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POLITICAL SCIENCE AND SOCIETY IN GERMANY  
1870 - 1933  
AN INTRODUCTORY SURVEY

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To my parents,  
to my share in whose difficult years  
as German emigrants in Canada  
I owe my interest in this subject,  
and to Helen

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Abstract

What follows is intended as a study of the interdependence between aspects of the values, the social structure and the political life of German society and the method and orientation of German formulation and analysis of political problems between the years 1870 and 1933. The research involved has been concerned with three general questions: firstly, a survey and analysis of representative German political writings drawn from four principal professional journals in the fields of law, public policy, politics and sociology, from one democratic socialist intellectual review, and from some forty-five monographs which, from a reading of the periodical literature, appear to have been the basic writings in the area of scholarship in which this study is interested; secondly, an examination of the strengths and weaknesses of these writings from the point of view of politics as a social science and a national resource<sup>1</sup> and an attempt to relate these to the concrete social, political and psychological situation of the times; and thirdly, on the basis of this analysis, the suggestion of some tentative socio-political

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1. An instrument which recognizes and applies itself to the task of gathering, conceptualizing and adapting data for the clarification of the availability, the effectiveness and the implications of means and intermediate goals for rationally realizing the society's ultimate values.

preconditions for the existence of politics as a social science and a national resource in any society.

Part I examines the decline of German political study after 1870 into a number of uncoordinated, separate and specialized state science (most outstandingly, Staatsrechtslehre and Sozialpolitik), and the value-free and culturally, rather than politically, oriented study of society or Gesellschaft; considers this development in terms of the political defeat of German liberalism in 1848, the imposed nature of the establishment of the German Empire, the authoritarian and democratically unintegrated social and political structure of the Bismarckian order, and the traditionally apolitical, cultural and literary orientation of German humanism; and traces the development of an awareness among a minority of German writers after 1900, of the need for a synthetic study of politics with a social science methodology of its own and addressed to the formulation and empirical study of the foundations, the decision-making and the over-all operation of the German state.

Part II considers representative contributions to the scientific study of politics from the fields of political geography, sociology and law during the Weimar period, surveys and analyzes what are found to be the relevant social, political and psychological aspects of the crisis situation of



Weimar society, and seeks to demonstrate, by an analysis of specific writings, the manner in which these crisis conditions both stimulated the objective study of politics as a social science and resulted in sentiments and attitudes which opposed this social science work and finally brought about conditions which made its further development impossible; and, finally, surveys and analyzes the culmination of social science work in the study of politics in the treatises of a minority of German academics, most notably among them, Adolf Brabowsky and Hermann Heller. In order to overcome the many one-factor analyses current at the time and to free themselves both from the traditional German idealistic organicism which was impeding the empirical analysis of political and social facts and from the legal formalism which tended to evade all empirical social and political problems, these scholars combined the idea of the state as an international actor with the social-action analysis of Max Weber and developed a structural-functional methodology of politics as a social science which, it is maintained, marked the first time that German intellectuals as political scientists had become masters of their data and had achieved what might be called a voluntaristic and scientific approach and method for the formulation and analysis of German society's political problems.

The Conclusion suggests some general preconditions

for the development of politics as a social science, including: utilitarian values in terms of which government is held to constitute a rationally understandable apparatus for serving man's welfare; a sense of popular sovereignty and responsibility and competence for participating in decision-making; political and intellectual freedom to participate; a state and government which are emotionally and rationally accepted, at least in principle; issues which are important but which do not seem so complex and critical that they seem beyond solving within the existing system; and values which are sufficiently relativized to stimulate and permit objective inquiry, but among which there remains a common core of absolutes, so that the political scientist as a political scientist will not bolt from free scientific inquiry in order to find security and integration with his fellows as a human being.

## INTRODUCTION

Political Science and Society in Germany  
1871-1933

An Introductory Survey

Introduction

That some interdependence exists between various aspects of a society and the formulation and study of political problems by its members is generally recognized. Except for scattered and incidental aperçus and generalizations, however, this interdependence has received little attention. It may be that what is involved has seemed self-evident. More probably, national differences in research selection and method in political science have simply not been held sufficiently significant to merit special investigation. Perhaps, too, the student of politics - more discreet than we, has felt that an analysis such as that proposed here, must wait for more advanced techniques in the study of human motivation before it can be carried out in a truly scientific fashion. At any rate, whatever the reasons, and however valid they may be, there is here a gap in our knowledge which, in view of the increasing importance of international political and intellectual understanding and co-operation, must receive more and more attention. It is to this task, specifically in regard to the study of politics in German society, that the present survey and analysis, however inadequate, is dedicated.

Most generally, this study will attempt to do four things: firstly, to survey and analyze the political and related writings of the period in order to discover to what extent and in what manner the study of politics in Germany was understood and developed as a social science; secondly, to discover the extent to which political study in Germany - in its orientation, research and theory, recognized and applied itself as a national resource for gathering, conceptualizing and analyzing data for the clarification of the availability, the effectiveness, and the implications of means for rationally realizing the society's ultimate values; thirdly, to investigate how and to what extent the development of politics as a social science and as a national resource in Germany was advanced or hampered by the concrete social, political and intellectual situation of German society of the period under consideration; and fourthly, on the basis of what can be learned from the above-outlined examination of German political study in its societal context, to set up a tentative set of prerequisites for the development of politics as a social science and as a national resource in any society.

For the purposes of this study political science as a social science will be defined as the empirical study - data, concepts with empirical referents and theories relating and verifiable by reference back to the empirical data, of those aspects of societies and their component elements, which are involved in or relevant to the external defense of the unite

concerned or the maintenance of order in their internal operation.

What is meant by politics as a national resource has already been briefly explained: the application of politics as a social science to the formulation and study of the society's political problems with a view to their rational solution. At first sight, such a conception of the study of politics may seem ill-advised. Indeed, if we examine the motivation and orientation of students of politics around us, it is immediately apparent that, ultimately, their research selection is inspired by universal values which in themselves are essentially non-national. It may be objected, moreover, that we have witnessed altogether too much intellectual nationalism - particularly in the case of German political thinking, and that political science, conceived as a national resource, implies a danger of its losing its objectivity as a social science or of lending itself to narrow nationalism, or whatever may be masquerading as such, to the detriment of the universal values which are generally felt to be primary.

The latter objection, however, merely points to the dangers to social science objectivity which exist regardless of how the study of politics may be conceived. The former, on the other hand, is not in reality an objection. However universal the values which inspire a political scientist may be, these

values only raise problems when they are applied to a concrete situation which, in the present organization of the world, will most likely be within some national framework. Moreover, if the political scientist is doing empirical work, the realization of his ultimate values and the relevance of such research as he may be doing, are only possible within or through the operation of a national context to which he must be oriented. To illustrate our point we need only consider the orientation of the greater part of contemporary American political science. Most of the men in this field seem ultimately dedicated to such values as liberal-democratic freedom, a higher standard of living for all the peoples of the world, non-discrimination, peace, etc. By the nature of the situation and in order to make their work relevant, however, their research problems, for the most part, are formulated in regard to concrete problems of American domestic politics and government or the United States' relationship to the rest of the world. They are not nationalists in any exclusive or invidious sense, but in order to contribute to the realization of their universal values they must, in effect, conceive of their work as a national resource. It is in this sense that we understand the term.

While it will be the purpose of this study to consider the development of political science in German society in terms of the above-mentioned criteria, it must be noted at the very beginning, that this development, such as it was, was only seldom

recognized as the conscious evolution of a special academic discipline - as it has been in the Anglo-Saxon countries. Rather, it tended to emerge through a gradual convergence of contributions from jurisprudence, sociology, economics, geography, history, literature and philosophy, which implicitly or explicitly dedicated themselves to supplementing the narrowly juristic, public law, state science, or Staatsrechtslehre, of the years after 1871 - an academic discipline which claimed exclusively to represent, and almost monopolized, the treatment of the subject matter which elsewhere was the concern of the more empirically oriented and at the same time more politico-philosophically aware science of politics or of political economy.

Unfortunately the many valuable German works which contributed to the development of the study of politics as a social science, in whatever academic discipline or branch of learning they may have originated, have remained largely unknown or unrecognized or were buried when the advent of National Socialism imprisoned, scattered or absorbed the scholars concerned and made further progress impossible. Within Germany, even today, academic organization continues, in the main, to split up the study of politics among the juristic, philosophical and historical faculties of the universities, with only a few special schools dedicated to political science as such. Outside of Germany, the original conception of German political study as a sterile manipulation of juristic concepts - hailing back from the pre-



World War I era, continues to dominate. Moreover, to the rejection of the uncritical acceptance and glorification of the Imperial state, which can with considerable justice be ascribed to the older German study of politics, there has more recently been added the inadequately explored but deeply felt charge, that German academics contributed substantially to, or at least expressed the type of theories which accorded with Nazi political ideas and sentiments - a charge which seems the more plausible since a number of outstanding sociologists, historians and students of politics openly endorsed and elaborated Nazi platforms.

As a result, non-German political scientists, either unaware of or with their minds closed to the soul-searching, the methodological controversies and the substantial achievements of scholars who struggled with the problems of the development of a scientific study of politics in the context of the German situation and its traditions, tend to dismiss nearly all German scholarship in this area as inconsequential. The Germans, on the other hand, in various kinds of defensive reactions, seem either to reject American efforts to support the establishment of political science as an academic discipline in their country, to pay these efforts lip service, or uncritically to accept American political science techniques and theories without adequately relating them to the basic problems of the German situation and the considerable available native political

science.<sup>1</sup> The effect of this failure of communication is to impede the integration of earlier German political science works with progress since achieved elsewhere and to damage the revival of German scientific political study on the basis of its native roots - a situation which is not only wasteful of political science assets in general, but also tends seriously to weaken the possible effectiveness of German political science as an instrument for aiding in a rational adjustment of German political society to the present post-war situation.

The present survey and analysis, therefore, is conceived not only as an academic case study in the problems of politics as a social science and as a national resource, in the sense described above, but is intended as well, as a contribution, however limited and modest, to the reclamation of a small but important volume of political and social science theory and analysis, the neglect of which would be no inconsiderable loss to the contemporary study of politics as a social science.

Ideally, this study, as it has been defined, would assume a definitive knowledge of German political and related writings, an historian's acquaintance with the events, ideas and persons

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1. For examples of these reactions, see the abstract of the proceedings of a conference on the introduction of political science in German universities, held during September 1949 under the auspices of the Hessian Ministry of Education with the cooperation of the U.S. Office of Military Government for Germany, Introduction and Development of Political Science in German Universities, Frankfurt a.M., Institut zur Förderung Öffentlicher Angelegenheiten, 1949.

which comprise the period under consideration, and a psychologist's insight into the processes by which the men in whose works we are interested synthesized their values, experiences and reflections into the forms in which they are available to us. It goes without saying that we can pretend to none of these qualifications. What follows is, therefore, not a definitive or in any sense complete analysis either of the available and relevant German political studies or of their relationship to the social, political and intellectual situation of German society during the sixty some years which we have chosen to examine. Such a definitive work could only be the culmination of long years of intensive study; but because of the very dimensions of the task that would be entailed, such a work is likely to remain unwritten for some time to come. It is, in the meantime, as an introductory survey for such a larger work that the present thesis is intended.

Three general types of sources have been used. Most valuable for an initial orientation and for a survey of representative samples of the formulation and study of political problems by German scholars have been the articles relating to various aspects of political science, as defined, which were published between 1871 and 1933 in the four principal professional journals devoted to the general fields of law, public policy, politics and the social sciences. Among these perhaps the most useful, by the quality and number of pertinent articles, was the Archiv für

Sozialwissenschaft und Sozialpolitik, published uninterruptedly from 1885 until the advent of National Socialism by the members of the famous Verein für Sozialpolitik, which included among their number the most distinguished economists and sociologists in Germany. Although not concerned with problems of politics as such, and dedicated to the analysis of theoretical and applied problems of social and economic policy, this periodical was, in effect, the German journal of the social sciences par excellence. Under the editorship of men such as Max Weber and Werner Sombart, it presented a range of social science analyses and a level of scholarship which remains probably unsurpassed.

The Archiv des öffentlichen Rechts, the professional journal of the teachers of public and constitutional law, the Staatsrechtslehrer, offers primarily considerations of problems of legal theory and practice. In addition, however, particularly in the volumes after World War I, there appear a steadily increasing number of articles addressed to the problem of bridging the traditional German division between legal studies and politics, and, as regards theory, of relating legal studies to work being done in sociology and, in general, of developing a greater social science awareness.

Representing the traditional German conception of the state sciences as a complex of specialized studies concerned with the various technical aspects of the operation and administration of

a national society, the Zeitschrift für die gesamte Staatswissenschaft, published from the 1850's onwards, offers a wealth of first-rate articles on theoretical and concrete problems of economics and public policy. Once again, politics as such is largely neglected, but here also, especially after 1919, there appear a considerable number of articles which, at least on a theoretical level, seek to contribute to the integration of the various specialized disciplines into a science and methodology for studying the over-all operation of the state in a more than merely technical sense.

The only German professional journal dedicated explicitly to the study of theoretical and concrete problems of politics and the development of a science of politics proper was the Zeitschrift für Politik, founded in 1907. Edited in the beginning by an historically-minded jurist, Richard Schmidt, who was concerned, basically, with studying the question of "without what presuppositions a nation could not continue to operate, i.e., what the requisites are for a nation's capacity to survive," this journal came for a time under the influence of geopolitical thinking, but, by the late Twenties, offered a large number of excellent studies on every aspect of politics from the analysis of political parties to specific problems of international politics and German foreign policy. Once again, however, there are to be found almost no articles which seek to evaluate the effectiveness or the value implications of the workings of the various parts of the German

political process which come under consideration. The emphasis is, for the most part, either theoretical or restricted to a type of scholarly description which makes of politics essentially one more Staatswissenschaft.

Unlike these four academic journals, the fifth periodical which was used for this initial survey, Die Gesellschaft, published from 1924 to 1933, was dedicated not only to political analysis but to the evaluation of the concrete developments of the Weimar Republic from an outspokenly democratic socialist point of view. Including a number of prominent intellectual leaders of the German Social Democratic Party among its editors and contributors, this journal, conceived during the first great crisis of the Republic, offered in each issue at least one or two articles dealing with an analysis of the concrete political situation in Germany, focusing particularly on the threat from the anti-democratic forces of the Right, and discussing Social Democratic policy and strategy for meeting the challenge. In addition, there are a considerable number of valuable articles, usually written from an intellectual Marxist point of view, analysing and evaluating the whole political and social history and structure of German political institutions and processes. And, lastly, there are, here and there, excellent pieces of literary and philosophical criticism which serve well to round out the strictly political aspects of the situation in Germany.

On the basis of the survey of the relevant, representative periodical literature which has just been described, it was possible to select some forty monographs dealing with law, politics and the social sciences generally, which, judging from the constant references to them in the journals, represented the work of the outstanding men in their fields and the substantial achievements and comprehensive syntheses in the area of our study. It is the intensive analysis of these works which comprises the core of this survey.

As regards the social and political situation in Germany to which this study seeks to relate the general condition and spirit of German political science, one important source of information were the monographs and the periodical articles themselves. For more specific descriptions, the standard works dealing with German history and politics furnished the bulk of the data. In addition, a few perceptive general commentaries on the condition of German society by French and German writers proved very suggestive, particularly Hugo Preuss's Das deutsche Volk und die Politik (1910), Walther Rathenau's Von Kommenden Dingen (1916), and Pierre Vénot's Incertitudes Allemandes (1931).

Because almost all of the primary sources are available only in German, it seemed advisable to quote more freely than might otherwise have been justified. All translations unless otherwise stated, are our own.

For purposes of presentation the study is broken down into two parts. Part I comprises a survey of the specialized state-science study which characterized the imperial period, of the social, economic and political situation which the approach and substance of this type of study reflected, and of the gradual growth in awareness, among at least a minority of German intellectuals, particularly during World War I, of its inadequacy both as a social science and a national resource. Part II, dealing with the Weimar period, seeks, firstly, to examine the writings, from the general fields of political geography, sociology and jurisprudence, which were intended to supplement and reconstruct the imperial type of political study; secondly, to investigate the manner in which various aspects of the Weimar social, economic and political situation affected efforts to develop a science of politics; and lastly, to examine the gradual intellectual convergence, in the works of a small number of German students of politics, sociology and law, upon a science of politics with a social science methodology of its own, and oriented to formulating and empirically analyzing German society's political problems. The Conclusion will undertake, firstly, to summarize such insights as may emerge from this study as regards the over-all problem of political science and German society, both in the past and today; and secondly, to suggest a tentative list of social, political and intellectual preconditions for the existence of politics as a social science and a national resource in any society.



PART I

Political Science and Society  
during the Imperial Period

## Chapter I

### The Study of Politics in Imperial Germany

#### 1

Any consideration of the study of politics in Imperial Germany and of its background must begin with a reference to two well-known but none the less basic facts: that German society did not achieve national status until 1871, and that when it did, it was as an authoritarian federation of essentially authoritarian principalities. Without a national framework there could be no national political machinery, nor politicians, nor national political problems; and with no effective citizen participation there could be dynastic administration but no national political machinery, nor politics. German political study during the century before the foundation of the Empire suffered from a lack of subject matter and from the absence of institutions (and even the prospect of building such institutions) for creating that subject matter. Twice - although only very briefly, there existed the hope and possibility that citizen participation might bring about political democracy and national unification; both occasions were marked by a brilliant, if short-lived, development in the empirical study of politics. For the rest, however, the study of politics in Germany was almost entirely philosophical speculation - speculation which gave birth to ideologies that have haunted German political thinking

and study to this day.

The oldest politico-philosophical tradition which Imperial German political study inherited was that of natural law. It was men such as Grotius, Pufendorf and countless lesser-known political thinkers who did much to develop the theories which, even today, constitute the core of a common Western approach to politics. Whereas elsewhere, however, the students of natural law found themselves in an environment in which there existed a political life in which they could, and were motivated to participate, at least intellectually, the German natural law philosophers were almost all academic lawyers who were subject to situations where, except for serving a dynastic administration, political philosophy and creative politics seemed forever separated. Both the unpragmatic character of German politico-philosophical speculation, as compared with that in England, for example, and the uninspired condition of such political leadership as existed in the German principalities, are reflected in this circumstance. Commenting upon this general contrast between the traditional English and German approaches to the study of politics, Sir Ernest Barker has written:

With us the subjects (of law and political science) have generally tended towards a divorce; and there has been little study of political science in terms of law. Hobbes was not ignorant of English law; but he used the language of physics and behavioristic psychology rather than the language of law. Locke

employed the conception of "trust," but he was a physician, a philosopher and a politician rather than a lawyer. Few of our lawyers have turned their attention to the fundamental questions of politics... and our political science has proceeded not from lawyers or professors of law, but from politicians with a philosophic gift or philosophers with a practical interest... The English system of political science, so far as we can speak of such a thing, has combined an instinct for actual fact with some sense of the moral foundations on which the actions of States, like all human action, must necessarily be based.<sup>1</sup>

As long as fundamental political decisions were beyond popular reach, there was no pragmatic focus for German political philosophy; and as long as German political speculation lacked a pragmatic focus, the possibility that political decision-making would become responsible remained all the more remote.

Indeed, by the last decades of the eighteenth century, when the movement for national unification and for the emancipation and free development of the individual reached a fervent high among German middle class intellectuals, the apparent inability of German society to achieve either objective in a concrete political sense tended more and more to be raised into a virtue and an ideal. That the restless and brilliant period of German intellectual activity known as Sturm und Drang (Storm and Stress) expressed itself almost

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1. Otto Gierke, Natural Law and the Theory of Society 1500-1800, vol. 1 (translated and edited by Ernest Barker) Cambridge, Eng., The University press, 1934. Introduction, p. xix.

exclusively in literature and lost itself in returns to nature and various forms of tearful sentimentality, was undoubtedly in itself a capitulation before the political reality with which it seemed impossible to come to grips. What was even more significant for the future of German political thinking, however, was the accompanying philosophy of world citizenship or Weltbürgertum, in the name of which even those intellectuals who did show some awareness of political problems raised the private cultural development of the individual to the highest goal and convinced themselves, as a corollary, that politics was essentially something to be disdained and, at best, submitted to. Thus the poet Schiller in 1801 told his countrymen that their dignity was

an ethical greatness, which lives in their culture and in the character of their nation and which is independent of their political fate... Eternal disgrace to the German who does not recognize his blessings as a German and a human being and who envies the Britisher his treasures and the Frenchman his luster. He trafficks with the worldly spirit. He should realize that his role is the greatest: as he lives in the middle of the peoples of Europe, so he also represents the seed of humanity, whereas the others are merely the blossom and the leaf.<sup>1</sup>

And Fichte, writing in 1807, with almost as great political passiveness and unfocused idealism, concluded that,

The conception of the unity of the German people is far from becoming a reality; it is only

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1. Hermann Heller, Die politischen Ideenkreise der Gegenwart, Breslau, Hirt, 1926, p. 91.

a general postulate of the future. But when it comes, it will not bring with it some differentiated and exclusive national uniqueness but will bring to the citizens a realization of their liberty. This postulate of a unified nation, the creation of an intimately and organically harmonized state is the mission of the Germans in the plan of history. And so they will be the first to build a true kingdom of law and justice - as it has never before existed... a kingdom founded on freedom and dedicated to the equality of all human beings.<sup>1</sup>

The significance for the imperial study of politics of this tradition of private and apolitical idealism, combined with that of the elaboration of politico-legal ideas and concepts almost exclusively by academic lawyers, could hardly be exaggerated - as will appear in this and the following chapter.

A third tradition, as we have chosen to call these varied but permanent aspects of the pre-imperial approach to politics, was that which is usually termed Romanticism and which, in essence, includes the ideas of the so-called Historical School. The idealism of such men as Fichte and Wilhelm von Humboldt, however lacking in defined political objectives, had been basically an optimistic one, convinced that the full realization of the individual would eventually create for the Germans a nation and a political life, superior even to that of other peoples in terms of human freedom and dignity. The Romanticists and the writers of the Historical

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1. Ibid., p. 92.

