp 128, 131; Weber, 1970, pp 113-4). Consider also the quite literal provincialism of regionally based parties that will continue to fragment the political process in Germany. And, relatedly, consider the danger posed for a weakened Germany by proportional representation. Such an electoral system, Weber declared, is guaranteed in post-war German conditions to transport the quest for economic advancement directly into the political arena. Where interest groups constrain political parties to place the former's preferred candidates at the head of the party list, parliament will:

... become a body within which those personalities who care nothing for national politics set the tone, and who, in the nature of things, will rather act according to an 'imperative' mandate from those with particular economic interests. It will be a parliament of philistines – incapable of being in any sense a place where political leaders are selected (1986, p 130).¹

Only a president elected directly by the citizenry, that is elected 'in a plebiscitarian way and

not by parliament', can become 'the safety-valve of the demand for leadership' (1970, p 114). Only through a 'headship of state which indubitably rests on the will of the whole people without intermediaries' (1986, p 128) can the prospect of centrifugal politics be averted.

The second reason Weber campaigned for a Reich President elected by the people as a whole hinged on his assessment of Germany's economic plight. Economic restructuring, including a dose of 'socialization', would be essential for Germany's post-war financial and manufacturing recovery. It was vital that such transformation be endowed with the authority and legitimacy only a President chosen in Weber's preferred manner could provide. The President, Weber editorialized, should be no parliamentary manikin, no mere figurehead, but actually just the opposite: a democratic dictator – Weber uses the term 'dictator' in its quasi-classical, Roman Republican sense – helping to create the conditions in which fundamental change would be possible.² It was a point he threw like vitriol in the face of the Social Democrats, claiming, absurdly, that his prescription for the nation's sickness was analogous to their view of the dictatorship of the proletariat:

Let the Social Democrats remember that the much-discussed 'dictatorship' of the masses does indeed require the 'dictator', chosen by them, to whom they subject themselves just as long as he retains their confidence (1986, p 129).³

Without a President elected by the *demos*, symbolising the unity of the nation, and acting accordingly, 'the reconstruction of our economy, on whatever foundation, is impossible' (1986, p 129).

Third, Weber envisaged in a plebiscitarian presidency the institutional prerequisite, though not the guarantee, of strong, creative, *personal* leadership. Bound to parliament in the selection of government ministers, the President would nonetheless remain free to formulate his own initiatives, and as the focus and representative of millions 'would often be superior to the respective party majority in parliament, all the more superior the longer his period of office' (1958, p 458). Recent elections had shown, Weber declared, that the German parliamentary party response to a strong personality was overwhelmingly negative, manifesting a combination of plain 'very petty-bourgeois hostility . . . to leaders' (1970, p 114), and fierce resistance among entrenched party veterans to the spectre of 'socialization' (1958, p 458). Parliament could thus not be expected to supply the leaders Germany so urgently needed. The alternative was clear:

Previously, in the authoritarian state, it was necessary to advocate the increase of the power of the parliamentary majority, so that eventually the significance and thus the standing of parliament would be enhanced. Today the situation is that all constitutional plans have fallen victim to an almost blind faith in the infallibility and omnipotence of the majority – not the majority of the people but of the parliamentarians, which is the opposite, but equally undemocratic, extreme. We must restrict the power of the popularly elected President as always . . . But let him be given firm ground under his feet by means of the popular election. Otherwise every time there is a parliamentary crisis – and where there are four or five parties involved these will not be infrequent – the whole edifice of the Reich will totter (1986, p 131).

Weber acknowledged that a popular election of a head of state could conceivably lead to the re-establishment of a German dynasty. However, because the monarchical-imperial system had been so profoundly discredited by the war and its outcome, he thought such a prospect remote. A far greater and more pressing problem, on the other hand, concerned the dearth of those 'outstanding political leaders who can influence the masses', a problem consequential upon 'our long inner impotence' (1958, p 458). Commanding personalities with insight, will and vigour do not appear overnight. Moreover Weber was certain that a parliamentary type election of the Reich President, say, on the model of the French Third

Republic, or a rotating presidential system, would only aggravate an already dire situation. Both options were incompatible with firm, coherent and creative leadership because both (but especially the latter) militated against the ingredient that Weber returned to again and again: 'the responsible *personality*' (1958, p 461, emphasis in original).