School, on the other hand, having experienced the post-Napoleonic restoration of conservatism and particularism, despaired both of the hope of building a nation by creating a people of autonomous and cultivated individuals, and of the possibility of realizing that objective by planned, rational action. Still intensely concerned, however, with the problems of German unity and national development, conceived in an essentially defensive manner as a problem of the evolution of differentiated German collective solidarity, the writers of this stamp visualized this evolution as the fulfillment of a German Gemeinschaft, an intimate, intuitive, non-political and tribal-type unit which, explicitly and implicitly, was idealized as a hierarchically organized, stable, agricultural community of virtuous, instinctively loyal and subservient Teutonic citizens. What bound the members of the Gemeinschaft together was their participation in the Volksgeist, a power the full nature of which was held to be fundamentally inaccessible to empirical investigation; although it obviously included a set of what were felt to be uniquely German collective norms. The context of the development of this Gemeinschaft and of its Volksgeist was history, which was the battlefield of various national spirits and which, ultimately, was the expression of a great Weltgeist or spirit of history, specifically, in Hegel's conception, through the process of the dialectic.

It is true, of course, that such men as Hegel and Tevigny were well aware that specific objectives could only be attained by rational human action - Hegel's analysis of the problem of German unification as involving the development and use of political power, for example, was an eminently pragmatic one. Nevertheless, the basic theories of these writers about individual and collective human action were metaphysical. Gemeinschaft and history are conceived as irrational collective forces which determine the fate of individuals and nations and which, ultimately, are not accessible to empirical analysis. And it is as the fathers of this mystique of the Volk and of history that the writers concerned became immortal. They deposited what seems to have become a permanently available inspiration for defensive and irrational German nationalistic reaction. Secondly, by their conception of an organic German Gemeinschaft and an international scene in which the German Volksgeist was in constant battle with the spirit of other peoples, they set up a rationale for uncritical German acceptance of and submission to whomever was in power and claiming to represent the Volksgeist and the spirit of history. And lastly, by conceiving of the Volk, the Gemeinschaft or the State as an entity whose inner springs of action and whose fate were in the last analysis beyond human understanding and control, they established an undercurrent of lack of self-confidence



and initiative vis-a-vis the collective, in whatever guise, which, given certain specific social and political circumstances - which will be reviewed in following chapters, did much permanently to weaken the efforts of Germans to formulate and rationally to come to grips with their political problems.

Having thus briefly examined the academic politico-legal, the apolitical humanistic and the metaphysical historical intellectual traditions which in pre-imperial Germany gave universal values and common national problems a uniquely German application and formulation, we must now round out our short background survey by mentioning two episodes - one can hardly call them traditions, which contained the beginnings of an empirical investigation of the facts of political life and the use of the knowledge so gained for responsible and rational political action.

The historically earlier and more short-lived of these episodes centered about the efforts of the Rhinish aristocrat Baron von Stein "to build a nation through reforms." After the military destruction of Prussia in 1807 and the peace of Tilsit, which left that state only half of its territory and population, Stein had been imposed upon the king of Prussia by Napoleon, who mistakenly thought him to be an agent of French ideas and influence. Indeed, Stein was a reformer as Napoleon had suspected, but his reforms were conceived with

the aim of building a soundly democratic Prussia and Germany which could once and for all assume and maintain the status of a first-rate power. In a letter written in 1812 Stein stated his credo as follows:

I am sorry that your Excellency spies a Prussian in me and discovers a Hannoverian in yourself. I have but one Fatherland, which is called Germany, and since, according to the old constitution, I belonged to it alone and to no particular part of it, to it alone, and not to any part of it, I am devoted with my whole heart. To me, in this great moment of transition, the dynasties are completely indifferent; they are mere instruments; my wish is that Germany should become great and strong, that she may recover her independence, her self-government, and her nationality, and may assert them in her position between France and Russia; that is the interest of the nation and of all of Europe; it cannot be maintained in the routine of old, decayed, and rotten forms; this would be like desiring to ground the system of an artificial military frontier on the ruins of the old castles of the knights and the towns fortified with walls and towers, while the ideas of Vauhan, Coehorn, and Montalembert were rejected.

My confession of faith is unity, and if that is not attainable, then some shift, some transition stage. But what you will in the place of Prussia, dissolve it, strengthen Austria by Silesia and the Electoral Mark and Northern Germany, excluding the banished princes; bring back Bavaria, Wurtemberg and Baden to their condition before 1802, and make Austria mistress of Germany. - I wish it; it is good, if it is practicable; only cease to think of the old Montagues and Capulets and those ornaments of old knightly halls: if the bloody contest which Germany has maintained with bad fortune for twenty years, and to which it is now challenged again, is to end with a farce, at any rate I would rather have nothing to do with it, but shall return with joy and haste into private life.<sup>1</sup>

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1. J.R. Seeley, Life and Times of Stein; or, Germany and Prussia in the Napoleonic Age, Boston, Roberts Brothers, 1897, p. 172.

Although there were many others in the German states at that time who shared Stein's national objective, there were few who were sincerely willing to undertake the task of political education and democratization which he held fundamental for the solidarity and rational political leadership of any modern nation. "The Prussian state," he wrote after the military collapse, "has no constitution; the supreme power is not shared between the sovereign and the representatives of the people. It is a very new aggregate of many individual provinces pieced together through inheritance, purchase and conquest."<sup>1</sup> If it was to survive, he insisted, and if it was to be possible to build a German nation around it, one had to recognize that,

Participation of the people in legislation and administration creates devotion to the constitution, an informed and intelligent public opinion about national affairs, and the capacity, in many citizens, to contribute to the conducting of these affairs. History teaches that there are many more great generals and statesmen in countries with a free constitution than in those which are despotic.<sup>2</sup>

Because of the lack of organized political initiative among the German peoples who, in political matters, had been trained loyally to accept the direction of dynastic administration, Stein realized that the way for democratic reform

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1. Quoted in Hugo Preuss, Staat, Recht und Freiheit. Aus 40 Jahren Deutscher Politik und Geschichte, Tübingen, Mohr, 1926, p. 25.

2. Ibid., p. 30.

would have to be opened from above, in such a way, preferably, as to encourage the maximum of spontaneous participation. It was for this purpose that he intended his municipal reform of 1808. Prussian municipalities were to be given self-government which would then be extended to the provinces, until, ultimately, a system of national representation could be erected which would at last bring to Germany government of and by the people.

That this task would not be an easy one Stein and his colleagues and supporters well realized. One of Stein's associates, Frey, wrote at the time,

The principle of suspicion which pervades Prussian government and administration has brought it about that controls have been piled on controls, and that municipal affairs, like everything else, were subordinated to these controls. Everything, even the most insignificant detail, had to be passed upon by higher authority, to be decided higher up, to be commanded from above... How much good has been smothered because the state insisted upon intervening in all civic affairs... It is not improbable that the new shape of things will at first be accompanied by inadequacies, that lack of experience and negligence will spoil much. But one should not lose heart because of such shortcomings and should bear them with patience, for they are the inevitable retribution for long tolerated error...<sup>1</sup>

The reformers' hopes were well conceived, but their fears were no less well grounded. Less than a month after the new measure became law, Stein was dismissed from office.

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1. Ibid., pp. 32-33.

Only the desperate affairs after the defeat of Jena had induced the king and the Jünkers to allow reforms to be introduced. Once they had regained their composure, as it were, authoritarian, dynastic reaction quickly reasserted itself. And once the German Confederacy of 1815 had re-established the authority of the old monarchies, leagued under Metternich's leadership for the purpose of preventing national self-determination in Austro-Hungary and to frustrate liberal democratic movements in all of central Europe, further reform - unless it should be by initiative from below, became impossible. As Hugo Preuss, Imperial Germany's most distinguished student of local government has written:

The new municipal government had been conceived as a constitutive tier in the structure of what was to become a completely reorganized state; it became effective as an isolated institution; for the reorganization of the state continued to be frustrated by absolutism for another forty years, and the "small republics" of the cities stood out as an alien body in the heterogeneous structure of the authoritarian and patriarchal state... municipal self-government without a parliamentary constitution was like a building without a roof, which is exposed to the inroads of all the elements...<sup>1</sup>

While Stein's reform was thus not followed up by the additional measures which he envisaged as fundamental to the goal of a democratically organized, united Germany, his diagnosis of the German social and political situation and the remedy which he proposed, provided the first empirical

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1. Ibid., p. 39.

and rational consideration of the whole problem, and was thus in sharp contrast with the formalistic and metaphysical evasions which characterized the three German intellectual traditions which were discussed in the foregoing paragraphs. It is the diagnosis and solution which Stein proposed, or some variant thereof, which has re-emerged in and underlain every German political science orientation, in the sense of our definition, to this day. It has been an orientation which has been empirical and liberal but which, as with Stein, has been preoccupied primarily with the question of political nationhood: how this goal could be achieved, before 1871, and how it could be maintained, after that date. The significance of this priority of the national question, and the way it was defined, for the formulation and study of political problems in Germany, will be pointed up throughout the following chapters.

The second episode in pre-imperial German history which, together with the appraisal and program of Stein and his associates, furnished the core of what might have become an empirical German study of politics in the service of universal values and applied as a national resource, as defined in our introduction, was the liberal movement among German intellectuals between 1815 and 1849. Although the Holy Alliance had firmly re-established dynastic authority and particularism throughout Germany, German universities succeeded

in maintaining a considerable degree of autonomy, and it was here that there developed an unprecedented and, for Germany, never surpassed sense of political mission, inspired by the values of German humanism and working for their application in the form of constitutionalism after the example of French ideas and experience. The general orientation of this movement had been well expressed by the historian Dahlmann in a speech celebrating the victory of Waterloo:

Peace and happiness can no longer return securely to this earth until, as wars have been fought and won by the people, times of peace also see the participation and victory of the people, until the people's opinion is consulted and honored, and until the light of good constitutions outshines the pitiful lamps of the dynastic cabals.<sup>1</sup>

In the decade after 1815 a number of the southern German states had acquired constitutional government, and it was the purpose of the liberal German academics and intellectuals, of men such as the two Rottecks, Welcker, Friedrich Gagern, Jacob Grimm, Stockmar, Rümelin, Robert Mohl and others, further to liberalize this constitutionalism, to extend its adoption throughout Germany, and to defend it against encroachments on the part of the unreconciled dynasts.

In addition to, or rather, inseparably joined with this sincere effort to broaden the rights and the power of the German citizenry, was the desire to bring about the unification

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1. Hugo Preuss, Das deutsche Volk und die Politik, Jena, E. Diederichs, 1915, p. 107.

of Germany, a desire which deeply moved every last man among the German liberals. Indeed, an empirical examination of the situation made the liberal and national motives seem even rationally linked. As long as the local dynast watched over and dominated his subjects, there was little chance of thoroughgoing reforms; and as long as there were no far-reaching reforms, the local dynast, in his self-interest a strong advocate of particularism, would do his utmost to suppress and frustrate the movement for national unification.

Throughout the 1840's it became increasingly clear that there were only two possible ways out of the dilemma: either a simultaneous popular revolt in all of the German states would have to dethrone the dynasts or force constitutionalism and participation in nationhood upon them, or one of the largest states would have to be won over to the two objectives and induced to take the initiative in securing the realization of both in the remainder of German society. The former possible solution seemed out of the question, firstly, because of the political passiveness and division among the German peoples, and secondly, because the majority of the liberal academics, hardly less than the conservatives, feared the extreme radicalism of the liberal left and wanted nothing more than a restricted, middle class suffrage and a national, constitutional monarchy. Consequently, it was the second alternative to which the German liberals increasingly gravitated. And the



state which they chose to pin their hopes upon was Prussia, the largest of the German states and the only one with the military power that would probably be necessary for the national consolidation.

The realization of the liberals' two objectives through Prussian initiative, however, was made the more difficult because Prussia possessed the most firmly entrenched authoritarian regime in all of Germany and because the Prussian king and his landed aristocracy felt no inclination for taking the lead in national unification. Nevertheless, the German liberal intellectuals dedicated themselves to the great task of exerting pressure upon and winning over the Prussian authorities, confident that only thus could the goal of a constitutional German national state be achieved. Even when, in 1848, popular uprisings occurred in various parts of Germany, inspired by the desire for liberal reforms and by the example of a revolt against the monarchy in Paris, the German liberals did not swerve from the course they had decided upon in order to lead and organize the spontaneous civic protest. Instead, they gathered in Frankfurt's Paulskirche to draft a German national constitution. After much theorizing, debate and disagreement, occupying many months of heated discussion, a document acceptable to all the parties to the convention was decided upon. By a vote of 290 to 248 the distinguished representatives of liberalism from all the

German states voted to offer the crown of a constitutional Germany to Frederick William IV of Prussia, and thereby to begin the realization of their liberal and national goals. Had the Prussian king accepted, it is safe to say, the fate of German society since that time would have been a very different one. But, fully aware of the lack of determined and active popular support for the liberals' summons, he did not. The crown which a Hohenzollern could accept, he replied, was not a crown created by a revolutionary assembly. If the ancient crown of the German nation, he added, which for forty-two years had lain idle, was to be conferred upon anyone, it ought to have been conferred by himself and his equals, the other princes. And therewith, with one blow, followed by a period of suppression and deep general discouragement among the German liberal intellectuals; the one great German attempt nationally to create a state which, at least in principle, would have been a responsible people's state, was shattered.

Both despite and because of this political failure the work of the liberal German intellectuals of the 1830's and 1840's constitutes an episode of the first importance for the future formulation and study of political problems in German society. In the first place, there were written in these years the first empirically oriented treatises on politics to appear in Germany, either as studies in Staatswissenschaft (the science of the state) or as politics. One of the

better known of these works was Dahlmann's Politics, on the Basis of the Foundation and Measure of Things as They are, first published in 1835. And while these works were not widely read in later periods, they provided an always available inspiration and challenge to those scholars, few though they were in number, who were interested in developing a science of politics in the sense of our definition. Secondly, even more important than the literature of the period, was the example which the liberal episode offered, of men attempting rationally and soberly to think through the great problems of life and politics and to work for their solution according to their convictions. In view of the future history of the German Empire, it was most important that there was at least one such episode in the German past to which politically sensitive Germans and liberals could look for a precedent.

Unfortunately, however, it was a precedent which stood in the shadow of failure, of a failure of the most liberal-minded, conscientious and erudite men in Germany to achieve belatedly what had long since been come to be taken for granted in other western European countries with German society's intellectual, military and commercial capabilities. And where the political action of the German peoples and the strategy of the German liberals had failed, the policy of Blut und Eisen of the Prussian Junker succeeded. Instead of a responsible, national, constitutional monarchy, German

society, having achieved nationhood, received an authoritarian system which rested upon exploitation of the Germans' gratitude for the achievement of national status and upon their lack of political self-confidence, upon suppression and upon carefully manipulated social and economic concessions. As liberalism in Germany was not dead, but henceforth committed to essentially non-political types of expression, so the empirical study of government and society, though not extinguished by any means, was largely restricted to legal systematization, the study of special and largely technical problems in administration, and the objective study of social phenomena. The evaluation of the over-all operation of the state, its foundations, and the premises upon which it rested, both from the point of view of its capacity to survive politically, and of its effectiveness in realizing universal values, almost vanished from the German scene for nearly half a century.

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In 1871 the study of politics in Germany no longer lacked subject matter. Indeed, seldom has there been a situation in which greater challenges confronted the student of politics. A new nation had been created and was taking its place in the delicate international balance of power. A new role was involved, a role without traditions, a role for which neither German statesmen, nor intellectuals, nor the

various classes among the German people had had the opportunity to prepare. In order to define that role and to prepare for its rational carrying out, the new nation's international context and its internal organization required intensive and constant study. The traditional values of German society vis-à-vis those of other lands, the reaction of the remainder of the world to the achievement of German national status, the operation of world politics generally, the adaptation of the Prussian monarchy, its military and its officialdom to the task of effective national organization and leadership, the question of political education for the German people, the problem of politically coping with the impact of industrialization upon the traditional order - these were only a few of the issues which now needed formulation and study and which challenged the German student of politics.

The response, however, was not forthcoming. After the failure of the liberal political campaign of 1848 and 1849, and with the assumption of the initiative for unification by Bismarck, and his series of well-managed and successful diplomatic and military coups, the liberal students of politics, among whom alone, political reflection and study in the sense of our definition would have been possible, either turned away from political matters altogether, or adopted an attitude of "what's the use!" And since Bismarck's policy represented

the realization of the national goal which they all fervently shared, they accepted the system, despite considerable initial resistance, and set about to service it as experts and, at least socially and economically, to liberalize it as much as the authoritarian framework would permit. It is in this manner that, by 1871, the study of politics in Germany had disintegrated into a number of academically separated and essentially technical disciplines in the service of the imperial status quo. The foundations of that status quo itself were no longer questioned or evaluated.

Since the days of Aristotle's Politics, political science, whatever its precise name may have been in particular periods and situations, has been a synthesis of the more specialized disciplines of philosophy, ethics, law, economics, sociology, psychology, geography and the empirical investigation of problems of government. It lies in the nature of the subject matter that it could not be otherwise. Nor should contemporary efforts methodologically to group, to subject to intensive specialized analysis, and theoretically to interrelate the various human and non-human factors involved in the behavior of individuals and groups be understood as implying a denial of the reality of this synthesis. On the contrary, the purpose of such social science specialization is merely to gain a more accurate and reliable knowledge and weighting of the factors involved, so that the implementation of the values in the synthesis of political action may

be more effective and successful.

It was quite different, however, with the specialization of social and political studies in Imperial Germany. Not only was there no level where the work of the various disciplines was subjected to coordination and synthesis, but the experts in each field explicitly denied the need for such a synthesis. In fact, it was considered absolutely essential for the "scientific" quality of a particular study, that it avoid all reference to outside factors involved in a political science synthesis and limit itself to strictly specialized concentration.

The first discipline, which properly forms one element in a political science synthesis, which turned its back, as it were, upon questions of politics, was the study of society. It had been Hegel who, in order to distinguish between the areas of freedom and private living and those of supervision by government, had first suggested the conceptual division of state and society. In the years after 1848, men such as Lorenz von Stein, Riehl and von Mohl, accepting this distinction and convinced that the political foundations of the German state would be beyond questioning, turned to the scientific examination of societal phenomena, as distinguished from the state and conceived in a strictly non-political sense. Ultimately, however, like nearly all the students of the state and society in Imperial Germany, their work was

inspired by the double hope, firstly, of contributing to what they held would be the more stable and successful operation of the status quo, and secondly, of infusing that status quo with the humanistic values which, though they had failed of realization politically, might still somehow be rescued. Of this general orientation, Reinhard Bendix, in his excellent study of the early development of German sociology, has written:

The demand that society be made a subject of scientific inquiry arose... in conscious opposition to socialism. As such it was an attempt to solve the problems which this radical approach had brought to light on the basis of a scientifically acquired knowledge concerning social problems... Robert von Mohl viewed the new science of society specifically in its indirect function for the conscious direction of human society, and since this direction was at the time in the hands of the state, the problem could be solved only through state intervention...

Stein had designated it as the function of the new science of society to give recognition to the human personality in the analysis of the economy and the state and to discover the social laws governing society... Thus the traditional concern of German classical philosophy... with the individual personality was assured: the state itself was made the guarantor. And although it may appear to us in the light of recent developments as a case of unparalleled blindness, it would be a misunderstanding both of Stein and the academic socialists who followed him to disregard or discount their concern with the welfare and freedom of the individual. In this respect they stood in the tradition of German classical philosophy watered down though it was by their attempts to combine it with the interest of empirical social science and the opposition of the middle classes to the rising labor movement.<sup>1</sup>

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1. Reinhard Bendix, "The Rise and Acceptance of German Sociology" (unpublished M.A. thesis, Dept. of Sociology, University of Chicago, 1943) pp. 141, 175, 213.



The subordination of this science of society to a status quo in which there was no possibility of participating in basic political and social decision-making, and no point in formulating and adducing one's research in regard to such fundamental problems, brought about two general results - the one contributing substantially to the future development of an empirical social science, the other seriously inhibiting the building of an effective science of politics for the times. To quote once more from Reinhard Bendix:

... the decision from formulating political programs in connection with the discussion of and empirical research in social problems was a decided step forward towards a more scientific approach, and at the same time it was a first step towards the elimination of social problems from social science research... and in the sense in which this removal facilitated a stricter separation of value judgments from empirical research it may be said that German sociology owes its development... to this governmental settlement of social issues.

On the other hand,

... the scientist could only hope that his actions as a non-scientific political individual would bring about political conditions which would render it possible for him as a non-evaluating man of research to serve a function in social action.<sup>1</sup>

But since, by the nature of the imperial German political system, even the non-scientific political individual could not and did not seem inclined to evaluate the premises

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1. Ibid., p. 241.

and the over-all operation of the German political and social order, the strictly observed evasion of politically relevant questions in the area of social study was a severe loss to the study of politics as a social science and a national resource in the sense of our definition. It is true, of course, that in the long run German social science stood to gain appreciably from this type of value-free research and theory, but it was not until well on in the 1930's that the methodology and theory of German sociology, integrated with work being done in other fields, was finally focused upon an appraisal of German society and politics in a truly political science sense. In the meantime, the existence of a Gesellschaftswissenschaft made it all the easier to consign sociological facts to it, and to proclaim the narrowest possible area of technical specialization for the various Staatswissenschaften.

First in academic prestige among those who practised the specialized Staatswissenschaften, and first in their influence upon German intellectuals' conception of the imperial order, were the Staatsrechtslehrer, who dedicated themselves exclusively to the task of interpreting the constitution and defining and theoretically systematizing the legal relationships which were involved in the operation of the new regime. The generally acknowledged father of this imperial German theoretical legal approach was Carl Friedrich von Gerber. As

early as 1865, in the preface to his volume, Grundzüge eines Systems des deutschen Staatsrechts, Gerber had written of the "pressing necessity for the erection of a scientific system in which the individual forms exhibit themselves in the development of a unitary basic idea." Rupert Emerson, in his survey of imperial German jurisprudence, describes Gerber's purpose as follows:

The new jurisprudence was to be a far more rigid one than any that had gone before it. From it were to be excluded all elements that could not be fitted into the concepts of public law in their development from the basic idea. Foreign matter, such as politics or political theory or private law concepts and methods, was to be wholly banned from the new Staatsrechtswissenschaft. The purpose of the new school was to be the conceptual ordering of the valid public law of the particular state... the new school broke with the jurisprudence of the past in order to be able to come closer to existing reality.<sup>1</sup>

Central to this new systematic juristic positivism was the concept of sovereignty, and it is here that the double purpose of the Staatsrechtler emerges most clearly: to provide the new political order with an allegedly non-political, systematized legal foundation, and to conceive of this legal foundation in as liberal a fashion as they held to be compatible with the state's political stability. Under the traditional dynastic absolutisms the monarch had possessed the sovereignty of the state in his own person, and his

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1. Rupert Emerson, State and Sovereignty in Modern Germany, New Haven, Yale University Press, 1928, p. 49.

relationship with his subjects had been essentially a private one. During the 1830's, with the introduction of liberal and constitutional ideas, this relationship and the conception of the location of sovereignty had been changing. Nowhere in Germany had the change progressed so far as to substitute popular sovereignty for that of the dynast, but, on the other hand, neither had the absolute sovereignty of the latter remained intact. The progress achieved had, so to speak, stopped at what, theoretically at least, was a half way mark. Thus, as far back as 1837, during the years of liberal agitation, the jurist Wilhelm Eduard Albrecht had suggested the desirability of establishing the state above the ruler as well as the ruled. To bring this about he had proposed the conception of the state-person in the center of public law. He felt that, in contrast to earlier periods, people were coming to think of the state

... not as an association of men which is designed solely or immediately for the individual interests of those men, be they all or many, or even individuals, notably the ruler, but as a Commonwealth, as an institution, standing above individuals, which is dedicated to ends which are by no means merely the sum of the individual interests of the ruler and his subjects, but constitutes a higher collective interest.<sup>1</sup>

It was this concept of the state-person as "the basic idea" which was taken over and developed by Gerber, Paul

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1. Göttingische gelehrte Anzeigen, 1837, III, pp. 1491-1492.

Laband and the majority of the imperial jurists. The essential characteristic of this state-person, for these jurists, was its power to will and thereby to rule. All that remained to be done, as they saw it, was to deduce what the many concrete relationships involved in the new Empire were legally to be, and how the theoretically absolute power of rulership of the state-person was to be limited. In this process of deduction the Staatsrechtslehrer were inspired by the traditional German conception of the Rechtsstaat (the state according rights), the central idea of which was that the achievements of the state's ends, whatever they might be, were to take place within the forms and limits of law.

Against charges that they were serving as the supporters of authoritarianism, these jurists pointed out that both of their central concepts, the state-person as above not only the ruled but the ruler as well, and the idea of a government of laws rather than of men, were essentially liberal. And, at least in theory, this could not be denied. In effect, however, in view of the fact that the political institutions of the Empire remained in the stage of pure constitutionalism, consisting in the spontaneous gift of a charter by the Crown creating a system of popular representation with a merely critical function and no active part in the government, the state-person concept served only to cloak the authoritarianism of the Prussian Crown with an aura of

lofty neutrality, which made it all the more inaccessible to examinations of the actual distribution and employment of political power. Even into the days of the republic this concept of the state-person, and the mystique of the all-powerful and impersonal state which it implied, tended to divert the Germans' attention from the fact that the operation and decision-making of a nation was very much a political as well as a constitutional matter, and substantially contributed to undermining their political confidence and their sense of personal responsibility for participating in and scrutinizing the decisions that were made in the state's name.

As with the theory of the state-person, so with the concept of the Rechtsstaat. As Ruggiero has written,

... the drawing of this legal circle around individuals and social groups, in which the Rechtsstaat consists, depends essentially upon a political view of the state. A state may be a legalized system of oppression; a governing class like the German landed aristocracy may practise self-government to the detriment of the other classes; and then what becomes of guaranteed rights? They are inseparably connected, though not identical, with the political ideas inspiring the revolutionary declarations of the rights of man, and may be systematized by a complex legal organism, but cannot be created out of nothing. The mistake of German legal science is that, wishing to make rights an autonomous reality, it makes them an abstraction, something unreal: the true reality of right lies in its connection with all the activities of a nation's historical life. Hence the "State of Rights"... taken by itself,

is only an empty form.<sup>1</sup>

The conception of the imperial German state as a Rechtsstaat, therefore, did not alter its politically authoritarian nature and, as with the theory of the state-person, supported the uncritical acceptance of the status quo, undermining the effectiveness of such politically liberal forces as remained in Germany, and diverting such political awareness as existed, from an examination of the structure and decision-making process of the state to a contemplation and systematization of legal concepts. Discussing the inadequacy, from the point of view of empirical political study, of this exclusive preoccupation with legal constructions, the German jurist Triepel wrote in 1927,

Hardly a single one of us older men did not begin, at least, in the captivity of the Gerber-Laband school... The interest of this school in public law problems is wholly confined to the analysis of public law relationships through the determination of their "juristic nature," to which the legal relationships can be subordinated, and to the development of deductions which may be drawn from the general legal concepts. Such an analysis amounts to nothing more than the manipulation of the logical elements of which the concept of a legal institute is composed. Every teleological consideration is tabooed, since the purpose which a legal institute is to serve is irrelevant to its existence as a concept. All political considerations, therefore, since they involve purpose, must be ignored...

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1. Guido de Ruggiero, The History of European Liberalism (tr. by R.G. Collingwood), London, Oxford University press, 1927, p. 257.

The admirable sophistication which is revealed in the writings of the Gerber-Laband school will astound future generations, but they will think more skeptically about the relationship between effort expended and results achieved than did the contemporaries... As late as 1913 Anschütz, Gerhart Anschütz, one of the best known German jurists, refused to recognize Prussian hegemony in Germany from a juristic point of view, even though he conceded that it was an historical and political fact. From the position of the juristic school this was quite consistent, since it had not found a way of fitting in the fact of this hegemony as a legal concept.<sup>1</sup>

The second outstanding group of specialists who arose in response to one set of problems which might properly have been part of the domain of an active, synthetic political science, were the students of Sozialpolitik. Carrying on their research, for the most part, as professors of economics and administration, and publishing their findings as members of the famous Verein für Sozialpolitik, these Staatswissenschaftler were concerned primarily with the impact of industrialization upon the existing structure of society and with economic and social legislation which would help cope with the changed situation. By the implication of their research selection and the general orientation of their work, these scholars, even more clearly than the Staatsrechtslehrer and the students of Gesellschaft, with whom they were closely allied, occupied a paradoxical, simultaneously conservative and liberal position.

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1. Heinrich Triepel, Staatsrecht und Politik, Berlin, W. de Gruyter, 1927, pp. 8-11.



On the one hand, as members of the Verein für Sozialpolitik, these Sozialpolitiker seemed to constitute German counterparts of the British Fabians. Indeed, the Verein had been founded more than a decade prior to the establishment of the Fabian Society, and the social and economic ideals of the two groups were very similar. On the other hand, however, operating within an authoritarian framework to which, at least until World War I, they accorded implicit loyalty, the Sozialpolitiker differed from the Fabians in one basic respect. The ultimate purpose of the Fabians' elucidation of social problems was to provide intellectual leadership and a specific program of reform for a labor movement which would, by its own political power, be able to remedy the injustices upon which the Fabian researches had thrown light. The Sozialpolitiker, in contrast, were dedicated to serving a regime which considered it a first principle that the numerically strong German workers' party should be excluded from political power both by suppression and, to the extent that it was compatible with the interests and wishes of the other German social and economic groups, by concessions. This principle the Sozialpolitiker could not, or would not, question. Thus, while they were inspired by similar social and economic ideals for the laboring classes as those of the Fabians, they accepted the authoritarian state-person and sought to contribute to social reform, not by examining the political foundations of the imperial order and promoting democratic,

working-class political action, but by revealing problems and suggesting administrative measures which, by helping to meet the demands of labor, would strengthen the authoritarian system.

For a convincing testimony both to the sincerely humanitarian motives of the Sozialpolitiker and to their non-political (and therefore, given the imperial framework) conservative intent, we can do no better than to read the following survey of their own conception of their work, written in retrospect by Gustav Schmoller, the man who played the largest part in convening their Verein für Sozialpolitik.

In the first days of October 1872 a number of men of all parties gathered in Eisenach for a conference on the important social questions of the day - factory legislation, trade unionism and the housing problem. It was from this meeting that our society developed. One can consider the years from 1862 to 1875 as comprising undoubtedly the most important epoch of the entire century for our country. The German Empire had been established; for the first time the German economy was operating on a scale so as to win recognition by those of Western Europe; a new social structure was resulting from the tremendous technical and economic advances; new social problems were demanding attention; the modern working classes were becoming aware of themselves. New legislation was being written at a rapid rate, but the German was still hounded by the narrow-minded, individualistic provincial prejudices and traditions of times past. New ideals and new arrangements and institutions had to be developed.

One expression of this ferment was the formation of the Verein für Sozialpolitik. Its members took their stand between those elements, on the one hand, which had grown out of the Radicalism and the Republicanism of the Forties and Fifties and inclined to the destruction of the whole existing order, and those, on the other, which optimistically and complacently tried to deny the working class problem and

saw the solution to all our problems in free competition. They were thinkers, politicians, business men, journalists, philanthropists and economists who were free of class interests or attachment to exotic economic theories and who believed in the possibility of social as well as political progress. They were determined to work for such social progress by helping to build the necessary reforms into the order which already existed.

The Verein always comprised only a small group of men; they never intended to build a parliamentary nor any other kind of party, nor was it their purpose to serve any party or class interest in particular... The job to which they dedicated themselves was solely to enlighten, to reveal the facts; their speeches, writings, discussions and publications were intended merely to bring to all parties and classes a better knowledge of the social situation and to pave the way for justified practicable reforms... We never desired basically to alter the economy or to suggest a blueprint for some future social order... We wanted to stand outside the social classes and their class interests as honest critics of both capital and labor... We felt confident that from the fermenting struggle of the times there would issue a new and higher social harmony.<sup>1</sup>

In other words, in spite of their admirable concern for social reforms and the high caliber of their research, the students of Sozialpolitik, like the erudite Staatsrechtslehrer, were essentially non-political specialists. The work of both, it must be admitted, was invaluable to the operation of the Empire - the systematization and interpretation of the law and the formulation and analysis of social and economic

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1. Gustav Schmoller, "Sinn und Wert des unparteiischen Studiums der sozialen Frage," Zwanzig Jahre deutscher Politik (1897-1917), Berlin, Duncker & Humblot, 1920, pp. 23-25.

problems preparatory to legislation were jobs that had to be done. But this still did not constitute political science.

German society, having at long last achieved nationhood, possessed probably the most erudite legal and social scientists in the world. What it needed most of all, however, as a retrospective consideration of the erratic, irresponsible and fateful domestic and international decision-making of its highest authorities demonstrates, was a broad, synthetic political study, dedicated to the task of empirically evaluating the nation's structure and operation, and assessing its strengths and weaknesses. But this it did not have.

The German ship of state, ponderous, well stocked with provisions, ammunition and fuel, and beset with colorful pennants, was steaming full speed ahead, on what for the most part were uncharted and unsounded seas. The man at the helm, his job and authority acquired through heredity, and supported by an imposing myth, relied upon traditional wisdom, intuition, and the advice of people whom he liked. The pattern of authority was well worked out - at least in theory; the stokers knew their business, and the rank and file of the crew - to the extent that it had the time and inclination to think about the situation

at all, hoped for the best.<sup>1</sup>

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1. The Germans' lack of control and scrutiny over the decision-making which was to determine their political and military fate as individuals and as subjects of the Empire, and their simultaneously foreboding, yet almost cheerful resignation to this fate, has for a long time seemed to me, at least in retrospect, to be symbolized by the first stanza of an old German folksong:

Morgenrot! Morgenrot!  
Leuchtest mir zum frühen Tod?  
Bald wird die Trompete blasen,  
Dann muss ich mein Leben lassen,  
Ich und mancher Kamerad!

(Wilhelm Hauff, "Reiters Morgengesang," 1824)

## Chapter II

### The Imperial Political and Social Situation

Having thus briefly outlined the condition of political study in Imperial Germany, we must now turn to a survey of the situation of which, we hope to demonstrate, this peculiarly specialized and technical scholarship, with its lack of political evaluation, was an expression. For purposes of exposition and analysis, we shall distinguish three aspects of this situation: the manner in which the German Empire had been founded, the political and social structure of that Empire, and the orientation of German intellectuals to the imperial order and to matters of politics in general.

The failure of the German liberals in 1848 to create a national, constitutional monarchy had ended all chances of a Germany achieved by negotiation and democratic, political compromise. The Empire which was proclaimed in 1871 was a dictatorship imposed on conflicting forces, not an agreement between them. The initiative for the formation of this dictatorship, the ruthless resourcefulness for its establishment, and the manipulation and statesmanship which made its operation possible, came from the Prussian Junker, Otto von Bismarck. While the king of Prussia still held firmly to the stand he had taken against unification in 1848, Bismarck, in a letter written in 1861 to the Prussian Minister for War,

had concluded that, "Only by a reversal in our foreign policy can we, it seems to me, free the Crown from the pressure which it will otherwise certainly not be able to withstand."<sup>1</sup> Within a decade, by meeting the liberals' demands for unification, administrative reforms and constitutionalism, by conciliating the radicals and laboring classes with promises of universal suffrage, and by protecting the interests of the Junkers and keeping the political initiative for himself on behalf of the Prussian crown, he not only protected that crown's authoritarian position in Prussia, but extended its power over all of German society except the Austrian part. And he did this with the acquiescence, if not the acclamation, of nearly all of the German peoples involved.

In the Prussian parliament, established as a result of the liberal agitation of the 1840's, the pressure of which Bismarck had taken note in his letter to Roon, was already so strong that the very first step in the preparations for his scheme of unification, seemed for a time to be in danger of being blocked by it. In order to enlarge and re-equip the Prussian army, preparatory to launching the war which he had decided would be necessary to eliminate Austrian power and influence in German affairs, Bismarck had, in 1862 and 1863,

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1. Hermann Heller, op. cit., p. 34.

introduced a military budget which the Prussian parliament, dominated by the recently established Progressive party, refused to pass. On both occasions he dissolved the lower house and proceeded with the planned reorganization without the constitutional parliamentary sanction. Three years later, when the expected war with Austria had ended in a quick Prussian victory, the more moderate liberals broke away from the Progressive party to form a new, National Liberal party, and on September 3, 1866, the Prussian parliament gave Bismarck, by 230 votes to 75, an indemnity for the unconstitutional collection of taxes. The Prussian liberals had succumbed to Bismarck's program and to his success, and had thereby abdicated their constitutional political power. Of this event the historian, A.J.F. Taylor, has written:

The vote of September 3rd was as decisive a landmark in the history of Germany as was the Bill of Rights in the history of England... In each case the struggle between crown and parliament reached its term; but in Prussia it was the crown which won. German liberalism, as expressed in the Frankfurt assembly of 1849, had never fought a real enemy and therefore had no prospect of real success. Prussian liberalism had been fighting a real battle, however feebly, and would have won a real victory, if Bismarck had once lost his grasp on affairs. After September 3rd liberalism was dead in Prussia. The Prussian crown was a military monarchy and needed a parliament only to consent to its expenditure for military purposes; yet the liberals agreed that the king had done right to raise money for the army without the agreement of parliament. The liberals did not sacrifice their principles from fear or for material gain; they were bewitched by success, and success was the condition on which the Hohenzollern monarchy retained its power. The capitalist middle classes ceased on September 3rd to demand control of



the state; they accepted Junker rule and confined their liberalism to hoping that this rule would be exercised in a liberal spirit - "liberal administration," not liberal government, became their aim.<sup>1</sup>

Having become authoritarian master in his own ancestral house, Bismarck had now only to win the politically expelled from acquiescence to positive support. With the formation of the North German Federation in 1867, he began granting reforms at a more rapid rate than even France experienced during the great revolution. Almost at one stroke, Germany was given uniform legal procedures, uniform coinage, uniformity of administration; all restrictions on freedom of enterprise and freedom of movement were removed, and limited companies and trade combinations allowed. And in 1871 these same reforms were immediately extended to the remainder of what had become the Empire, the lands south of the Main. It is not surprizing that in the face of such a revolution the liberals did not challenge Bismarck's possession of political power: he was carrying out their program far more quickly than they could ever hope to achieve it themselves.

By 1867, therefore, the foundation of the Bismarckian order had been laid: the coalition between the liberals, who had renounced political power for the realization of their nationalist, economic and administrative objectives, and the

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1. A.J.F. Taylor, The Course of German History, New York, Coward-McCann, 1946, pp. 109-110.

Prussian agrarian conservatives, who had accepted unification and concessions to the liberals in return for the safeguarding of their own economic, political and military position. Junker Prussia was leagued with middle-class Germany, with military power and highest prestige belonging to the former, economic power to the latter, and political power firmly in the hands of Bismarck, in the name of the new Prussian-German monarchy.

After the successful war with France, conceived with the double purpose of eliminating Napoleon III's influence in western and southern German affairs, and of intensifying the sense of national belonging by a common struggle against a traditional foe,<sup>1</sup> Bismarck hastened to the completion of the edifice he had begun in the early 1860's. The first problem was formally to bring the various German dynasties into the union on what, for Bismarck, were the most advantageous terms. The states south of the Main, Bavaria in particular, put on a brave appearance of independence and bargained obstinately before they accepted the Reich in 1871. But their resistance was an empty one: they had owed their existence to the protection of Austria and of France, and since this protection had ceased, they were at Bismarck's

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1. Bismarck had concluded, in 1868, that: "A more extensive union of the majority of the Germans could only be obtained by force - or else if common danger should arouse them to fury." Quoted in E. Ludwig, Bismarck, London, 1927, p. 319.

mercy. He could have annexed them in 1866, but their survival suited his purpose:

Their abolition would have put Bismarck too much in the hands of the radical nationalists and would have left the king of Prussia in undesired isolation. The sham existence of these kings and princes helped to cloak the very real existence of the Prussian monarchy and of Prussian military power. Bismarck played off the states against the Reichstag... and the kings and princes kept their titles in return for acting as Prussia's agents in the government of Germany, much as they had acted as Napoleon's at the beginning of the century.<sup>1</sup>

The only other powerful, organized section of German society which had to be attached to the new system was the German labor movement. One of the advantages for which the liberals, the agrarian conservatives and the German dynastic interests had surrendered their political power, had been the tacit assurance that the quest for economic gains and political power by this labor movement would be effectively checked. In the hope of discharging this obligation, but at the same time, of using labor to strengthen his order by keeping it available as a counterforce to the other blocks in his coalition, Bismarck had, as early as 1863, contacted the founder and leader of the General German Workers' Association, Ferdinand Lassalle.

Lassalle, like Bismarck - though for different reasons, feared the Prussian liberals. As E.H. Carr has written, "He

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1. Taylor, op. cit., p. 117.

was one of the first protagonists and instruments of a historical process which has not yet fully worked itself out - the alliance between socialism and nationalism."<sup>1</sup> Lassalle had come more and more to regard the state as the potential instrument through which the wrongs of the workers could be redressed and the aims of socialism attained. He therefore attacked the bourgeois state not, as Marx, because it was strong and oppressive, but because it was weak and futile from the workers' point of view. It was Lassalle who, in a speech of 1862, coined the famous phrase of the "night-watchman state": "Thus the middle class conceives the moral object of the state. This object consists simply and solely in securing the personal freedom of the individual and his property. This is the night-watchman theory, for this conception can regard the state only under the form of a night-watchman whose duties are confined to preventing burglary and theft."<sup>2</sup>

Although Lassalle's program of embracing the power of the state and seeking to employ it for the economic and social advantages of the working classes was later officially repudiated by the German labor movement, the tradition of opportunistic bargaining for concessions which he established became, in the long run, the characteristic German working-class

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1. E.H. Carr, Studies in Revolution, London, Macmillan, 1950, p. 78.
  2. Ibid., p. 80.

adjustment to the authoritarian state. This type of adjustment was promoted considerably by Bismarck's actions according to the lesson he had learned from Lassalle. Because the Reichstag of 1871 was based upon universal suffrage, the German working classes were not forced to submit to (and did not enjoy the long-run political advantages of) several generations of restless, but politically disciplining, educating and integrating alliance as junior partners of the middle-class parties, as was the case in Great Britain. The suffrage had been given, not won, at one stroke. And at one stroke, the German workers took their place in politics; from the beginning they were on their own.

Moreover, having allowed them to develop as a counterbalance to the liberals, Bismarck proceeded to grant the German workers a system of social security which gave to them too a stake in the new imperial order, a stake which included measures for which it was to take labor parties in other countries years of political educating, organizing and fighting. It is true that Bismarck always considered the labor movement a subversive element in the state, and that, between 1878 and 1890, he even believed it necessary to declare it illegal. Social security had not achieved its immediate aim; it had not arrested the growth of the Social Democratic party. But, as Taylor has pointed out,

In a more profound sense it was successful; it made the German workers value security more than

liberty and to look to the state rather than to their own resources for any improvement in their condition. The German workers came to feel that they too were receiving protection and that the Reich was, in some sort, doing their work for them - the very feeling that had been earlier the ruin of German liberalism. If social security had been won by political struggle, it would have strengthened the confidence of the working-class movement to make political claims; as it was, the workers seemed to have received social security as the price of political subservience...<sup>1</sup>

Thus, by playing upon their national orientation and granting them substantial concessions, Bismarck had succeeded in committing the liberals and labor to the renunciation of responsibility for their own or the nation's political decision-making, and to subordinating themselves to the authoritarian, Prussian-dominated state. Moreover, this authoritarian state, as all the parties to it realized full well, could only exist if each group refrained from asserting its political power and continued dutifully to honor the state-person's position, as represented by Bismarck. Except for the general pride in German national status, there was no common ground upon which the various forces in German society could have met and democratically compromised. In a very real sense, the imperial order was a truce which was able to exist because, in the short run, it seemed to everyone's advantage.