Weber understood well enough that there would be a range of political interests repelled by his ideas. He knew that a species of parliamentarian would be 'loath to make the sacrifice of self-denial required to allow the choosing of the highest organ of the Reich to pass out' of parliament's hands. But he warned, 'it must happen':

If the ministers remain strictly bound to its confidence, parliament will not have cause to regret this. For the great movement of democratic party life which develops alongside these popular elections will benefit parliament as well. A president elected by means of particular constellations and coalitions of parties is politically a dead man when these constellations shift. A popularly elected President as head of the executive, head of office patronage, and perhaps possessor of a delaying veto and of the authority to dissolve parliament and to call referenda, is the guarantor of true democracy, which means not feeble surrender to cliques but subjection to leaders chosen by the people themselves (1986, p 132).

Impact of Weber's Proposals

Though Weber's brother Alfred would later write with regret to (an unsympathetic) Theodor Heuss of Max's 'disturbing' Reich President proposals, describing them as a lamentable 'slide into romanticism' (Baumgarten, 1964, p 550), the person who was the object of this solicitude had shown, in December 1918, no little satisfaction about the Pruss proceedings in general and his role in them in particular. A letter penned to Marianne Weber the day after the commission's work had been concluded, though in the interregnum before the first draft had been composed, positively oozes self-congratulation: 'All right, the Reich constitution is ready in principle, and it is *very* similar to my proposals' (Marianne Weber, 1975, p 640, emphasis in original). And sure enough the constitution, when it eventually came into force on 14 August 1919, undeniably enshrined a number of Weber's preferences. Mommsen has described Weber's participation in the constitutional committee ('the delivery room of the Weimar constitution') as 'his greatest hour' (1984, p 355), though, as Mommsen also reveals, *one should be careful not to exaggerate Weber's influence and success*. A number of his proposals concerning the President's standing were in fact either amended or rejected both in the committee itself, where other voices prevailed, and in the legislative process that followed. Crucially, a liberal conception of 'balance of powers' which owed much to the influence of Robert Redslob and which found support in Pruss, displaced the more Caesarist projections of Max Weber; the political independence of the Reich President for which Weber had pressed so adamantly was hence quite extensively curtailed (Mommsen, 1984, pp 348–54, 376–8). Nonetheless Weberian residues were still discernible in the final draft of the constitution, particularly as it related to aspects of the President's powers.

First, the demand for the President to be elected by the totality of German citizens (male and female) became enshrined as Article 41 of the Weimar Constitution (Schuster, 1978, p 107). Second, the duration of the President's tenure of office was fixed at seven years – another of Weber's recommendations (compare, Weber, 1958, p 458 with Art 43, para 1, in Schuster, p 107). And third, Weber's proposal that the President be invested with the powers to initiate elections and referenda, so as to enable decisive action in the event of party deadlock, was also realized in the constitution's final draft (though not quite in the form he had originally intended: see Mommsen, 1984, pp 368–9, 376–7; Weber, 1958, p 457; Schuster, 1978, Art 25 and Art 74, para 3, pp 104, 112 respectively).

The subsequent career of the Reich President proposals cannot concern us here. Nor is it possible to rehearse the debates concerning the historical relationship of Weber to fascism. We know that Weber took no interest in the notorious Article 48 (which facilitated the

suspension of all the major civil liberties) but such nonchalance is revealing in its own way. Then again, the significance of the draconian Article for subsequent events has probably been overstated. The President could not, under the constitution, be an absolute dictator. The third paragraph of Article 48 compelled the President to withdraw any emergency measures if the Reichstag so demanded. Similarly, other articles (eg Art 43, para 2, on dismissal, and Art 59, on impeachment: Schuster, 1978, pp 107, 109 respectively) allowed for significant Presidential constraint. Besides, overpreoccupation with Article 48 may divert attention from other aspects of the constitution which, though having nothing to do with the President as such, arguably had a more serious impact on later history. For instance it is Koch's contention (1984, pp 269–70, 298, 306–9) that Article 76, which stipulated that the constitution could be altered by a bill with at least two-thirds Reichstag support, was the really decisive constitutional instrument in establishing the Third Reich.