Nor did the imperial constitution provide political

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1. Taylor, op. cit., p. 130.

channels through which there could have developed true political rapprochement and national vision and responsibility. The Chancellor, and through him the secretaries whom he appointed, were responsible to the popularly elected Reichstag only in budget matters. In all other regards their responsibility was theoretically to the upper house, the Federal Council, or Bundesrat, composed of representatives of the states, which in fact, however, was a completely rubber-stamp authority. And since the Reichstag could not initiate legislation, nor compel the resignation of the Chancellor, the civil government in Germany was, in effect, in the hands of the Chancellor alone, with parliament having merely an advisory capacity. "The fate of Germany was determined by the King-Emperor's absolute will, influenced after Bismarck's time by bad advice or by none at all."<sup>1</sup>

The study of the process by which the German Empire was founded, and the political arrangements upon which it rested, suggests a corollary of the old proverb about success: that nothing fails like failure. For centuries the inhabitants of the numerous German principalities had submitted to dynastic absolutism in return for efficient government, had oriented their civic lives to the rigid dynastic class structures and

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1. Ibid., p. 119. See also the excellent essay by Hugo Preuss, "Die Organisation der Reichsregierung und die Parteien," in Staat, Recht und Freiheit, Tübingen, Mohr, 1926, pp. 172-200.

the feudal, dynastic symbols of prestige, and, convinced that government was something to be conducted by those traditionally vested with the task and expertly equipped, had become accustomed to turning for their self-expression to the private spheres of business, humanistic philosophizing or the arts. Because of the particularism which divided them politically, and because of their lack of political participation, the Germans had failed to win popular sovereignty and national unification. And because they had failed in this political struggle, and lacked any traditional or revolutionary, politically oriented set of principles which might, at least temporarily, have bound them in a united front, they turned for the achievement of their nation to the political subservience to dynastic management with which they were so familiar. And, to generalize further, because they renounced their political responsibility, the nation which was built by Bismarck was never able (or forced) to achieve stable, democratic, political and social integration. As Taylor has written, "Political parties became inevitably interest groups, solely concerned to win concessions from the state, but never supposing that they might have to act responsibly themselves."<sup>1</sup> As a result, the survival of the German Empire, as had its establishment, depended upon continued subordination to the

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1. Taylor, op. cit., p. 110.



irresponsible decision-making and the authoritarian mystique of the state-person, representing, in effect, the Prussian-German Kaiser and his personally chosen advisers.

When to this series of circumstances is added the fact that, in the short run at least, the new order seemed to bring unprecedented economic and industrial development and prosperity, it becomes understandable that the intelligence of Germany either turned away from politics altogether, and sought its fulfillment in commerce, industry and the arts, or, if it had an interest in public affairs, found it desirable, either from lack of political motivation or from a sense of the innate instability of the system, to accept the status quo, to serve it as experts, and to avoid all evaluation of its strengths and weaknesses. It is surely not overrating the importance of political science to say that this absence of the formulation and analysis of fundamental political problems was, in its turn, one of the cardinal factors which promoted and contributed to the tolerating of the high-handed, politically uninformed and irresponsible policies by which the German people were led into World War I and to the destruction of the Empire for which they had sacrificed their political participation in the first place. As Arthur Rosenberg has written:

The intellectual capitulation of the middle class before William I and Bismarck could perhaps be justified; but before William II and Bülow it was an absurdity. The obvious result of such a feeling of

inferiority in comparison with the government was that, on the occurrence of a serious crisis, the middle class simply looked dumbly to the government and waited for it to act. If the government failed it, the middle class was incapable of acting on its own initiative. After 1890 Bismarck was made furious by the subsmissiveness displayed by the populace towards William II, with the exception of the Social Democrats who were opposed in principle to the Bismarckian Empire, and by the lack of any serious opposition to the government. Yet Bismarck himself must have admitted that this deplorable condition was the result of his own political education of the German middle class.<sup>1</sup>

Of the social situation which produced this fateful absence of political participation and leadership, Adolf Grabowsky, one of Weimar Germany's few outstanding political scientists, wrote in 1932:

Sociologically speaking, the over-all picture was something like this: in front, a precariously propped up façade of wealthy rooms behind which was the substantial section occupied by the bourgeoisie. Further back was the massive and not badly furnished quarters of the working class - separated from the front two sections of the house, however, by a deep moat. The feudal façade was draped with military emblems which made an ominous impression on those who passed by, especially since someone standing on a balcony of the first floor kept shouting and pointing to the displayed decorations. But those who lived inside the house didn't take the terrifying ornaments very seriously. In the house people went about their affairs in a very business-like manner and didn't worry much about what was going on outside... The German structure appeared to the world as a terrible fortress and yet in fact was much more a large-scale bourgeois enterprise... It is true that the military continued to be the highest social class. It

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1. Arthur Rosenberg, The Birth of the German Republic, 1871-1918 (tr. by Ian F.D. Morrow), New York, Oxford university press, 1931, p. 20.

It was for this general reason that the military mind was continually able to interfere in the civilian life and in politics. This is what constituted the essence of the much-discussed Prussian militarism. It was not a question of military power, for many other nations too had such military power; what was uniquely characteristic of Germany, however, was this haphazard blending of civilian and military life or, as it was called loosely, the crowning of the top hat by the spiked helmet. But this again should not be exaggerated... in many ways the military strata were becoming a mere appendage of the increasingly powerful bourgeoisie, an appendage, however, which the bourgeoisie with their feelings of social inferiority considered an indispensable adornment...

What was this Germany? By no means a unified nation... rather, a very precarious structure; a nation whose ideological superstructure - to use a Marxist phrase - did not fit with its economic foundations. It did not fit in two crucial, specific aspects. In the first place, the economic supremacy of the bourgeoisie was incompatible with the social preeminence and influence of the disintegrating feudal strata and, in the second place, the existence of a reasonably prosperous proletariat which had recognized itself as such was incompatible with the policy of excluding its representatives from all key positions, especially as was the case in Prussia under the three-class suffrage system...

This double disharmony in the social structure of William II's time prevented the development of any statesman-like leadership... an anachronistic stratum such as the feudal elements in the Imperial era could not offer any progressive leadership... But precisely because feudalism was deferred to and because it was therefore shown that the actually ruling bourgeoisie had psychologically not yet matured, the bourgeoisie too was unable to become the bearer of progressive development. And as far as the masses were concerned, these had been driven much too far into embittered opposition to be in a mood to concern themselves with *raison d'état* and the over-all operation of the nation. They could produce opposition leaders but not men who could encompass and represent the whole people... In constellations such as this... it is sometimes possible for certain capable, far-sighted people to

catapult themselves into positions of leadership; but this possibility had been blocked by Bismarck's policy of discouraging the development or training of any statesman-like political successors... As our economic situation became more prosperous, our political situation became worse... The majority of Germans thought only of business. Yes, one can say that we perished not because we practised politics too much, but because we understood and practised it too little, because we had nothing to match the politics and the statesmanship of the others...<sup>1</sup>

Of the significance of the imperial balance of political forces for an understanding of the strictly juristic, public law science of the Staatsrechtslehrer, Carl Schmitt, another German student of politics of the Weimar period, has written:

Today we are able to see through this so-called juristic purity. We know that it can in itself be a piece of political strategy to pose as unpolitical oneself and to call the opponent politically partisan... On the basis of an actually or seemingly stable international or national political status quo, it is easy for a jurisprudence to develop, the sense and purpose of which is to legitimize that very status quo... A second reason for the supremacy of a single theory and approach may be that one tries therewith to avoid the raising of difficult basic issues and instead copes with the daily problems of law and administration for which simple formulas may suffice... In pre-war (I) Germany the reigning Staatsrechtslehre, the supposedly purely juristic method of Laband, combined both of these - the legitimation of the governmental status quo and the evasion of political difficulties... Psychologically one may try to explain the success of this type of jurisprudence by the sense of

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1. Adolf Grabowsky, Politik, Berlin, Spaeth & Linde, 1932, pp. 236-238.

security of the times... But a psychological explanation is not enough, for the problem is more deeply rooted, it lies in the political situation itself. This method of circumventing political principles corresponded wholly to the domestic political structure of the Bismarckian Empire and its constitution which can be understood only as a system of circumvented decisions. There may be situations in which it is practically necessary and inevitable to suspend difficult political decisions. If the political forces are equally matched there is nothing else that one can reasonably do... But it would be foolish and in the long run disastrous, to remain unclear about or to ignore the nature and significance of such compromises. But that was precisely the political significance of the allegedly unpolitical and purely juristic method. The German constitution of the nineteenth century left open the central issue... as to who controlled the constitutional power: sovereignty of the monarch or sovereignty of the people. The monarchy was not strong enough to maintain its absolutism, and the German peoples were not strong enough to give themselves a constitution. For this reason the constitution of the German constitutional monarchies rested essentially upon a compromise between monarchy and democracy. In Bismarck's Imperial Constitution of 1871 this compromise as to the essential form of the state was combined with a second which is also rested upon the suspension of a political decision and involved contradictory principles: the Empire was supposed to be simultaneously a unification of all the German people and a federation of the German princes... In reality the evasions and circumventions (of the Staatsrechtslehrer) are attempts to harmonize and reconcile contradictory constitutional and political principles and for this reason are all the more merely contentless reflexes of the domestic political status quo the more they pretend to be strictly juristic and to avoid everything political.<sup>1</sup>

Having thus examined the manner in which the German

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1. Carl Schmitt, Hugo Preuss, sein Staatsbegriff und seine Stellung in der deutschen Staatslehre, Tübingen, Mohr, 1930, pp. 6-8.

Empire was established, and the balance of political and social forces which, in Bismarck's authoritarian framework, had so disastrously discouraged and inhibited positive political participation and evaluation, we shall now conclude our survey of the imperial situation with a brief analysis of the general orientation of German intellectuals as they reacted to and in terms of the situation's various aspects.

The first point to consider, in this regard, is that German intellectuals had not inherited from their country's past or present experiences any universalistic, politically focused inspiration or sense of mission. The aristocratically tinged, pre-imperial values of German humanism, conceived and contemplated in evasion of the petty life of particularistic dynastic absolutism, had too long soared in the heights of unpolitical Weltbürgertum. Although the liberal movement of the 1830's and 1840's constituted an attempt to bring this humanism to bear upon the problems of constitutional reform and national unification, it had had a very weak popular following and, in the last analysis, had not combined its values with sufficient political realism and determination. When Bismarck finally established the empire, it was not, therefore, as the culmination of a great German movement with a universalistic idea, but, rather, as an act of Bismarckian planning, of will, and of force. Thus,

both in their orientation to national and international affairs, German intellectuals lacked the sense of inner conviction, courage and mission which has played such a vital part in motivating intellectuals in other lands. To quote once more, in this regard, from Taylor's short but astute survey of German history:

The war of 1870 made Germany the strongest power in Europe... Each of her predecessors had stood for something: Spain for the Counter-Reformation, Monarchist France for aristocratic civilization, Napoleonic France for equality and civil liberty. Germany stood for nothing, except German power. The organizing capacity, the selfless devotion, the critical intelligence, the scientific curiosity, which in western Europe were liberating men from the tyranny of others, and, still more, from the tyranny of nature, were in Germany employed to liberate the German state from the control of its neighbors or of its subjects. The highest faculties of the mind, and these the Germans possessed, were put in the service of a mindless idea.<sup>1</sup>

One of the consequences of this absence of a universalistic idea in German politics, combined with the political impotence of the German parliament (itself largely a result of the lack of the inner conviction for standing up to Bismarck and his authoritarianism<sup>2</sup>) was the failure of political problems and issues to attract the number and

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1. Taylor, op. cit., p. 116.

2. Thus Hugo Preuss, discussing the drafting and acceptance of the constitution of 1871, observes: "It is a remarkable proof of the sterility and impotence, in the area of constitutional organization, of an approach to the state which is without principles and which abhors ideas." (op. cit., p. 175)

caliber of intellectuals which they did in France and England, for example, and are doing increasingly in the United States. As early as 1903 the German economic historian Sombart had observed that: "With us there is no diversion of talent into the field of politics, as in other countries. Neither the rich, nor what is more important, the gifted members of the middle class are withdrawn from economic life to devote themselves to politics."<sup>1</sup>

Another consequence of this fact that the German nation did not represent the culmination of a universalistic, politically integrating set of values, and in part a reason why this was the case, was the traditional social and political isolation of German intellectuals which, rather than being changed between 1849 and 1871, was intensified. In this connection we shall cite from the analysis which the sociologist Albert Salomon dedicated to what he called, "Die Problematik der deutschen Bildung." Salomon begins by defining the concept of humanism: "Humanism as a sociological phenomenon signifies the existence of a group of people which claims to be oriented to the contemplation of intellectual and cultural matters and which, in doing this, declines any direct social function... it represents the autonomy of the mind (des Geistes), the absoluteness of spiritual and

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1. Quoted in Taylor, op. cit., p. 110.



cultural values... alienation from the world."<sup>1</sup> "Intelligentsia," in contrast to "humanism," Salomon defines as "a group of intellectuals which, in the market economy of capitalism, assume the function of enlightening the divergent social groups in the consciousness of their own situation, and of giving their actions meaning and significance. In this situation intellectualism assimilates itself to historical movements and quests for objectives..."<sup>2</sup>

Considering the position and orientation of German intellectuals in terms of these two concepts, Salomon finds that, unlike their counterparts in other western European countries, these people have not yet reached the state of "intelligentsia," but continue to hover between it and the tradition of "humanism":

Having proceeded from a middle class in the process of socially emancipating itself, but which has not yet become a political movement, they... find their highest ideal in the aesthetically cultivated human being. But such an ideal can provide no type of representation, since it does not stimulate cohesion, authority or universal integration. It is, rather, a neutralizing and depoliticizing of bourgeois values into concepts about the True, the Good and the Beautiful... Here rather than in a tension between worldliness and spirituality lies the understanding of the German intellectual orientation to the sphere of pure mind and of the characteristic olympian and unworldly stand where clear and hard-headed decisions are necessary in a given concrete situation.<sup>3</sup>

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1. Albert Salomon, "Problematik der deutschen Bildung," Die Gesellschaft, vol. IX, January 1932, p. 65.
  2. Ibid., p. 65.
  3. Ibid., pp. 66-67.

This lack of political orientation and sense of applied social function among German intellectuals was even further intensified by the manner in which the Empire had been established and by the politically irresponsible and authoritarian virtue of its social integration and decision-making. As another observer of this development has described it:

With the collapse of the political liberal campaign of 1848 and the revival of reaction, there began a process which increasingly forced the intellectuals from the position of leadership which they had occupied during the years of liberal agitation... This isolation expressed itself in various forms. Characteristic, particularly for the above-average intellectuals, was the hostile aversion to the problems of the times which, depending upon temperament, tradition and circumstances, found expression in flights... into heights of lonely ecstasy, as Nietzsche, for example, in the mysticizing of problems of personal adjustment, instead of in the empirical analysis of their social roots, as in the psychological literature, or in an embracing of the principle of art for art's sake as a last, saving virtue... The intellectuals considered it as honorable to look down upon political problems with an air of aristocratic indifference. Germany produced no Zola who, during the persecution of the Social Democratic party, might have jumped into the breach with an J'accuse.<sup>1</sup>

While a considerable number of German intellectuals, after 1871, thus turned away from social and political problems with even greater abandon than had been the case earlier, many others were rapidly converted to a type of

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1. Hans Speier, "Zur Soziologie der bürgerlichen Intelligenz in Deutschland," Die Gesellschaft, vol. VI, July 1929, pp. 65-66.

chauvinism which drew its nourishment from the cupboard of German romanticism. To quote another scholar who has concerned himself with the political orientation of German intellectuals:

The imposing success of Bismarck quickly extinguished the old ideals in the minds of our intellectuals, or, rather, translated them into something completely different... Before 1870 our universities were the home of a sense of democratic freedom. After 1870 they are a hotbed of that spirit which simply equates the Reich of the Germans with Bismarck's creation... which is convinced that German unity could only have been won on the battlefields with "blood and iron," and which invents the Bismarck myth... This state of mind grew with Bismarck's intoxicatingly quick series of successes and took possession of our educated classes with shocking rapidity... The spirit of independent criticism was choked off, and wherever it manifested itself, was defamed as sacrilege against sacred patriotism... With this is combined something which seems to hold a greater fascination for the Germans than for other peoples - the penchant for hero worship. Without this penchant, national romanticism in Germany could never have grown to such damaging proportions... Antisemitism is the necessary accompaniment of this hero worship... People who believe in God in human guise, also believe in a human devil. The one is as comforting as the other; both make it easier to avoid having to examine one's own shortcomings...<sup>1</sup>

Before leaving this discussion of the alternative German intellectual reactions of subjective spirituality and fanatical patriotism, we shall quote the words of the German historian Friedrich Meinecke, who, as one who grew up in the period after 1871, has sought to relate this

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1. Ernst von Aster, "Nationale Romantik," Die Gesellschaft, vol. I, 1924, pp. 241-244.

development to the whole atmosphere of imperial German society:

The time for enthusiastic dreaming, searching and groping, the era of complex national issues and deep soul-searching which had accompanied them were now over. The straight, broad highway had been broken through the medieval town and the power of the Prussian monarchy had become the benevolent regulator of the nation's life. Because the situation which Bismarck had created was almost unanimously accepted by German academics, there was no more reason nor room for basic controversies and the practical and philosophical issues which had up to that time been a source of conflict gradually atrophied... The demands of the fourth estate were considered by intellectual and middle class circles as an inconvenient and annoying disturbance of the beautiful harmony that had been achieved in 1871. One either withdrew into the quiet enjoyment of the comfortable standard of living which the middle classes had come to enjoy or else one turned to making whimsical and ominous prophecies about the eventful decline of culture through materialism and revolution - without, however, being concerned with the nature of this decline for the time being. Since the social and economic questions of the day had a specifically technical aspect, one believed one could leave them in the main to economic experts... What was at work was the unique atmosphere of the new Empire - which we all breathed with complacency. It was the new feeling of security which radiated from it, the unconditional confidence which was placed in the virtue, stability and adaptability of the foundations of the new nation - the monarchy, the army and the professional administrators.<sup>1</sup>

While the German Empire, based upon a compulsory subordination of socially and politically unreconciled groups, had thus either further alienated many of its already

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1. Friedrich Meinecke, "Drei Generationen deutsche Gelehrtenpolitik," Staat und Persönlichkeit, Berlin, Mittler, 1933, pp. 149-150.

traditionally unpolitical, humanistic intellectuals, or turned them into irrationally patriotic bigots, even those among educated Germans who had retained a sense of political realities, gave evidence of an intellectually inhibiting feeling that the new order (to which they were devoted because, for better or worse, it was the German nation and had brought prosperity) could not stand an examination and evaluation of its foundations. It is this lack of confidence in any alternatives to the Bismarckian system of authoritarian stability, which underlies the whole intent of the work of the Staatsrechtslehrer and their conception of the Rechtsstaat based upon the central idea of the allegedly neutral state-person. The jurist Gerber articulated this sentiment when he wrote: "A state which is founded upon opinions can only have an uncertain and tottering existence."<sup>1</sup> And the same fear that the system's capacity to survive depended upon continuation of imposed discipline, is at the root of the employment of economic and social reformism in the service of the authoritarian status quo by the Sozialpolitiker. As Gustav Schmoller put it:

We in Germany today have a stronger monarchical power than any other country, a monarchical power which, thank God, actually still rules in basic matters. In the last century and this we have effected great and beneficial reforms... But for this work the precondition is, that the economy

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1. Quoted in Triepel, op. cit., p. 33.

and that the ultimate power of decision be reserved for the elements of government which stand above the partisan struggles.

The practical job which the political and social sciences and our Verein für Sozialpolitik face today seems to me to be to supply the intellectual tools and techniques to strengthen these elements. Our task is to maintain control on behalf of our collective interest against the self-interest of the various classes.<sup>1</sup>

Thus, when viewed in relation to the manner in which the Reich was founded, to the national new order's political and social structure, and to German intellectual reactions to, and in terms of these circumstances, the absence of political study as a social science and a national resource in Imperial Germany can be more readily understood. Nor is it difficult to understand the reasons why such study of public affairs as did develop took the specialized and fundamentally technical forms of Staatsrechtslehre and Sozialpolitik. In the last analysis, the abdication of basic political evaluation and the carrying out of research upon which such evaluation would have been possible, was a matter of enthusiasm for the new system and irrational confidence in the ability of its dynastic organization and leadership to define and realize the society's values and objectives and to assure its survival. It was a feeling which, considering the facts of German political experience,

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1. Schmoller, op. cit., p. 38.

was not surprizing. It was a feeling which, even, at least in the short run, seemed plausibly rational: the system was passing the pragmatic test; it seemed to work. The questions which no one seemed to ask, however, were: at what price, and for how long?

### Chapter III

#### First Steps towards an Awareness of the Need for a Science of Politics and of the Problems Involved

The German people thus rejoiced in, lived under, and were committed to serve a new national regime which operated upon assumptions which never became articulate, which dated centuries into the past and which, for the most part, were fully ignored. While the Staatsrechtslehrer and the Sozialpolitiker, in the service of the new constitution and Bismarck's shrewd, intuitive decision-making, claimed to be adequately discharging what elsewhere was the function of political science, a few of their countrymen, particularly in the years following Bismarck's dismissal, began to reconsider the whole problem of political study and its possible development both as a social science and as a national resource. These men approached the problem from various points of view and, until the outbreak of World War I, remained a very small and unrecognized minority among German academics. Their work, however, forms the only native German bridge between the sterile period of the Empire and the rapid developments of the restless and introspective political science of the Weimar years. As such it deserves at least brief recognition.

The first prominent German thinker of the Imperial period who concerned himself with the need for a synthetic



study of politics was the historian Heinrich von Treitschke. In 1859, at the very beginning of the period when the study of politics in Germany was disintegrating into unconnected and specialized disciplines, Treitschke singled out for attack the development of a science of sociology separate from the study of politics. His criticism reveals both his conservative nationalism as well as his keen insight into the implications of this intellectual development. Men like von Stein, Siehl and von Mohl were postulating the existence of a concept of society which they held could and should be studied apart from politics. According to Treitschke, however, the study of society was only of interest and relevance as part of a broadly conceived and synthetic science of politics.

As Treitschke saw it, the development of a separate science of sociology which claimed a subject matter which was irrelevant to the study of politics was due to two general causes. The first was the narrowing down of the study of politics to an increasingly exclusive concern with the mere outward forms and formulas of actual government. "One equates the state," says Treitschke, "with its juristic and political forms and institutions or with the apparatus of its administration and proclaims that what the government does not expressly touch is of no relevance to its

existence."<sup>1</sup> Such a procedure, in Treitschke's view, is to ignore the fact that every aspect of social life and action is relevant to the operation of a nation, regardless of whether it is of immediate concern of government policy or regulation or not. It is therefore imperative, Treitschke feels, that the subject matter of sociology be considered within the province of a synthetic political science or general Staatswissenschaft and be conducted as such, as it had been, moreover, since the times of Aristotle, Machiavelli, Hobbes, and other students of politics and society who had never heard of the science of sociology.

A second and related but more alarming reason for the development of a separate science of sociology, as Treitschke saw it, was the impact of industrialization upon Germany, the resulting transformation of German society and the absence of an established governmental and political order which could keep the new developments integrated in an harmoniously functioning political system. He writes:

The theory that society and the state should be kept apart for separate study could only have been thought up now and in our situation... Estates are in process of dissolution and transformation and nobody can predict how it will all end. Industrial progress has created within the shortest time a new class of people whose nature and significance is as yet scarcely recognized. The special interests of the remnants

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1. Heinrich von Treitschke, Die Gesellschaftswissenschaft, Leipzig, S. Herzel, 1859, p. 11.

of our aristocracy have kindled in recent times a class hatred which such a highly educated people should have overcome long ago. In a word, state and society in present-day Germany are widely rent asunder. And just as the lofty ideas of the last century felt compelled to build ideal states, so it is that the contagious common sense of the present feels inclined to construe the momentary present circumstances as normal and necessary.<sup>1</sup>

To recognize and develop sociology as a separate discipline apart from politics, Treitschke feared, would be to admit the permanence of what he hoped was only the temporary inability of the German political and governmental system to cope with and to integrate the social and economic changes which the social system was undergoing. His plea was that the research conducted as sociology be conceived as in the province of a broad and synthetic science of politics instead. The problem was "not to found a new science but to free the study of politics from the last remains of natural law formalism and to raise it to the level of an analysis of the political problems involved in the existence of a nation."<sup>2</sup>

In order to contribute to the development of such a political science, Treitschke, between 1874 and 1896, held a series of lectures on politics at the University of Berlin,

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1. Ibid., pp. 93-99.
  2. Ibid., p. 94.

which soon acquired great popularity among educated Germans and were held to constitute the last word in scientific and pragmatic political study. Treitschke's outline of the way he conceived of his subject was, indeed, promising. The study was to be divided into five parts, under the general headings: the nature of the state, the social foundations of the state, the constitution of the state, the administration of the state, and the state in international intercourse. Nor could one find fault with the broad range of materials which he adduced to the execution of his project. The content of his study, however, not only marks Treitschke as very much a captive of his situation, but, inasmuch as he articulated and elaborated the myths and rationalizations of this situation in the voice of scholarly authority, the net effect of his work was to remove the fundamental political issues of the German Empire even further from empirical and rational evaluation.

The state, for Treitschke, is throughout his study an abstraction, a lofty ideal and power which must remain beyond utilitarian justification and empirical investigation:

The state is in the first instance power that it may maintain itself... On principle it does not ask how the people is disposed; it demands obedience; its laws must be kept, whether willingly or unwillingly. It is a step in advance when the silent obedience of the citizens becomes an inward, rational consent, but their consent is not absolutely necessary. Kingdoms have lasted for centuries without the inward consent of their

citizens... What the state needs is, in the first place what is external; it wills that it be obeyed; its nature is to execute what it chooses...<sup>1</sup>

What Treitschke thus offered his listeners and readers was not political science, but an elaboration of the jurists' conception of the state-person, the culmination of the Germans' long preoccupation with the state which they could not achieve and which, now that it had been brought about by Bismarck, they were exhorted to accept as something which made decisions and exacted obedience for reasons which they were not to question. What he offered, moreover, was a rationalization of the fear that the German state as it was constituted could not survive on utilitarian grounds or on the basis of democratic political integration. Instead of calling for an empirical analysis of the relationship between the imperial social structure and the nation's political decision-making process, for example, he urged upon his students the virtues of obedience and sacrifice, because, he alleged, history and science showed that these were of necessity the prime requisites of national existence. His attitude to war follows; for when are obedience and uncritical sacrifice more gloriously and properly displayed than in wartime?

Without war there would be no state at all. All the states known to us have arisen through wars...

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1. A.L. Gowan, Selections from Treitschke's Lectures on Politics, London, Gowan & Gray, 1914, p. 12.

The moment the state calls: "Myself and my existence are now at stake!" social self-seeking must fall back and every party animosity must be silent. The individual must forget his own ego and feel himself a member of the whole; he must recognize what a nothing his life is in comparison with the general welfare. In that very point lies the loftiness of war, that the small man disappears entirely before the great thought of the state; the sacrifice of fellow countrymen for one another is nowhere so splendidly exhibited as in war...<sup>1</sup>

In his desire to emphasize the virtue of uncritical obedience to the power representing the state-person, Treitschke denounced the bourgeois habits of trade, business and liberal, utilitarian thinking as fundamentally subversive. What the Germans needed to emulate, according to Treitschke, was the ideal of the feudal aristocrat: the man who is trained to obey and to sacrifice when the king commands. The Jews in particular, both by temperament and by their business interests the antithesis of the aristocratic-military type, would have to be watched and converted to true Germanism<sup>2</sup>: "There

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1. Ibid., pp. 22-24.

2. One critic of Treitschke's anti-liberalism and antisemitism has astutely appraised the significance of the historian's sentiments in this connection as follows: "This new aristocratic ideal of the German academics was fundamentally unnatural. It demanded a tremendous sacrifice of intellect, and an avoidance of critical thinking about the basic questions... regarding the traditional Prussian-German state. Treitschke and his followers strike so hard at the Jews because they want to free themselves from the "Jew" who is in themselves. Treitschke, for example, had himself been a liberal journalist and deputy for many years. The more vehemently one separated oneself from the Jew and tried to act "unjewish," the more secure one felt about not slipping back into the middle-class, liberal type of error oneself." (Arthur Rosenberg, "Treitschke und die Juden. Zur Sociologie der deutschen akademischen Reaktion," Die Gesellschaft, vol. VIII, July 1930, p. 81.

is no room left nowadays for cosmopolitan Judaism," Treitschke warned, "I see absolutely only one means that we can employ here: real energy of our national pride, which must become a second nature with us, so that we involuntarily reject everything that is strange to the Germanic nature."<sup>1</sup>

Having thus defined and given his enthusiastic support to German obedience to the state-person, it remained only to give proof that the actual possessor of the powers which were vested in this state-person was competent to discharge the great and varied responsibilities which were thus incumbent upon him. This Treitschke undertook in a discussion of the monarchical form of government:

... It lies, moreover, in the exalted position of the monarch to see further than ordinary men. The ordinary man surveys only a small circle of real life. We can recognize this especially clearly in the involuntary class prejudices of the average man. There are prejudices of the middle classes and of the learned professions, as well as those of the nobility; they do not see the whole of society, but only a small section. In contrast, it is clear that a monarch will learn to know more of the aggregate of the national life than the individual subject, and that he is in a position to judge the relations of the different forces in society more correctly than the average man can. This is true above all in regard to foreign countries. The king can judge much more clearly how things stand in the world without than the individual subject can, or even a republican party government...<sup>2</sup>

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1. Gowan, op. cit., pp. 60-61.  
2. Ibid., p. 77.

For a more detailed elaboration of Treitschke's ideas the student of the German Empire can consult the original sources. What should be clear from this brief examination is that what Treitschke called Politik was in fact political metaphysics, dedicated to the support and glorification of the Bismarckian status quo. If politics was to develop in Germany as a social science, it would have to do so in spite of Treitschke.

The one other well-known German scholar of the earlier imperial period who strongly disagreed with the efforts of the Gerber-Laband school of jurisprudence to exclude all political and sociological considerations from the study of the state, was the jurist Otto von Gierke. Treitschke's quarrel with the narrow specialization of the imperial academics led, as we have seen, to a broadly based apology for the authoritarian Bismarckian system. Gierke's effort to supplement imperial legal formalism, in contrast, consisted of an attempt to define the lawyer's state-person as a social reality and to show that this reality did not merely consist of an abstract possessor of sovereignty and a multitude of legal subjects, but, rather, was comprised of autonomous human individuals and groups who were organically integrated in a social whole, of which the state was one aspect. Ultimately Gierke too, a captive of his situation and its traditions, failed to come up with a truly sound methodology for



approaching the study of politics as a social science. But, since his theories, particularly that of the group-personality, acquired international currency, and since his work, as did that of Treitschke, illustrates the obstacles which the scientific study of politics in Imperial Germany confronted, a survey of Gierke's writings and general position is essential for the purposes of this study.

As early as 1874 Gierke expressed his skepticism as to the adequacy of the formalistic systematizations of the Staatsrechtslehrer in the comment that, "If the flood of life in countless places pours over the artificial dams that the System has erected to hold it in, the fault lies with the facts and not with the System."<sup>1</sup> Some years later, defining his position more fully, Gierke wrote:

The life of law is only one side, and by no means the most important side, of community life. The science of law must never forget this one-sidedness. It must always bear in mind that the living forces of the various social organisms express themselves outside the area of law, in all the movements of power and of culture in the general community life, and achieve their greatest triumphs independently of law, and even in opposition to law. Legal science must leave it to other sciences to discover the cohesions that exist, and to trace the unities that act, in all this extra-legal sphere. But while the science of law must thus receive from other branches of science the confirmatory evidence which they can give of the reality of the community, it can also make a claim upon them. It can ask that its own account

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1. Otto von Gierke, "Die Grundbegriffe des Staatsrechts," Zeitschrift für die gesamte Staatswissenschaft, vol. 30, 1874, p. 154.

of the legal expression of this reality should be duly considered in any thorough and genuine investigation other than legal.<sup>1</sup>

What Gierke objected to in the work of the Staatsrechtalehrer was what he called their Roman law conclusion that the person in the eyes of the law "has only one single characteristic which constitutes its whole being, namely, that is is a subject of the law,"<sup>2</sup> as Laband had phrased it in 1885. In such a view, Gierke maintained, the individual was an abstraction with no claim to morality or freedom or any other associations except his legal tie to the state. Moreover, it was only the law which grouped the various independent bearers of rights and duties together into the state-person. Apart from this legal relationship neither the state nor its individual subjects possessed any reality. And within the legal relationship between the subject and the state-person there could be no intermediate relationships of any reality or relevance. Such a theory, Gierke held, neglected the fact that society existed as a great complex of individuals, relationships and values, only some of which, admittedly, were legally recognized, but all of which played an important part and had to be taken into consideration if one was to understand what was truly involved

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1. Otto von Gierke, Das Wesen der Menschlichen Verbände, Leipzig, Duncker & Humblodt, 1902, p. 31.
  2. In Zeitschrift für das gesamte Handelsrecht, vol. 30, 1885, p. 492.

in the operation of a state. Moreover, Gierke insisted, it was by no means merely a legal tie which held the state together. What was at work here was an organic interdependence of all the parts: individuals, groups and the state alike.

Gierke's general diagnosis of the inadequacy of the imperial legal study of the state, although scattered throughout his works and often stated only by implication, was thus a rather astute one, and might well have served as the starting-point for a social science approach to the analysis of German society and politics. As had been the case with Treitschke, however, the positive contribution with which Gierke sought to supplement the formalism of the Staatsrechtslehrer, fell far short of the quality of his diagnosis, at least as far as the development of politics as a social science was concerned. Gierke's interest in the social reality which in his diagnosis he had held to be the foundation upon which the state rested, was, disappointingly, restricted almost exclusively to a consideration of the existence of groups which he postulated as existing between the individuals and the state. To promote the recognition of such groups, he ascribed to them the qualities of physical organisms, of real group-personality and of will, qualities which, like the existence of the groups themselves, were not the result of empirical investigation, nor conceived

in an attempt to build a more adequate methodology and theory of political science in terms of them. They were, rather, arbitrary impositions upon the data by Gierke himself.

What appears throughout Gierke's works is that the political scientist in him was always securely subordinated to Gierke the scholar of the Historical School, the lawyer-philosopher who was determined, as he wrote in the preface to the last volume of his Genossenschaftsrecht, "to penetrate the new code with a Germanist spirit; to develop its Germanist content upon an historical basis; to foster the growth of Germanism in the future."<sup>1</sup> It was with this purpose that he approached his examination of society with the concept of the Genossenschaft, the association of rugged but brotherly Teutons which symbolized an ancient tradition of the German Volk to him, and suggested the qualities of solidarity, of group-personality and group-will.

It is this same purpose which must be kept in mind in considering Gierke's objections to the a priori conclusions of natural law. Gierke fully recognized the importance of natural law values as a basis for the positive law and for liberal political action: he devoted years to an exhaustive

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1. Otto von Gierke, Natural Law and the Theory of Society, 1500-1800 (tr. with an introduction by Ernest Barker), Cambridge, Eng., The University Press, 1934, p. xviii.

study of the theories of the state and society between 1500 and 1800, a period when the idea of natural law had been very much in the air. What he objected to in the theories based upon natural law, however, was their seemingly inevitable over-concentration upon the autonomous individual and, as a corollary, their assumption of a solely legal relationship of the individual to his fellows and to the state. What such theories ignored, Gierke maintained, was the great role played by group solidarity, solidarity such as that which was exemplified by the old-Germanic Genossenschaft. At the end of his treatise on "The Nature of Human Groups," for example, he says, "One thing may be permitted to a jurist: he may suggest the moral significance which belongs to the idea of the real unity of the community." He proceeds to maintain that it is only this idea of "real unity" which can produce the belief that a group is of value in itself; and only the belief that the whole has a higher value, as compared with its parts, can justify, in turn, the moral duty of man to live and die for the whole.<sup>1</sup>

Gierke was, indeed, putting his finger on an undeniable fact: autonomous, rational individuals, as Hobbes had pointed out long before, could enjoy no solidarity save

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1. Gierke, Das Wesen der Menschlichen Verbände, p. 31.

that of subservience to a Leviathan who would protect each from the other. If individuals are to live freely and harmoniously together, they must do so in terms of some commonly held, integrating norms, whether these are envisaged as incorporated in their reasoning faculty (as did Locke) or are conceived as a system of learned beliefs is immaterial. Where Gierke erred, however, as did the whole German romantic tradition, was in his conception of such beliefs in terms of a metaphysical, super-personal entity, a conception, once it is postulated, which, by its very definition, is beyond empirical investigation and rational control. As Sir Ernest Barker has pointed out,

Gierke's Genossenschaft, with its group-personality and its group-will, is not a psychological tissue, connecting the threads of individual minds: it is a sort of higher reality, of a transcendental order, which stands out as something distinct from, and something superior to, the separate reality of the individual. Gierke borrows from Hegelian philosophy rather than from group-psychology; and when he writes that "human group-life is a life of a higher order, in which the individual life is incorporated," he is in a different world of ideas from the psychologist - a Hegelian world of graded manifestations of the eternal mind...<sup>1</sup>

While Gierke had, as we have pointed out, quite rightly quarreled with the efforts of the Staatsrechtslehrer to exclude all social and political data from the study of the

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1. Gierke, Natural Law and the Theory of Society, 1500-1800, p. xxxi.

state, his own rediscovery of society was so biased by the metaphysical concepts which he imposed upon his subject matter, that the scientific study of the state and society was not substantially furthered by his work. In this regard Hermann Heller's summary and verdict seem fair and justified:

In the very worthy campaign of von Gierke against the complete emancipation of legal concepts of all sociological, teleological and ethical considerations, his weapon, unfortunately, was an organic theory which claimed to be metaphysics, ethics, jurisprudence and sociology all in one. Von Gierke's organic theory of the state was a praiseworthy but very uncertain attempt to conceive of the state as a social reality and an aspect of society: it sought to explain what was involved in the state-person and wanted to analyze the state as a system of human living together, as a necessary product of the interaction of human beings. But it confused this... vaguely conceived sociology with juristic and ethical and even biological categories and thus opened itself to justified attacks.<sup>1</sup>

What is more, even the political philosophy for which Gierke has become famous is essentially an ambivalent one. To quote once more from Sir Ernest Barker's appraisal of Gierke's theories:

If once we accept the theory of the real personality of groups, we are bound to see behind the state the figure of the greatest and most real of all groups - the figure of the nation and the Volk itself... If the claim of groups other than the state is heard and accepted, the result will be some form of syndicalist philosophy. If the

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1. Hermann Heller, "Die Krisis der Staatslehre," Archiv für Sozialwissenschaft und Sozialpolitik, vol. 55, 1926, p. 296.

claim of the great national group, incarnate in the national state, calls aloud with a greater and more resonant voice, the result will be some form of absolutist and dictatorial politics. And of the two results it is the latter which is the more to be apprehended...<sup>1</sup>

While Treitschke and Gierke, each in his own way, had thus attempted to broaden the basis of political study and had failed to make any lasting progress, at least from the point of view of the development of politics as a social science, the German jurist Georg Jellinek succeeded in remaining both a first-rate Staatsrechtslehrer in the Gerber-Laband tradition, and, at the same time, in giving what was the first recognition accorded by an imperial jurist to the importance, for the study of the state, of the subject matter of social science and of its methodology. Instead of limiting his conception and analysis of the state to its formal, juristic aspects, as was the case with his academic colleagues, Jellinek held that there were two aspects of the state in terms of which its study had to be approached: the sociological as well as the juristic.

The subject matter of the first is the state as a social phenomenon. It is concerned with the empirically perceivable subjective and objective events of which the concrete life of the state is composed. One usually calls this type of analysis the historical-political. It is concerned with the history of states, their development, transformations and collapse and the social requisites and

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1. Gierke, Natural Law and the Theory of Society, 1600-1800, p. xxxiv.



functions of states as well as their constituent elements and the relations between these elements.

The second has for its subject matter the legal side of the state. Law leads a double life. Once as actual legal practice, as which it is one of the social powers which shape the concrete cultural life of a nation. On the other hand, it is also a content of norms which is designed to be transformed into acts. Law in the latter sense does not belong to the realm of what is, but of what should be; it consists of concepts and tenets which serve not the analysis of what is given but the evaluation of reality... It is not the task of jurisprudence to decide the fundamental nature of the state but rather, to order what is given according to set viewpoints for certain purposes and to subject it to evaluation according to the abstract norms of the law. Legal science is thus a normative science, similar to logic, which does not teach us what things are but how they must be thought of in order to make possible a contradiction-less perception.<sup>1</sup>

Unfortunately Jellinek only went part of the way; he insisted that the study of the state in terms of these two approaches would have to be kept strictly separate; he did not attempt to develop a methodology for integrating his sociological insights with his legal studies. However, his work, unlike that of Treitschke and Gierke, was a sure first step in the direction that would have to be travelled, if from the old Staatsrechtslehre there was to develop a study of politics as a social science. As constant references to his admission of the importance of sociological considerations testify, he remained, even into the Twenties, a powerful

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1. Georg Jellinek, Allgemeine Staatslehre, 2d ed., Berlin, O. Häring, 1905, pp. 131-132.

inspiration to those jurists in Germany who were struggling to broaden their discipline into an empirical science of politics.

Another indication that at least a few Germans were aware of the insufficiency of Staatsrechtslehre and Sozialpolitik as substitutes for a synthetic study of politics both as a social science and a national resource came in the form of an incidental article written in 1897 by the historian Otto Hintze. Hintze introduced his remarks with the complaint that at the time of his writings, "One can hardly find a single well-known academic teacher who gives regular lectures on the subject of politics: the science of the state, in this sense, seems almost to have disappeared for good from among our university disciplines."<sup>1</sup> After pointing to the most obvious reasons for this development, the concentration upon specialized legal and socio-economic researches, Hintze makes the very interesting point that socio-economic research, for example, is not only necessary and relevant for the framing and administration of reforms, as it was conceived by the Sozialpolitiker, but is very much involved in the larger question of national capabilities and power potentials. For this reason, he maintains that Sozialpolitik cannot be considered merely as a specialization but must be integrated into

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1. Otto Hintze, "Roschers politische Entwicklungstheorie," Jahrbuch für Gesetzgebung, Verwaltung und Volkswirtschaft, vol. 21, 1897, p. 766.

the perspective and methodology of a broadly conceived, synthetic science of politics:

... the preconditions for the existence of a nation and its development are intimately connected with its economic and social life, with the psychology of its people and with the natural environment which is given by its location... and all this will in the future have to become the subject of constant research and study.<sup>1</sup>

Hintze felt that one had to face the fact that the study of politics as an applied social science had not yet developed any reliable and accepted foundations or methodology - either in Germany or elsewhere. He warned, however, that attempts to put together quick and pretentious closed systems of general explanation were not what was needed. Nor did it bring one any great profit to continue to consider political situations in terms of the traditional Aristotelian categories. While Hintze seemed to realize that the development of a true science of politics would be a slow process, he suggested that progress would be most fruitful in two directions, firstly, the building up of an empirical comparative study of governmental and administrative institutions and processes, and secondly, to supplement the former, a study of the philosophy, psychology, and ethical values which are involved in the development and operation of these governmental and administrative institutions and processes in specific countries.

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1. Ibid., p. 766.

While Mintze had been concerned primarily with the national resource aspect of political science, the Bavarian economist, statistician and some-time administrator, Georg von Mayr, developed an approach to politics and a grasp of what would be involved in its study as a social science which was truly remarkable for the time and situation in which he wrote. In a pamphlet first published at the turn of the century, Mayr pointed out:

The state sciences, which have come to comprise a wide range of independent disciplines, and the legal sciences as well, belong to the general branch of knowledge called the social sciences. These social sciences include all branches of learning which are concerned with any aspect whatsoever of human social life.

In years past it was in justified reaction against exclusive preoccupation with the immediate operation of government that one began to postulate the existence of societal phenomena which had nothing to do with the state proper (Riehl, v. Kohn). But it was a mistake if one concluded, therefore, that state and society had to be considered and studied as opposites...

State and society are not opposites. Rather, "society," in my opinion, is the most general concept which includes all forms of social life and action and therefore above all the powerful and formally most highly organized systems of human social action, the state.

...Man can be an object of study of the natural sciences when he is being investigated as part of the physical world. But man can also be the object of socio-cultural research... when the desire is to study and analyze the actions and achievements which result from his unique possession of mind and will...<sup>1</sup>

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1. Georg von Mayr, Begriff und Gliederung der Staatswissenschaften, Tübingen, H. Laup'schen Buchhandlung, 1906, pp. 4-5.

Having thus given us his general orientation, Mayr proceeds to outline a suggested grouping of the social sciences for purposes of teaching and research. He distinguishes three general groups: general sociology, special social sciences and history. Politics or the state sciences, which he considers one branch of the special social sciences, Mayr envisages to include such general subjects as sociological theory, public administration, comparative government, economics, government, international politics and law, each of which is further broken down for more detailed definition.