The above historical reasoning is bound to remain speculative. Much easier to establish, on the other hand, are the Caesarist elements of Weber's proposals (though neither of the *terms* Caesarism or charisma are employed by Weber in the constitutional contexts that deal specifically with the German Reich President). The President, we have seen, is to be a leader of robust authority, 'supported by the revolutionary legitimacy of popular election' (1958, p 457), elected 'without intermediaries'. And as Weber had remarked elsewhere, speaking of Napoleon I and III (1978, p 1452):

Every kind of direct popular election of the supreme ruler and, beyond that, every kind of political power that rests on the confidence of the masses and not of parliament . . . lies on the road to these 'pure' forms of Caesarist acclamation.

Moreover, the President's powers to dissolve parliament and resort to referenda display the familiar 'Caesarist-plebiscitarian' mechanism of legitimation. Finally, the President is a 'dictator', a term Weber elsewhere employs to characterise the 'Caesarist' leader Gladstone (1970, p 106). Weber's main political objective for post-war Germany was, essentially, responsible Caesarism – a system in which a dynamic, elective 'dictatorship' would operate within the bounds of the rule of law. Responsible Caesarism is a curious, some would say incoherent, idea. Nonetheless, the Reich President proposals were a deliberate attempt to implant that idea in the constitution of the new Republic.⁴

Weber's Relevance

I have sought in this article to promote the image of Weber as a political thinker and actor. This has been attempted through an exploration of the setting and the partial implementation of his Reich President proposals. Weber's political work remains important not because it contains timeless verities, still less because of what it offers to those people attempting to extend political participation in Britain and elsewhere; Weber's instincts, and the thrust of his writings, were markedly élitist in fundamental respects. Rather Weber's work is important, above all, as a *provocation* – for political scientists as well as sociologists – to think imaginatively but also practically about political life. Hence, in studying his thought one is doing more than fencing with the dead. One is meeting a challenge issued by a man who sought to comprehend the limits and possibilities of citizenship. We may disagree with him and with some of the values he fought hard to advance. But after reading him we know better why we disagree.

Notes

1. Weber says that proportional representation is tolerable 'in *normal* times' ie in a period of relative social stability, but its overall effect is to weaken 'unified political leadership' (Weber, 1958, p 462).
2. Cf Gorbachev's plans to use the Soviet presidential office as an instrument of perestroika. Also the comments in Owen (1984, p 178).
3. That the Reich President's office entailed a form of dictatorship was well understood by Preuss himself – and by Carl Schmitt among others: see Dorpalen (1964, pp 169–70; Mommsen, 1984, pp 381–9).
4. More on Weber's use of the concept of Caesarism, in yet another specifically political context, can be found in Baehr (1988).

REFERENCES

- Baehr, P (1988), 'Max Weber as a Critic of Bismarck', *European Journal of Sociology*, 29, pp 149–164.
- Baumgarten, E (1964), *Max Weber: Werk und Person*, (Tübingen: Mohr).
- Beetham, D (1985; orig. 1974), *Max Weber and the Theory of Modern Politics*, (Cambridge: Polity Press).
- Dorpalen, A (1964), *Hindenburg and the Weimar Republic*, (New Jersey: Princeton University Press).
- Koch, H W (1984), *A Constitutional History of Germany in the Nineteenth and Twentieth Centuries*, (London: Longman).
- Mommsen, W J (1984), *Max Weber and German Politics, 1890–1920*, (Chicago: University of Chicago Press), transl M S Steinberg.
- Owen, D (1984), *A Future That Will Work*, (Harmondsworth: Penguin).
- Schuster, R (ed) (1978), *Deutsche Verfassungen*, (Munich: Goldmann).
- Weber, Marianne (1975), *Max Weber: A Biography*, (New York: Wiley), transl H Zohn.
- Weber, Max (1958), 'Deutschlands Künftige Staatsform' in *Gesammelte Politische Schriften*, 2nd Edition, (Tübingen: Mohr), pp 436–471.
- Weber, Max (1970), 'Politics as a Vocation', in H H Gerth and C Wright Mills (eds and transls), *From Max Weber*, (London: Routledge and Kegan Paul), pp 77–128.
- Weber, Max (1978), 'Parliament and Government in a Reconstructed Germany' in G Roth and C Wittich (eds), *Economy and Society II*, (University of California Press), pp 1381–1469, trans G Roth.
- Weber, Max (1986), 'The Reich President', *Social Research*, 53 (1), pp 128–32, transl G Wells.