In a speech a few years later, also published as a pamphlet, Mayr openly attacked the exclusively juristic approach to politics and the state and pointed out once again that the legal sciences were only one branch of the larger area of the social sciences and should be recognized as such. Within this larger area, moreover, Mayr insisted, the sociological approach, "by its very nature," led to much more extensive and valuable empirical and comparative research than did the standard legalistic point of view. As regards teaching and research in the social and political sciences in German academic curricula, Mayr made the following criticism and suggestions:

The fate of the integration of the state sciences in German university teaching has varied considerably but in general has been very unsatisfactory. Except where they have been held together

as parts of traditional cameralist study, these late children of social science research have for the most part been refused a place of their own and put into the custody of the broad subject of philosophy or tucked in with the ancient legal sciences. Neither of these solutions is adequate. In the state sciences as I have defined and delimited them we have a completely unique and independent branch of knowledge which demands the creation of a faculty of its own... the development of recent research in the various individual social sciences points to the necessity of this step.<sup>1</sup>

Mayr concludes his brief treatise with a reference to the possible political implications of a science of politics, a remark which was as perceptive as it continues to be timely: "The lawmaker general feels a certain hostility towards basic definitions. Omnis definitio periculosa! But here the scientist must always have the courage of his convictions. Unfortunately, especially in our case, this has not always been the case."<sup>2</sup>

Another indication that the realization of the need for a science of politics in Germany was growing came from yet another writer - Richard Schmidt. Schmidt, himself a jurist, had in 1901 published a two volume work with the customary German title, Allgemeine Staatslehre, of which volume two comprised the more or less standard treatment of the public law aspects of the operation of the state.

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1. Georg von Mayr, Die Staatswissenschaft und ihr Standort im Universitätsunterricht, Munich, C. Wolf & Sohn, 1913, p. 20.
  2. Ibid., p. 12.

Volume one, however, to the consternation of Schmidt's juristic colleagues, bore the sub-title: "The General Roots of Political Life," and offered an attempt, on the basis of a rather lengthy comparative historical analysis, to develop a broader and more empirical awareness of the many societal and political facts which were involved in the political life of individuals and nations than the jurists were usually willing to admit.

While Schmidt himself considered his work of 1901 as an inadequate and still confused first step, he continued to concern himself with the general problem of the study of politics, and in 1907 became one of the founders and the first editor of the new journal Zeitschrift für Politik - the title of which in itself indicated the new and unorthodox orientation of its founders and many of its contributors. The spirit in which the new periodical was conceived and Schmidt's personal views on the problems of developing a science of politics are outlined in the long introductory article of volume one, "Methods and Aims of the Study of Politics."

Schmidt begins with the statement that the study and analysis of empirical historical and contemporary political material "must above all go beyond the aphoristic and essayistic elucidation of individual political problems of the day and proceed to an attempt... to develop a larger frame

of reference for a systematic methodological integration of the phenomena involved."<sup>1</sup> After deploring the fact that the development of an independent, synthetic science of politics has been hindered by methodological objections originating among physical scientists, philosophers and historians, Schmidt states his own most general methodological position as follows: Although all human action operates through common psychological and biological processes within the limits of the given natural environment, the attempt to explain political actions from physical science laws is impossible because a wide range of actions is possible within these hereditary and natural limits, "and the more... human relationships become specific and group and national behavior becomes differentiated, the more limited are the generalizations which can be made on the basis of laws from the physical sciences."<sup>2</sup>

While fully realizing the need for a social science methodology for selecting, grouping, and analyzing the material of the study of politics, Schmidt warns, however, against the danger that too great methodological concern and hesitation may make it impossible to achieve any results whatsoever. To objections that any political science frame

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1. Richard Schmidt, "Wege und Ziele der Politik," Zeitschrift für Politik, vol. 1, 1907-08, p. 8. 8.  
Ibid., p. 11.



of reference will involve subjective values and will therefore be scientifically invalid. Schmidt replied that such foci as the military power potential and capabilities of a nation, the civil liberties of citizens, the cooperative and harmonious operation of the state and the assurance of its peaceful and progressive development are indeed based on definite values. This fact, however, as Schmidt sees it, does not in any way invalidate or make less useful the empirical study of the operation of a nation from the point of view of these foci. "The human race," he says, "has always acted in terms of such values and goals... even though it is clear that the primacy of questions of the national security of states would immediately disappear if by means of some type of international system of collective security it would become possible to guarantee world peace."<sup>1</sup>

In the meantime, however, Schmidt believed that it was the task of an empirical and systematic study of politics to analyze the problems involved in the country's national and international existence. In particular, he suggested the study of such immediate questions as demands for the preservation or the reform of the monarchical regime, the operation of parliament, the functioning of the administrative system, and the administration of justice: "Everyone who today addresses himself to the elucidation of these

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1. Ibid., p. 15.

problems without allowing the critical stare of the methodologist to make him nervous will be doing an important and worthwhile job... The methodological skepticism of the times will then only serve to make political scientists aware of the need for greater caution and self-control in their work."<sup>1</sup>

More specifically, Schmidt suggests that when comparing the operation of different states one must examine the interaction in each case of such functions as the executive, the legislative, the administrative and the legal system; one must consider the functions of the state operating as a unit and those of the many political and other subdivisions of which it is comprised; and lastly, one must study the relationship of the various functioning organs to one another and to the individual citizens.

From another point of view, Schmidt declares, it is always important to keep in mind the questions "without what preconditions a nation could not continue to operate, i.e. what the requisites are for a nation's capacity to survive."<sup>2</sup> In this connection one should remember "that the qualities of the population, the psychological condition of the individuals and their effective living

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1. Ibid., p. 17.  
2. Ibid., p. 32.

together, is one of the numerous factors upon which the cultural and especially the political capabilities of the nation depend... The sad fate that overtook the leading powers of antiquity was largely due to their failure to recognize that in addition to external unity a large complex of political units requires a community of shared values to give it the necessary cohesion to survive."<sup>1</sup>

Considering the general condition of political study in Imperial Germany, as we have described it in Chapter I, Schmidt had obviously arrived at a remarkable grasp of what constituted politics as a social science and a national resource for formulating and empirically examining the society's political problems. As he admitted himself, his work in both regards constituted only an impressionistic beginning. Through his studies and associations in connection with the Zeitschrift für Politik, however, Schmidt and his younger colleagues did perhaps more than anyone else to foster the convergence of contributions from history, philosophy, geography, sociology, jurisprudence and the study of government which in the later Weimar years brought German society a brilliant, although short-lived, and for the most part unheeded, science of politics.

Schmidt as well as the other scholars whose pre-

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1. Ibid., p. 34-35.

occupation with the formulation and study of political problems we have so far examined, fully accepted the Bismarckian Empire and its premises. In their desire to develop a more adequate science of politics they seem to have been motivated by two related sentiments: the feeling, firstly, that the operation of this Empire could by no means be properly understood in terms of Staatsrechtslehre and the unconnected state sciences alone; and, secondly, by the growing conviction, supported by the example of political study in other countries and by the rapidly accumulating data about government and society, that this understanding could, in the long run, only be provided by a German political science established and recognized as an independent academic discipline.

After the dismissal of Bismarck, however, and as the socially and politically precarious stability of the German state became increasingly apparent, aggravated by the lack of international vision and the incapable and irresponsible leadership of William II and his advisers, the desire to understand the operation of the Empire was transformed into a quite different motive. Particularly after Germany's politically and ideologically unprepared involvement in World War I, there developed, among at least a small minority of responsible and politically aware Germans, a determination to challenge the Empire's very existence and

to examine its every premise preparatory to reconstructing the whole system. The extent of this rejection of what had been, may be gathered from a comment made in 1917 by Max Weber:

Not a shot would I fire, not a penny war loan would I subscribe to if this were not a national war. If it were only concerned with the maintenance of our state structure, or that we should keep this incapable dynasty and our unpolitical civil service, I would not support it.<sup>1</sup>

Unfortunately for the political fate of Germany and Europe, the men who had now at last seen through the imperial system and rejected it, did not and could not represent a resolved, popular political movement of like sentiment. They were, in the first place, middle-class and upper-class scholars and philosophers without any direct, representative political affiliations. What is more, as sympathetic as they might be to the cause of the masses of the German laboring classes, they tended to share the German ruling circles' distrust of their political ability and trustworthiness. In the second place, as Max Weber had indicated, the war was felt to be a national one. The German nation had taken a long time to achieve and had been bought at a price the enormity of which was only now being fully recognized. If the nation were to be recon-

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1. J.P. Mayer, Max Weber and German Politics. London, Faber & Faber, 1943, p. 58.

structed it would first have to be defended, no matter how great the misgivings one might have about the dynastic organization and the values it stood for. And, lastly, as events after 1918 were to show, the German people, who had so long been trained in political non-participation, simply could not be roused to determined political action overnight. As Max Weber observed in another wartime comment:

Bismarck left behind as a political heritage a nation without any political education, far below the level which, in this respect, it had reached twenty years earlier. Above all, he left behind a nation without any political will, accustomed to allow the great statesman at its head to look after its policy for it... he left a nation accustomed to submit, under the label of constitutional monarchy, to anything which was decided for it without criticizing the political qualifications of those who... took the reins of power into their hands.<sup>1</sup>

This mounting rejection of the Empire, by the minority of German intellectuals in question, did not, thus, provide a program or leadership for organized German political action. Nor did it produce any treatises upon the manner of formulation and study of political problems; the crisis seemed too immediate and far-reaching for ~~the~~ methodological contemplation. What it did produce, however, were a number of appraisals of German history, political institutions and values, such as had never appeared before in Germany, and of an astuteness which makes them important even today for

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1. Ibid., p. 69.

an understanding of the problems of German society and politics, and thus of German political study.

The first of these unprecedented, politically oriented appraisals which we shall consider is that of the jurist Hugo Preuss. Preuss was one of the very few imperial Staatsrechtslehrer who, from the middle Eighties until his death in 1925, sought to participate both intellectually and practically in the political events of his time. An active champion of liberal democracy, he had, at an early age, become interested in municipal self-government, and, in that connection, in the reforms of Stein and the political program which underlay them. While he shared Gierke's interest in the association and the organic interdependence of such associations in the state, he rejected the latter's metaphysical inclination and focused upon the liberal inspiration which the theory and example of the Genossenschaft could offer. In line with his liberal and democratic values, he dedicated one political analysis after another, both popular and academic, to such issues as the problem of gaining for the German people a responsible executive, the problem of reforming the Prussian three-class suffrage system, and, above all, the problem of remedying the lack of popular political consciousness which the imposition and acceptance of the Bismarckian system had so successfully promoted and which,

in Preuss's view, constituted the principal reason for the authoritarian state's survival. His consistent and sincerely liberal efforts, and his reputation as a jurist, brought Preuss the opportunity and responsibility of framing the Weimar Constitution and thus, at least as far as he could appraise the situation in 1919, of contributing in a most important way to the development of German Democracy, which had been his lifelong objective.

Unfortunately we cannot undertake a detailed examination of Preuss's various political writings in the present study. The reader who knows German will find an inclusive, representative collection of Preuss's political works in the volume, Staat, Recht und Freiheit, published in 1926 with an excellent introduction by Theodor Heuss.<sup>1</sup> What we shall confine our attention to, for present purposes, is Preuss's most comprehensive, and for this study most relevant analysis, his volume entitled, The German People and Politics, published in 1915.<sup>2</sup>

Preuss begins his analysis by admitting that the time in which he is writing, the second year of World War I, is not an ideal one for the kind of soul-searching in which he will be engaged. On the other hand, he insists, he will

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1. Hugo Preuss, Staat, Recht und Freiheit, Tübingen, Mohr, 1926.
  2. Hugo Preuss, Das deutsche Volk und die Politik, Jena, E. Diederichs, 1915.



be posing some fundamental questions which will have to be answered whether Germany wins or loses the war. To lead him into these questions he focuses upon two facts: firstly, that, as the war was developing, all groups among the German people seemed to be looking forward to some kind of new and reformed age once peace had been restored, and, secondly, that, when the war had broken out, a deep sense of relief had swept through the German people. How is one to explain these unstructured German reactions? In their explanation, Preuss suggests, lies the key to the understanding of imperial German politics; and this key is to be found;

in the absence, in both our national and international political development, of a great and clear sense of purpose which might have inspired, oriented and united our public opinion. After the establishment of the German Empire this basic deficiency was at first not felt because of the momentousness of the national events themselves, and then concealed by general preoccupation with all manner of incidental developments. But for some time now, this lack of goals has resulted in an oppressively sterile sense of emptiness. Self-preservation and maintenance of what has been achieved is the precondition, but cannot be the sole content of the international and domestic political life of a creative people.<sup>1</sup>

This lack of politically integrating and inspiring German values, says Preuss, has been evaded and rationalized in various manners. The economic achievements of the time absorbed the attention of a good many Germans, and, in the course of the years, political apathy even became a fashion-

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1. Ibid., pp. 5-6.

able pose for the successful and hard-headed business man, much as the German man of culture had long looked down upon politics as something altogether banal. Moreover, even those Germans who recognized the weak political consciousness of their countrymen, simply concluded, and consoled themselves with the thought that a nation simply cannot have everything: the Germans had done outstandingly well in music, science, technology, warfare and business; politics was simply not their forte; one couldn't have everything.

But such evasions and rationalizations, Preuss seeks to warn his readers, can only end in catastrophe:

This should have become evident even to the most unpolitically minded of our people from the powerful and awful events which are transpiring right now. Once the Germans finally assumed the status and role of a nation, the fruitful development of a core of common political values became, not a gift among others, which a people might or might not possess, but a most indispensable condition for its survival as a nation and for its activity as such in all other areas... And not even the strongest and most successful military capacity can serve as a substitute for this condition. In the failure to recognize this fact lies the present hour's greatest peril.<sup>1</sup>

Within Germany, Preuss maintains, this absence of positive, integrating political values and goals has had the most crippling political results. The rapid development of German business and industry has created economic and social

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1. Ibid., p. 8.

divisions which, when imposed on the already existing, unreconciled political animosities, has brought about a political stalemate of hostile and uncompromising opponents. In the area of international politics, Preuss adds, the results have been no less disastrous. German military capacity and preparedness have been maintained at the highest level in Europe. Yet the decision as to the level of this preparedness has been an arbitrary one: it has not been geared to known or predictable objectives. As a result, because Germany had no defined international political goals, which the neighbors might have been able to take into consideration in the shaping of their own policies, Germany's high level of armament has unnecessarily, but quite understandably, been the cause of constant international tension; for, "There is nothing which can be as aggravating and productive of suspicions as an abrupt assertion of power without actual or plausible political objectives..."<sup>1</sup> The outbreak of the war, according to Preuss, demonstrates most clearly of all, the consequences of the lack of proportion between German military and political preparedness:

The complete military and naval readiness on the very first day seemed to prove how consciously the German people must have long prepared for this war and desired it... But military power is, after all, only a means for the realization of political objectives; and the complete lack

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1. Ibid., p. 12.

of even the slightest political preparedness at the moment of mobilization would, rather, give proof that we did not want this war, indeed, that we did not even sense its possibility in politically comprehensible terms... Now, however, we must realize that, if the dimensions of the outcome of the war correspond to those of the fighting, the German people stands before political problems of a vastness such as have seldom confronted a victorious nation.<sup>1</sup>

Having considered the consequences of the absence of integrating and guiding political values in German domestic politics and in the framing of German military and foreign policy, Preuss raises the question as to why, once the war had broken out, most of the world and almost all of international public opinion and the international press, immediately lined up against Germany; why there occurred

... a general agreement of the political individuality of so many peoples in their reaction to the political character of Germany; an almost instinctive common feeling, on the part of the peoples of these many countries, which, in the moment of decision, caused them to overcome the very real differences among themselves in order to unite against the political individuality of Germany.<sup>2</sup>

The usual answers which were given to this question both in Germany and abroad, Preuss insisted, were inadequate. It was more than a matter of conflicting economic and political interests; more than merely a matter of poor German diplomacy and inferior propaganda techniques. Nor was it

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1. Ibid., p. 12.

2. Ibid., p. 38.

simply a question of Germany being an aggressor, for, "Does it not sound like bitter mockery that the two greatest imperialist and aggressor nations of the modern world, democratic England and autocratic Russia, should join together to restrain our desire for conquest?"<sup>1</sup> What was basically involved here, Preuss maintained, was the same lack of guiding, universally valid values in the premises of the German state and in German politics, to which he had already referred. The antipathy to Germany, as he saw it, went back to the manner in which Bismarck had brought about the Empire's establishment. Politics and policies in other countries were, it was quite true, just as realistic and cynical as those of Germany. The difference, however, was that Germany as a nation stood for Realpolitik, Prussian authoritarianism, German power and nothing more. The humanism of earlier Germany, which was still diffused throughout German society, had never broken through into German politics, and so remained hidden to the world behind the mask of the Iron Chancellor and German industriousness and efficiency. To see the crucial element which was missing in the German political individuality, Preuss suggested, one had to look, for example,

... to those circles in England whose views continue to be governed by Puritan traditions. These

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1. Ibid., p. 27.

people demand, in fact, that political measures must be sanctioned by general principles of morality and justice. One cannot simply dismiss this as hypocrisy. One must remember that it has been these people who have long continued to demand their government's compliance with the promise to evacuate Egypt, and who, during the Boer War, voiced determined and outspoken protest against this aggression; protest such as would, hardly even have been possible in our country.<sup>1</sup>

The remainder of Treuss's study comprises a review of German history in which he seeks to demonstrate, firstly, how authoritarianism constantly frustrated the successful expression of German democratic political action, and, secondly, how German political apathy and inability to organize behind politically oriented values, made it possible for authoritarianism to survive and to grow ever more damaging. Unless this chain of general cause and effect was broken, Treuss warned his readers, Germany could not long survive as a nation, whether she won the war militarily or not. The problem, as he saw it, was to get the war over with, to face up to the tragic political errors of the past, and, lastly, to build a democratic Germany which would represent some universal values and would become the expression of the active participation and sense of political responsibility of all the groups of German society. Music, technology and hard work were not enough: what the German people needed as a nation was statesmanship and politics; and that,

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1. Ibid., p. 35.

Freuss concluded, was something that they would have to develop for themselves.

The second of the evaluations of German society and politics which we shall examine is that of Walther Rathenau, industrialist, utopian socialist, scholar, statesman, and one of the most sensitive of articulate human beings which imperial German society produced. While there is considerable general agreement in the views of Freuss and Rathenau as regards the weaknesses of German politics, the latter's diagnosis is conceived in considerably broader dimensions. Both the substance of Rathenau's work and the nature of his general approach make his treatment, if anything, even richer in insights into the various aspects of the German situation which are relevant to this study.

Rathenau's appraisal of German society and politics is contained, chiefly, in three books, published between 1912 and 1917: Kritik der Zeit, Mechanik des Geistes, and Von Kommenden Dingen. His basic orientation is one which we shall meet again in our consideration of some of the outstanding contributions to, and criticisms of sociology and the study of politics in the Twenties: the conviction that the individual in the western world, and particularly in Germany, is becoming submerged in an inherently authoritarian and inescapable process of rationalized production and economic

organization (Zwangsanstalt) over which he is losing control, and which is destroying his soul. The logic of this mechanization has fused the whole world together, at least potentially, into a single economic community, a machine whose fuel is property in the impersonal form of capital, and whose sole object, to the extent that it has one, in humanly meaningful terms, is profit. The human being has lost all independence, individuality, higher sanction and sense of effective personal values and responsibilities: his only status lies in the various roles which he performs in the community of production or in the legal and administrative apparatus (the state) which services it. What is more, this mechanization has brought about an isolation and degradation of a large section of humanity, the proletariat; and this proletariat's political reaction in terms of organized socialism, with its defensive, me-too claim to a share of surplus profit and economic and political power, is, in turn, only an additional testimony to the bankruptcy of values in terms of which mankind might control the mechanization which it has so brilliantly built and faithfully served. Moreover, even the orientation and sense of dignity and belonging which patriotism offered in times past is being rapidly destroyed: the non-rational elements in modern nationalism must, in the long run, be disruptive of, and incompatible with the universal process of mechanization;



and, to the extent that nationalism is rational, it only becomes an instrument through which the mechanization expresses itself. If human beings are to escape the fate of the beehive, Rathenau warns, this process of forced subservience to mechanization and efficiency must be reversed. Somehow the individual soul must be raised above it, to control it, and must make it serve his dignity and values as a human personality. That is the problem with which all of Rathenau's writings are ultimately concerned.

Before commenting upon the profound German disorientation which Rathenau's general diagnosis reflects, as indeed did that of Preuss, we shall consider Rathenau's views as they are focused more specifically upon questions of German politics. It is interesting to note his first reaction to the outbreak of World War I, for example. Expressing his profound shock, alarm and disappointment in a letter to a friend, he writes:

We must win, we must win! And yet we do not have any universal sanction... How different it was with the claim to unification which gave us strength and justification in 1870! How different were the demands for our existence in 1913! A Serbian ultimatum and a sheaf of confused and thoughtless dispatches! If only I had never seen how things operated behind the scenes... Necessity or not, higher authority or not - it did not have to happen this way! ... Do you know why we are in this war? I do not... What can come of it? We have no strategists and no statesmen...<sup>1</sup>

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1. Harry Graf Kessler, Walther Rathenau, Sein Leben und Werk, Berlin, H. Klemm, 1928, pp. 185-186.

Two years later, in his discussion of German political behavior, in Von Kommenden Dingen, he writes, in a similar vein:

For years I had foreseen the twilight of the nations, and had heralded it in speech and writing. I discerned its signs in the impudent folly that paraded the streets of our great towns; in the arrogance of materialized life... above all, in the deadly sloth of our wealthier bourgeoisie, immersed in business affairs and shunning responsibility... I do not believe in our right to guide the destinies of the world... for we have not learned to guide our own destinies. We have no right to force our modes of thought and feeling upon other civilized nations; for whatever weakness these nations may display, we for our part have not yet acquired for ourselves a will to responsibility.<sup>1</sup>

Why is this, he asks, why do the Germans have no will to political responsibility? The first reason, he suggests, is that the Germans have never had the benefit of inspiration from transcendent, politically oriented and politically applied values. What has always been missing from German political action and political leadership are "aims which are not derived from research and study, but which arise in the mind from a consciously or unconsciously intuited outlook on the universe..."<sup>2</sup> For a hundred years, the historical method has been the only approach to political affairs, and, if the man of learning enters the field of political activity, he will find it necessary as far as his

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1. Walther Rathenau, In Days to Come (tr. by Eden and Cedar Paul), New York, A.A. Knopf, 1921, pp. 185-186.
  2. Ibid., p. 188.

aims are concerned, to deduce them from the extant. Had Providence followed his method, there would have been no great turning points in history; the tendency dominant at any time, continuing in operation, would have led to an ever closer approximation to the unattainable point of indifference.

Subjectively, the political method of men of learning manifests itself as an avowed leaning towards tradition, towards deduction from local, temporal, physical, and humanistic data, as an aversion to all that is immediate and ideal...<sup>1</sup>

Since transcendental values have never been introduced into German politics by men of vision and a gift for practical politics, even the German concept of freedom bears the stamp of the conservative historical scholar:

The German concept of freedom, which is likewise a creation of erudition, contains... some such declaration as the following: You do not desire to be free from all restraints. An organic restriction is interposed between license and freedom. You are not subjected to any other restriction than this organic, divinely willed restriction. ... If you recognize this, you have an inner freedom. In addition you have transcendental, moral, aesthetic, and religious freedom.<sup>2</sup>

But, Rathenau points out, reasoning from such a vaguely defined, mystical concept of the organic, not only justifies every kind of enslavement, but undermines the will, the confidence, and the sense of responsibility for formulating, empirically studying, and coming to grips with the nation's political problems. If the German people are ever to become masters of their own fate and remedy the social and economic inequalities and the political weaknesses of their feudal-

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1. Ibid., pp. 188-189.

2. Ibid., p. 190.

capitalist state, they must finally free themselves from submission to the mystique of this historical fatalism.

They must realize that,

To destroy the dominion of feudalism, capitalism, and bureaucracy, the essential need is not the change of a written word; the essential thing is the will. But it must be a will surging up from the depths of the people's consciousness, a will sustained by the power of the nation and guided by a knowledge of the bonds to be broken and of the obstacles to be overcome.<sup>1</sup>

Such knowledge has never been achieved in Germany, firstly, because of the inhibiting effect of the organic rationale of the status quo, and, secondly, because it cannot be gained from the elaboration of legal and constitutional prescriptions which has engaged so many of the students of the state in Germany. The knowledge of the bonds that have kept the Germans in political passiveness for so long involves, rather, an understanding of "the aggregate of traditions, political usages, inherited outlooks, self-protection of classes, cooptive selection, submission to the law, family relationships, the privileges of wealth, arrogances and obsequiousnesses..."<sup>2</sup>

The most politically paralyzing tradition in Germany has been the long monopoly of power and the symbols of prestige by the aristocratic, feudal classes. Not only the masses, but the middle classes as well, have been enslaved

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1. Ibid., p. 205.

2. Ibid., pp. 205-206.

to feudally sanctioned discipline and obligation, and, "even when the obligation is repudiated, the revolt is not a vigorous assertion of freedom but a deliberate act of insubordination, performed with an uneasy conscience."<sup>1</sup> The German sense of freedom, conditioned by this all-pervasive experience, has always been a defensive, unstructured and, potentially at least, an anarchistic one. This has been reflected both in German cultural creativity and in German political expression:

Profundity; a sense for the essential of which things are but a reflection; vigorous individuality and systematic universality, leading to a recognition of and due esteem for the counter-possibility to every possibility - these qualities have from the first made the German an opponent of form. For all form is limitation... In the united provinces of the arts and sciences, of individual, social and political life, we can find hardly a single fundamental form which is of German origin... We have remained poor in forms because we learned to despise them...

We are losing the civilizing force which is derived from the resolute maintenance of well-tryed forms... If, alike within our own borders and in foreign lands, we display so little colonizing energy, if we have proved unable to rivet to ourselves our own kinsmen and the nations we have permeated... the fault does not lie so much in our institutions as with our lack of inborn capacity for lordship... a harmony of duties and rights; an inward realization of the far and the near; a renouncement of petty claims and a firm grasp of essentials; a sacrifice of the convenient for that which is truly worthwhile. Above all do I mean remorseless justice - free-spirited, independent of prejudice and censoriousness...

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1. Ibid., p. 222.

He for whom unfreedom is bred in the bone, who unwittingly recognizes that he is lorded over by a dominant caste which he no longer loves and which he sometimes envies, he who has come to regard his own fate and that of his children as irrevocable, finds his consolation in contemplating those who share his lot and who bend under the same burden. In the long run, he will rather bear enhanced oppression from his born superiors than see one of his fellows rise to higher levels and win freedom... The naive delight of the Americans, who are never weary of adding up the dollars of some self-made millionaire, and to relate that this master of millions began life as a newspaper boy, is only possible in a land where everything remains open to all. The ideal of our malcontents will certainly never be the crude longing for riches characteristic of the transatlantic world. Just as little will it be the desire for unhindered spiritual ascent. Their craving is for the most jejeune, unreal, and dangerous of materialistic utopias, for equality, even if it should be an equality which can only be secured by a general levelling down...

... We must never forget that these narrow outlooks endanger political ideals. For inasmuch as every free and desirable condition must be based, not upon inert democracy, but on the vigorous upward and downward play of spiritual forces, it follows that feelings of ill will are pre-eminently calculated to hinder ascent, and to maintain the power of dying tyrannies simply because people are used to them.<sup>1</sup>

Because of the absence of universalistic ideas in German politics and the defensive, unpolitical conception and expression of freedom in Germany,

The political future of the country is not a question of institutions but of character. Every statesman of the coming days... must realize that the awakening of new moral energies is the fundamental prerequisite to social reconstruction, and

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1. Ibid., pp. 222-225.

that institutions obediently and readily follow human development as the bark follows the growth of the tree. A century ago we became a nation; fifty years ago we became a state; now, by an inward rebirth, we must become a political nation and a people's state.<sup>1</sup>

Unfortunately a victory would be an argument for the status quo. Nevertheless, regardless of how the war ends, Rathenau feels, it will have contributed some of the important preconditions for the moral rebirth which is needed. In the first place, there has developed, because of shared wartime hopes and sacrifices, something which had never before existed: a true sense of German community. By their fighting and suffering, the German lower classes have proven to themselves and to other Germans that they can no longer be excluded, that they comprise the core of the German nation. Rathenau only hopes that when the fighting is over they, as well as the other German classes, will remember, "that the state and country are res publica... that every individual is permanently responsible for this cause..."<sup>2</sup> Secondly, the decline in European prosperity which will result from the war, the disorganization of property and the increase of burdens which will follow, will everywhere reduce the economic and political power and confidence of the upper middle class. There will be serious economic dislocations

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1. Ibid., pp. 225-226.  
2. Ibid., p. 230.

in the middle middle classes and many of its members will drop out of their traditional stations and, Rathenau hopes, "will draw attention to the profound defects of our social structure."<sup>1</sup> And, lastly,

The war has finally destroyed the freedom from ties characteristic of an individualistic economic system, and has paved the way for the development of new forms of communalized economy, for it has made everyone realize that the economic affairs of a civilized state are not the concern of individuals, but the concern of all.<sup>2</sup>

It is up to the German people, Rathenau warns, to see that, once the war is over, these hard-won gains are put to the best political use. This means, above all, extensive reforms in the German parliamentary system, involving the following: firstly, the introduction of a properly designed system of proportional representation; secondly, a reorganization of German political parties; and lastly,

... that the German parliaments should be given a positive function... that they should be granted the possibility of creative work... The statesman who has been trained only as a critic knows nothing of essentials. He has learned parliamentary methods and legislative formalities, but has never acquired responsibility as a doer, a discoverer, and a creator... One who practices on a dumb piano will never become a pianist. An irresponsible critic forgets his own weaknesses, and grows impotent because he regards himself as infallible... The occupations of the members of the present German parliaments cannot create true statesmen; those who sit in these parliaments have no power to strive for ultimate ends...<sup>3</sup>

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1. Ibid., p. 231.
  2. Ibid., p. 231.
  3. Ibid., p. 259.



But, Rathenau concludes, the realization and effectiveness of these institutional reforms depends upon whether the German people develop the will for political thinking and participation. Only this will can save them.

We have dwelled at some length upon our consideration of Rathenau<sup>1</sup> and have quoted extensively from his writings for two reasons. In the first place, the insights which he offers, when combined with those of Preuss, are valuable contributions to an understanding of the situation of Imperial Germany to which this survey seeks to relate the condition of German political study. And, in the second place, because the range of Rathenau's analysis and his general orientation provide the first substantial example, in the German political literature, of a work conceived and executed in the sense of the norm of political study which this survey has posited: politics simultaneously as a social science and a national resource.

Before leaving our examination of the study of politics in Imperial Germany, and its social and political environment, we shall attempt a brief summary of our findings. We discovered, firstly, that, after Bismarck's imposition

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1. It is interesting and perhaps significant that both Preuss and Rathenau were Jewish. In 1922, as German Foreign Minister, Rathenau was assassinated by a member of an anti-democratic, militarist and racist counter-revolutionary group.

of authoritarian unity upon German society, the empirical and philosophical consideration of political facts involved in the operation of the state (a type of study that had never been highly developed in Germany) vanished almost completely from the German scene. Its place was taken by a number of unconnected and largely technical state sciences, dedicated to serving the status quo. Academically the most prominent among these was Staatsrechtlehre, which sought to exclude all political data as metajuristic and concentrated upon the logical systematization and elaboration of legal concepts based upon deductions from the central assumption of the state-person. Another important branch of the state sciences was the discipline of Sozialpolitik, which was oriented to the double objectives of value-free analyses of society as differentiated from the state, and introducing socially and economically liberal ideas into social policy with a view, ultimately, to promoting the greater stability of the authoritarian monarchy, which it held to be a prerequisite for the survival of the German nation. Ideologically, the spirit of free, empirical inquiry and philosophical reflection as regards practical politics and the operation of the state was replaced by the mystique of the state-person, with the ultimate sanction of the metaphysical concept of the organic.

We noted, secondly, that, at least among a small minority of German scholars and intellectuals, there was gradually developing an awareness of the inadequacy of the established study of the state, and a movement to supplement and reconstruct it as a true science of politics. Treitschke, for example, had seen the folly of excluding a consideration of social phenomena from the study of the state. His positive contribution, however, amounted, in effect, only to a more broadly based attempt to justify the status quo by what was fundamentally a metaphysical rationale: he conceived of politics as a national resource, but not as a social science. Gierke, too, had seen the shortcomings of the narrow approach of Staatsrechtslehre; but, with his essentially a priori concept of the organic Genossenschaft, he too failed to further the development of a German science of politics. Mayr and Schmidt, on the other hand, while still accepting the imperial system, nevertheless oriented their work to an empirical examination of its operation and, even more notably, made considerable progress in the task of developing a methodology of politics as a social science. Finally, the works of Preuss and Rathenau, based upon the implicit and explicit recognition of the fact that politics as a social science was not possible within the assumptions of the imperial system, rejected that system and set forth a formulation of basic

German social and political problems such as had never before appeared in German society. At the end of World War I, therefore, although the dominant study of politics continued to be conducted in terms of the specialized Staatwissenschaften, the first steps towards a methodology of political science had been made; and at least a minority of German intellectuals had raised the questions with which that political science would have to concern itself.

We must now, in brief summary, answer the question: to what aspects of the imperial situation is the absence of a German science of politics to be attributed? Basing our conclusions upon the foregoing survey of both the representative literature and the highlights of the structure and politics of German society before and after 1871, we can say that what was involved, if it be stated in its most general terms, was insufficient motivation and excessive social, political and emotional deterrent.

The central point to note is that in the conception of the German people, accustomed and assimilated as they were to centuries of dynastic rule, politics was essentially a matter of the state and the state's decision-making and administration, theoretically, at least, in the interest of all the members of the community according to their traditional

social and economic expectations. This general circumstance had, if we may be pardoned an oversimplification, a number of most important results.

In the first place, since it had always been the dynast and his aristocratic supporters who in effect represented the state and its functions of administration and defense, the deference which was accorded the state as an apparatus on rational grounds, was confused with, and reinforced by, the non-rational deference accorded the dynastic circles on the basis of the myths and traditions upon which they sought to found and sanction their claim to the monopoly of power and synonymousness with the state. Moreover, because the feudal aristocrats enjoyed exclusive power and highest prestige, the other classes of German society directed their aspirations to acquiring the symbols and accepting the ideologies of this socially and politically highest class. And in so doing, they made German society's surrender to the dynasts' confusion of rational and traditional claims to exclusive control of the state all the more complete. These other classes were, so to speak, tied to the status quo, and committed to the surrender of political rights and responsibilities, not only by the ostensibly rational dictates of efficient government, but also by the fact that they had accepted as their own ideals the very symbols and myths which were used by the dynasts to justify their

claim to exclusive responsibility for the affairs of state. In such a situation there could be no powerful stimulus to empirical political study, at least as long as all classes were sufficiently appeased or suppressed. As far as the dynasts were concerned, their qualifications for the job of government seemed self-evident, not only by tradition but also by the expectations of their subjects. Intuition, divine guidance and the help of such advisers as they might choose, seemed quite adequate. For the remainder of the population the motivation was even weaker. If the state is a matter only of the administration of dynastic-made decisions, all that is required is expertise, loyal servants to execute the monarch's presumably wise will. Moreover, if it is truly the business of the dynast to rule, the formulation and empirical study of national political problems is not only irrelevant, but may seem outrightly impudent and even sacrilegious.

In the second place, since the various strata of German society had never had the responsibility of governing and making public decisions by politics, they were never obliged to find the agreement upon fundamentals, the integration for democratic compromise, which alone could have persuaded the members of the various strata to permit the direction of the state to become a genuinely public matter. Because they would not entrust the safeguarding of their

unreconciled group-interests to a compromise between one another, each group preferred the allegedly neutral direction of the state by the dynast. But, because they failed to trust each other, and because the dynast's rule was exclusively a matter of imposed administration, the German people's attitude towards public policy always remained an essentially negative one, constituting, in effect, a defense by each group against the encroachments of both the other groups and the state. Such a defensive and factional approach to government could promote little initiative, participation and vision on behalf of the whole community. And without these, the formulation and study of the community's political problems would seem both unnecessary and unrealistic.

In the third place, because politica was essentially a matter of dynastic administration and the defense of factional interests against the encroachments of that administration and the interests of other factions, the universal ethical values which were present in Germany as elsewhere in Europe (albeit tinged by close contact with the politically and socially dominant feudal classes) were never oriented towards or worked into political activity. There was no practicable function for them, no place where they could effectively enter. And because such a universal ethical inspiration was lacking, the already petty and passive condition

of German politics was all the more sterile. Moreover, without such values to be applied to the concrete situation, there were no problems of the scope that existed elsewhere. A problem is only created when a set of facts is viewed with reference to some value. On the other hand, because there was no effective political bridge between politics and universal ethical values, such values as existed, especially after the one great and unsuccessful attempt to build such a bridge in 1848, were either ploughed into administration (as with the Sozialpolitiker) or built into the formulation of legal concepts (as with the Rechtsstaat idea of the Staatsrechtslehrer). For the rest, they were left isolated and free to develop into various forms of speculation without any practical political corrective. Their adaptability as inspiration for the formulation of political problems and for political action became, thereby, all the more questionable.

These, then, in oversimplified and summarized form, are the aspects of the traditional German situation which weakened the motivation for, and deterred the expression of, a synthetic and evaluative empirical study of politics in Imperial Germany. Since this Imperial Germany had been built by dynastic politics and, in the view of most German intellectuals, depended for its survival on the continuance of such politics, the existence and the effects of these



traditional circumstances were not fundamentally altered. The chief change was that the frame of reference was now no longer merely one of a large number of principalities, but the whole German nation. While this change gave the national resource aspect of political study new emphasis (see Treitschke), it introduced the old and fanciful metaphysical tradition of the organic German Volk into political thinking, and thereby created difficulties for the development of politics as a social science in Germany which exist to the present day.

By 1871 the metaphysical justifications of the particularist dynasties had been, for the most part, at least consciously repudiated. It was different with the metaphysical ideas which had grown up around the concept of the German Volk, to which the authoritarian Bismarckian Empire, the political realization of that concept, fell heir in 1871. Because the German people had so long failed to achieve the political realization and the defense of their German identity through nationhood, this realization and defense had come to find expression in various ideologies and theories dedicated to the general purpose of exhorting and rationalizing differentiated German cultural and racial solidarity, involving, usually, reference back to some idealized medieval and Teutonic golden age. It is with this intention and in this spirit that the theories of the Volk and its Volks-

geist, as well as the idealized concept of the organic Gemeinschaft were conceived: if Deutschum was to be defended, and if it could have no rational political defense, it would have to base its survival upon a metaphysical basis, one guaranteed by the spirit of history.

The development of such a defensive, metaphysical rationale for the maintenance of what was held to be the ideal identity of the group is quite understandable in view of the circumstances, although, in effect, it undoubtedly contributed considerably to the undermining of rational efforts to bring about the much-desired conversion of the German Volk to the German Nation by planned and popular initiative. However, once the desired national status had been achieved, the fact that the authoritarian Bismarckian order fell heir to this mystique of the organic German Volk, gave to this concrete embodiment of the German nation a metaphysical sanction, which seriously hindered the objective and empirical investigation both of the processes of its operation and of its basic social and political assumptions. In the first place, there were introduced into the German conception of the operation of a state a number of a priori notions which did much to hinder the realization, by German intellectuals, of the fact that the conduct of a nation, like that of an individual, must be based upon the most objective possible knowledge of its own workings and of its human and

non-human environment, and upon the most rational possible decisions (made always, by human beings on behalf of other human beings) upon the basis of that knowledge.

This failure to conceive of the state as a utilitarian apparatus, which should be responsive to human desires and subject to human understanding, responsibility and control, when combined with the other aspects of the situation as outlined above, further contributed to the determent of responsible political initiative and participation, and thus, to the determent of, and weakened motivation for, a science of politics. Even after some of these other dynastic aspects were formally removed in 1918, the mystique of the Volk (strengthened by the augmented sense of German national defensiveness and insecurity resulting from the loss of the war, conceived as a war for the vindication of the German Volk and nation) continued to dog the development of politics as a social science in a number of ways which we shall have occasion to trace.<sup>1</sup>

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1. In addition to making the problems of the nation's operation more inaccessible to objective, empirical analysis, the metaphysical heritage of the organic Volk has provided the ultimate rationale of every anti-democratic and nationalistic movement of German reaction. The ideal solidarity of the German people is envisaged to have existed in the medieval and Teutonic past, in an organic Gemeinschaft which is generally defined as a racially distinct, submissive and corporately organized society with a great and just leader. Thus, as with Nazism, the rationale of differentiated German solidarity was combined with political totalitarianism, claims of racial and cultural superiority, and ultra-conservative patterns of economic organization, with an allegedly just leader representing the whole Volksgemeinschaft.

We have already surveyed the condition of imperial German political study which was the expression of these many and subtly inter-acting social and political circumstances. One other point, however, remains to be noted. Because of the absence of active and positive political participation in the inspiration of ultimately universal ethical values, and because of the absence of the national (and always ultimately international) integration and sense of fundamental social and political direction which the inspiration of such values affords, German society suffered from a profound sense of disorientation, evident not only in the condition of domestic and international German politics, but also in the unsuccessful attempts of Germans as individuals to see their actions in a universally meaningful manner. Freuss had spoken of a deep sense of emptiness and lack of objectives in German society; Rathenau conceived of his work as an attempt to rescue the human soul from the blind processes of mechanized production; German sociologists, most notably Max Weber, concerned themselves almost exclusively, in essence, with the impersonal rationalization of industrialism and the capitalistic money economy, which was acutely felt to be mechanizing and bureaucratizing human life; and Oswald Spengler, for example, generalized from the absence of a universal ethical inspiration and direction in German society, to a conclusion that the whole West was spiritually

bankrupt and in decline.

As long as the traditional network of social, political and economic relationships and expectations remained intact in Germany, this fundamental disorientation was articulated only by a minority of intellectuals. After the collapse of the Empire, however, and in the politically, socially and economically unstable situation of republican times, this disorientation began to loom as a most important factor in the definition of political problems. Increasingly the deep-felt cry arose for values, values which would give the German people a sense of direction and a new basis for political integration. And with these cries often went the sentiment, that social science, with its ideal of objective analysis, not only could not provide the direction that was felt to be the time's greatest need, but actually contributed, by its detached investigation of political and social patterns and processes, to the subversion of such values as remained. Such sentiments not only provided the soil upon which intellectual fascism could grow, but seriously sapped the motivation and threatened the objectivity of German scholars of the Weimar period who were developing the study of politics as a social science.

The study of politics during the Weimar years, to which we shall now turn, enjoyed the benefit of a situation in which

political institutions had, at least theoretically, been fully secularized, so to speak, and in which there was complete intellectual and political freedom. It suffered, however, from two general handicaps, which were deeply embedded in the German political background: firstly, and in spite of the formal declaration of popular sovereignty, from the fact that Germans in general still tended to feel that the state was somehow above its citizens, and somehow continued to operate by itself as long as one gave it loyalty and service. The realization that everyone is responsible for the understanding, criticism and decision-making and decision-making of the state, the res publica, had still not become fully established; and secondly, Weimar political study as a social science suffered from the above-mentioned sense of lack of social and ethical integration and direction, which seemed, among many intellectuals, constantly to tempt the scholar struggling for objectivity as a social scientist, to make a bolt for absolute values as a human being. In the survey of Weimar political study which follows, we shall always have to keep these two inherited sources of weakness in mind.

PART II

Political Science and Society  
during the Period of the Weimar Republic

## Chapter IV

### Contributions to the Development of a Science of Politics from Political Geography, Sociology and Jurisprudence

With the loss of the war, the establishment of a democratic republic, and the domestic and international social, economic and political readjustments which thus became necessary for German society, the automatic operation of the allegedly neutral state-person could no longer be taken for granted. Although the politically unconcerned specialization of the state sciences continued to be the dominant approach to matters of the public interest, even the most conservative scholars found it necessary to engage in at least a minimum amount of re-examination. For the most part, however, these re-examinations consisted of essentially technical considerations pertaining to problems within each discipline, or of philosophical reflection about the phenomenon of democracy in particular and the problem of the fate of the German people and nation in general. Questions of the profundity of those raised by Freuss and Nathenau were touched but rarely, and when they were, it was at a level far removed from that of systematic and empirical political study. It was not until the late Twenties and early Thirties that the full scope of the political problems of German society was squarely faced, and that political study acquired a consciousness of the challenge it confronted and a methodology to meet



that challenge as an independent discipline conceived as a social science and a national resource.

This belated development of a science of politics in Germany was the product, fashioned in the minds of a handful of outstanding German scholars, of what had been a gradual convergence, throughout the Twenties, of contributions principally from the fields of political geography, sociology and jurisprudence. Since the contributions often came from scholars who, in the process of their work, crossed academic lines, and since many of the most valuable treatises were not specifically conceived with a view to political study, but only later adduced to that purpose by scholars in different disciplines than that of the original author, the systematic presentation of these diverse and uncoordinated contributions offers some difficulty. In order to give what we believe will provide the clearest possible picture, we have divided this second part of our study into three chapters. Chapter IV, the present chapter, will consist of three parts, dealing with contributions to a German science of politics from the fields of political geography, sociology and jurisprudence. Chapter V will comprise a survey and an analysis of the Weimar social and political situation, and an examination of some of the more outstanding and representative political writings which illustrate the operation of this situation upon the formulation and analysis of political problems.

Finally, Chapter VI will survey the works in which the various uncoordinated contributions examined in the present chapter were methodologically integrated and built into a synthetic science of politics as such.

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One of the first and potentially most valuable contributions to the development of a German science of politics came from the general field of political geography. Although the national resource orientation and the international politics interest which motivated the men who worked in this field were very much an expression of a native German concern with Germany's international position and role,<sup>1</sup> the general approach and the original concepts which they employed were those of the Swedish scholar Rudolf Kjellen, whose translated works had begun to achieve considerable circulation in Germany just prior to the end of the war.

Kjellen had been trained in a juristic tradition similar to that of the German Staatsrechtslehrer. Having realized, however, that this approach afforded little insight into the many factors which were involved in the potentially explosive international political alignment which he was witnessing in the decade prior to 1914, Kjellen

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1. A fact which, in view of their lesser concern with the requirements of social science, resulted in making much of their work spurious, as we shall demonstrate.

had set himself the task of discovering just what these factors were, and of developing a conceptual framework for considering them. His first attempt at an interpretive synthesis was published in Germany in 1917 under the title, Der Staat als Lebensform. The central thesis of this book was that the state had to be considered as an actor and that once this was realized one could then proceed with devising categories and methods of analysis for examining the various factors which were involved in state behavior. The same point of view, but more systematically worked out, was expressed in his next volume, An Outline of a Systematic Science of Politics.<sup>1</sup>

Before setting forth his frame of reference, Kjellen devoted some discussion to what he held were the principal problems which would have to be faced in developing and systematizing political science knowledge:

The building of a systematic science of politics involves and depends upon the solution of three specific problems - firstly, the question of defining the subject matter of political science, secondly, the question of demarcating the boundaries of this science, and thirdly, the question of the internal conceptualizing and the organic dividing up of the various aspects of the subject matter. Practically speaking these three problems are interrelated in many ways and all must be solved before a system can be developed.<sup>2</sup>

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1. Rudolf Kjellen, Grundriss zu einem System der Politik, Leipzig, S. Hirzel, 1920.
  2. Ibid., p. 7.

The subject matter of politics, as Kjellen saw it, was "the state as a fact of international law, as a member of the system of nations: those acting persons of history which are known to us as England, Germany etc. They stand before us as objective, living realities. Our job is to analyze the operation of these empirically perceivable, super-individual realities."<sup>1</sup> That it would not be an easy job, however, Kjellen fully realized, "because there are such serious impediments to the necessary objectivity. More preconceptions and superstitions creep into this area than any other, for in no other area do so many and such great and sensitive interests converge."<sup>2</sup>

To further clarify his approach to the subject as he has defined it, Kjellen gives the following explanation of his general methodological position:

It must be emphasized from the beginning that our empiricism in no way conflicts with our general notion that we are concerned with super-individual realities. Empiricism is not so ipso materialism, and the materialist has not been able to consider the operation of the state any more directly than has the idealist. To the extent that we empirically perceive states as independently operating units, we can proceed from this conception as a working hypothesis. Our proof will lie in its ability consistently to account for the facts. In the great controversy between the individualistic and the collectivistic conceptions of the state we therefore

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1. Ibid., p. 8.  
2. Ibid., p. 9.

consciously, and firmly admit our alignment with the latter.<sup>1</sup>

In order to show that there is some precedent in Germany for the type of empirical study which he is suggesting, Kjellen quotes the following sentence from the historian J.G. Droysen's Lectures on Politics, delivered in 1850: "Politics is not concerned with what the situation of the world, of the nations or of the individual state should be, but with what it is and what it can become in view of what is known about the factors involved in the constitution of national power; it does not set forth ideals but analyzes concrete reality and reveals in the latter quite different springs of action than the nebulous ones which are ascribed to the former." Unfortunately, Kjellen hastens to add, the jurists and the experts in economics and administration eclipsed Droysen's and other scholars' first steps towards a synthetic, empirical science of politics in Germany. After referring to the largely unrecognized but creditable work of Ratzel and Penck, who had tried to make geographical data available to the study of politics, Kjellen points to a report released in 1917 by the Prussian Ministry of Education which, he believes, heralds a new approach to the study of politics in Germany. In the name of the Prussian government, this

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1. Ibid., p. 9.

report called for the encouragement of foreign studies at German universities, for the extension of the horizons of politics to include not only jurisprudence but geography, sociology, and economics - with the general purpose that the German people be guaranteed a more profound and comprehensive "political understanding of the present." It is in this sense that he too understands politics, says Kjellen, "in its honorable classical sense of a synthesis of all knowledge concerned with the state..."<sup>1</sup>

Kjellen's actual conceptual framework for considering the data of politics as he understands it, is comprised of five general categories, each with its own special scientific term and broken down into further sub-aspects: geopolitics, concerned with the country's location, its geographical form and contours and the nature of its territory and natural resources; ecopolitics comprising the sphere of government participation in the economy, the nature and problems of the existing private economic life; demopolitics, involving the background and general equipment of the population, its physical condition and its psychology; sociopolitics, concerned with the type of social system and the problems of its operation; and, finally, what Kjellen called oratopolitics, devoted to the study of the institutions and processes of the governmental system, the problems of its

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1. Ibid., p. 16.

operation and the state's general capabilities as regards power. To the elaboration of these five categories Kjellen devoted the remainder of his study.<sup>1</sup>

It is interesting to note the parallel between the appearance of Kjellen's efforts during and at the end of World War I to devise a conceptual framework for analyzing the facts of international politics and similar developments in the United States just prior to, during and since World War II. Indeed, there are many similarities in the substances of the two types of analysis, although Kjellen's conception of the state as a super-personal entity, while intended as a hypothesis to aid in the analysis of the roots of international political behavior, was dangerously close to the traditional German mystique of the organic, and was, in fact, used in the service of that tradition by a number of German students of politics during the years that followed.

While the new empirical and systematic study of international politics which developed in the United States was immediately taken up by scholars working in an established social and political science tradition, and who readily oriented themselves to formulating and analyzing the United States' new international role, the outcome in the Germany of 1919 and the years immediately after, was quite different.

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1. Ibid., Part III.

With no such tradition of an organized discipline of politics as a social science and a national resource, and with the over-all problems of the national existence of German society temporarily obscured by the defeat and collapse of the imperial order and by the immediate problems of the new republican regime, Kjellen's substantial potential contribution to the development of political science in Germany was largely lost. It was only in the syntheses of the early Thirties that his work was taken up and, in combination with methodological contributions from sociology, was further developed. In the meantime, ignored by the respectable students of politics, Kjellen's writings became the property of and were pillaged by a group of pseudo-scientific geographers, most notably among them the retired army officer Karl Haushofer.

Had there been an established discipline of politics as a social science in Germany, the deterministic geographical and demographic theories and researches of Haushofer and his disciples would have been evaluated, corrected, and methodologically integrated with the data of other studies, and would thus have comprised a valuable, stimulating and lasting contribution to the further development of that political science. Unfortunately this was not the case. Geopolitics, conceived in the beginning as the study of geographical and demographic factors in international politics



which, it was felt, had been too long neglected in Germany, came soon to consider itself as constituting the whole of German political science, a fact which made much of its work both worthless and misleading<sup>1</sup> (though none the less influential and popular), and of which Haushofer himself was fully aware and which, at times, he seemed even to regret.

The original aims of geopolitics Haushofer described in retrospect as follows:

When after tremendous sacrifices, effort and performance... a people experiences such great destruction of its traditional way of life and such a wanton... mutilation of its territory as have the Germans, it has the right to ask what was lacking in those whose job it had been to guard this way of life and territory... It is this desire for a more effective scientific awareness of what is involved in the defense of the national form of life and living space which motivates the work of geopolitics.<sup>2</sup>

Deploring the absence in Germany of a political science (he uses the English term) such as was available for the training and guidance of Allied statesmen and for the enlightenment of their people, Haushofer attributes this weakness to the fact

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1. A comparable situation might have developed in the United States, for example, had there not been a broad, synthetic science of politics to evaluate, integrate and methodologically correct the one-factor "family pattern," "baby swaddling" and "sphincter training" explanations of political behavior which have been contributed since the war by psychologists and anthropologists.
  2. Karl Haushofer et al., Bausteine zur Geopolitik, Berlin, Vowinokel, 1928, p. 29.

that German specialists had been unwilling or unable to build "a broad methodology and academic organization as a basis for the study of politics... It is into this gap," says Haushofer, "that geopolitics claims to be moving."<sup>1</sup>

Haushofer admits that "if there existed in Germany a rebuilt science of politics, it would be quite conceivable that the approach and work of geopolitics could be integrated into it..."<sup>2</sup> He recognizes, moreover, that "the great problem which faces us geographers is the methodological relating of political geography, and its daughter science of geopolitics, to the legal and state sciences and to sociology, and their integration into the over-all structure of the sciences in general."<sup>3</sup> Until this social science interaction and integration comes about, however, and,

as long as young men coming from one of the specialized state sciences are let loose upon the difficult direction of their country's political fate without having a carefully analyzed knowledge of what is going on in the world or of geography or of the nature of their own or other nations' living spaces and their development - as long as this continues to happen, it is up to geography and history to assume the responsibility for filling the vacuum. And it is for this reason that the small but pregnant and challenging prefix "geo" has been attached to the word "politics."<sup>4</sup>

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1. Ibid., pp. 30-31.
  2. Ibid., p. 56.
  3. Ibid., p. 71.
  4. Ibid., p. 59.

Thus, geopolitics, conceived in the first instance as the study of the geographical factors relevant to the analysis of international politics, acquired a second and broader purpose - the constitution of a science of politics in general.<sup>1</sup> The consequences of this development would have been less damaging had geopolitics represented a truly empirical scientific method. From the very beginning, however, it represented a number of assumptions, values and concepts which were never examined in an empirical study of the facts involved and which were maintained against all criticism as a central dogma:

And what are the great objectives... which geopolitics hopes to realize for humanity? Nothing less... than to make an appeal to the reason of the peoples of the world to bring about a just distribution of the available Lebensraum of the world according to the dictates of culture, power and economics, and thereby to put an end to the three-century-old danger of overpopulation... The key weapon of geopolitics in this task of convincing are the figures of population density - the number of inhabitants per square kilometer.<sup>2</sup>

Not only, however, did geopolitics claim to be fulfilling the general function of political science and execute this task in terms of a dogmatic, unscientific bias, but, and this fourth aspect of geopolitics proved most damaging of all, it did so with the added conviction that

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1. It will be noted that in this attempt only one even of Kjellen's five general categories was considered.
  2. Haushofer et al., op. cit., p. 39.

it was called upon to act as a medium of popular political education, to diffuse its concepts and its reasoning as broadly as possible among the German people. The geopolitician, says Haushofer:

... must combine the gifts of a good journalist who can see the issues and needs of the moment with the serious and detached power of objective discrimination of the scholar... Scientific geopolitics... must never be as dull as are purely scientific books, otherwise those who wield power, those who count in actual practice, will not be reached and convinced... The geopolitical approach must not be neglected, above all not among one's own people who in the past should always have been shown not only the war-time maps of central Europe but also the map of the world. This would enable them to see the greatness of their danger and the fearful objectivity of their desperate struggle for a minimum portion of the earth's space... a situation from which no flight into any ideology can free them.<sup>1</sup>

While Kjellen's attempts to develop a conceptual scheme for political science was not followed up in the sense he had intended, the geopoliticians, making a mystique of a single one of his categories, developed a deterministic, value-laden pseudo-science which gained little academic recognition but won broad popular interest. This pseudo-science, for the reasons pointed out above, did not meet the specifications of a social science in any sense of the term; and because it did not, its avowed primary purpose of acting as a national resource was not only not

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1. Ibid., pp. 39 and 41.

realized, but actually resulted in a disservice as far as the rational interpretation of the international German situation was concerned. Because the integration of what was valid in geopolitical theory and research into a synthetic political science frame of reference did not take place until the early Thirties, and because the geopoliticians successfully applied themselves as political educators of the people, a whole generation of Germans was misguided by the oversimplifications of the Lebensraum approach, an approach which later played an important part in Nazi propaganda and lent to Nazi claims an aura of scientific validity, and an approach which, most tragic of all, was reflected in a number of the most brutal and disastrous of the basic decisions of Nazi policy-makers, particularly in Eastern Europe and Russia.

A scholar who was essentially a geographer but who had been oriented to the broader problems of political science through his acquaintance with the work of Kjellen, was Otto Mauß. What Mauß found most valuable in the work of Kjellen for the further development of political science in Germany was the latter's "grasp of all the aspects of the state: the state as a nation, a population, an economy, a society and a government"<sup>1</sup> - a breadth of approach which,

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1. Otto Mauß, Politische Geographie, Berlin, Bornträger, 1925, p. 70.

Mauß regrets, was conspicuously lacking in the political study of the imperial era. Without engaging in the pseudo-scientific speculations and generalizations of the geopoliticians, Mauß agrees with the latter in his view that "It is constantly surprising that the science of the state has been a captive of the study of the constitutional and legal institutions and has not begun with the analysis of the fundamental requisites of a state's existence and operation. These basic requisites seem to have been ignored as of only incidental importance because they were taken for granted."<sup>1</sup> What has been most neglected, Mauß maintains, has been the geographical and population factors. The neglect of the latter, he suggests, has been particularly great in Germany because the traditional dynastic absolutisms found it unnecessary to be greatly concerned with the subtleties of the nature, the values and the general psychology of their subjects.

In order to integrate his geographical data into a synthesized political science frame of reference, and to guide him in his research selection, Mauß takes up Kjellen's conception of the state as a super-personal actor. Making every effort to use the analogy of the organism only as an aid for visualizing state behavior and the interaction of the political and other factors which are involved, he is

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1. Ibid., p. 67.

clearly aware of the need for keeping the a priori inferences which tend to follow from this organism analogy out of his analysis. Unlike most of the geopoliticians and the avowed organism theorists, for example, he shows a distinct appreciation of the role of the individuals who constitute the state and of the part played by shared values in integrating them. To the question, "Upon what is the development of the organs and of the national organism built?" he answers:

The binding force between the geographical area and the inhabitants is the conception of the state, the political idea, the will to participate in the state... The idea of the state is a task which has been solved in various ways... In general, however, it must always be recognized that the members of a state must in some degree of intensity participate in and share the idea of the state... a sound nation rests upon a favorable relationship between the idea of the state as a shared value and the remainder of the values of the society. Where this relationship become unfavorable, where other values weaken or choke off the value of participation in the state, the value-bond of the idea of the state eventually disappears and the state organism is no longer in a position to operate, and disintegrates into its two great elements - a group of people and a territory.<sup>1</sup>

Although Maull had begun as a geographer, closely associated for a time with the geopoliticians, he had clearly come a considerable way. His beginnings of what amounted to a functional requisite approach for selecting the factors relevant to a political society's operation, showed an

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1. Ibid., pp. 113-115.

encouraging social science awareness and marked a decided step on the way which the development of political science in Germany was to travel: from no consideration of the roots of political behavior whatsoever (except for the metaphysical notion of organic evolution), to a series of one-factor explanations, to the development of a methodology for considering, weighting and inter-relating all the factors involved and subjecting them to empirical analysis.

An over-all appraisal of the political-geographic contributions to the development of political science in Germany must thus be both positive and negative. On the one hand, although the geopoliticians' larger horizon and their emphasis on the importance of the geographical and demographic factors in a nation's operation constituted a valuable contribution, their determination to make a mystique of these two factors and, with an air of scientific certainty, to employ their reasoning from this mystique for the education of the German people in the "needs" of what remained an otherwise unanalyzed and organically conceived Volks, made of their much-discussed discipline, what in effect was a blind alley. And at worst, because of their oversimplifications and the political use to which these were put, they did much to remove important and complex problems and issues of national decision-planning from the realm of critical discussion and rational and empirical evaluation.



On the other hand, Kjellen's conceptual framework for the analysis of state behavior, although largely neglected for a number of years, provided a stimulus to the broadening of the German approach to politics, which, as with Naull, was a very fruitful one. This conceptual framework of Kjellen's, methodologically integrated with the social-action analysis of Max Weber, serving as a corrective to Kjellen's organic penchant, proved to be one of the chief ingredients, so to speak, which went into the development of the German political science of the early Thirties.

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The political geographers, having rejected the sufficiency of the formalistic, juristic conception of the state of the Staatsrechtslehrer, had thus, by their discovery of the importance of geographical and demographic factors, embarked upon the process of empirically investigating all the elements which were involved in a political society's operation. Unfortunately, as we have noted, their assumption of an organic Volk, and their fascination with matters of geography and demography, prevented them from reaching the methodological destination which, from the point of view of social science, was inherent in that process. If their beginnings were to be developed into a science of politics, the necessary impetus and guidance would have to come from some other discipline. What was required, above all, was, firstly,

an outline of what objective social science was, and what it demanded by way of methodology, and, secondly, an approach which, instead of postulating the existence of an organic collective, would begin with the analysis of individual social-action and then investigate the roles and relationships in terms of which that individual social-action was integrated in the organization and operation of the larger system. It is these two requirements for the development of a German science of politics which, as we shall demonstrate in our survey of the syntheses of the early Thirties in Chapter VI, were contributed by German sociology.

"In Germany," someone has said, "there is no sociology but sociologists."<sup>1</sup> The task, therefore, of disen-

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1. Albert Salomon, "German Sociology," Twentieth Century Sociology, ed. G. Gurvitch and W.E. Moore, N.Y., The Philosophical Library, 1945, chapter 25, p. 587. Salomon continues on the same and the following page: "Sociology became the concern of some scholars who, starting from different fields of research... finally met in the development of sociology as theory and method. What has been the reason for their restlessness? They were united by three common experiences which induced them to transcend the traditional scheme of sciences and to establish a theory and method of sociology. The first experience was the shock that they felt in the face of the gigantic systems of determinism which Hegel and Marx had presented... They revolted in the spirit of the positive sciences which were imbued with a deep distrust of metaphysics and with humility regarding the infinite variety of experiences and events... They wanted to escape the iron necessity of radical determinism. The second experience was the vision of the rapidly expanding rational institutions in the industrial world and the growing pressure of conditions imposed upon the individual. The third experience was the awareness of the

tangling and condensing materials relevant to political science from the hundreds of scattered and diversely conceived German sociological treatises, by economists, historians, philosophers and jurists, is a formidable one, and would in itself merit more than a single-volume study. For present purposes, however, with a view to focusing upon the contributions to political study of methodological awareness and emphasis upon the social-action analysis of the individual actor, which we ascribed to German sociology above, we shall confine ourselves to a consideration of the works of Max Weber and Hans Freyer, undoubtedly the two most important of German sociologists in this connection, although, as will be pointed out, their ultimate orientations, in a number of significant respects, were quite different.<sup>1</sup>

German sociological studies, as we pointed out in Chapter I above,<sup>2</sup> had developed during the middle of the nineteenth century in a conscious turning away from matters of politics and the state to what was postulated as "society."

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problematical character of the thinking human person, of its individuality, of its solitude in a world of collective actions. These three experiences made it possible that some scholars in different fields turned to a new science of society and of social conduct."

1. In Chapter V, in connection with our survey of the Weimar social and political situation, we shall examine some of the anti-social science criticisms which were levelled against Max Weber and which, although the writers in question were not sociologists, nevertheless constitute part of a representative picture of sociological study during the period.
2. Supra, pp. 37-41.

This preoccupation with the non-political and non-governmental had been a reaction, as we noted, to the failure of liberal-inspired German political participation, to the success achieved by dynastic politics in the struggle for unification, and to the authoritarian nature of the Bismarckian system. During the years in which this system was being established, and in the decades immediately following, the most outstanding fact about the "society" to the study of which the German scholars in question proposed to dedicate themselves, was its very rapid industrialization, a development which proved all the more disruptive (and was considered as such) in a country where politically integrating and effective shared values and compromise had never developed and were given no encouragement to do so. And since the political problems involved in this industrialization were, so to speak, ultra vires, the principal concern of German sociology became (and remained so throughout the pre-World War I period) the impact of this industrialization upon pre-capitalist German relationships and values from an essentially cultural, rather than political point of view.

In spite of German sociologists' essentially cultural and non-political orientation, however, almost all of them, because of their motivation, their subject matter and their changing social and political environment, were ultimately led back to the very political reality against which they or

their predecessors had originally reacted. This came about in two general ways: firstly, because the study of human action leads to the study of groups and institutions among which the state must eventually be recognized and analyzed as the most complex; and secondly, if the motivation is primarily cultural concern with what are felt to be the disintegrating effects of industrialization and the individualistic, capitalist economic system, because the state offers at least one possible ideology and framework for attempting a general reintegration of groups and individuals in terms of values other than material and individualistic. It was by the former process that Max Weber came to concern himself with the state; Hans Freyer's political orientation developed in terms of the latter.

In our consideration of Max Weber's political contribution to the development of a German science of politics, we must note, in the first place, that this greatest of German students of society was very much in the tradition of German sociology as it developed in reaction to the impact of industrialization, urbanization and large-scale, impersonal capitalist enterprise.<sup>1</sup> This orientation of Weber's emerges not

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1. As one French observer has commented: "The work of Weber, the work of the majority of the German sociologists is concerned, above all, with the historical singularity of our Western civilization and attempts to understand its rationalization. It is not a question of re-establishing a discipline, but a community, against bureaucracy and the abstract impersonal order... The basic concepts, the historical perspectives, the methods of analysis largely follow from this initial fact." (Raymond Aron, La Sociologie Allemande Contemporaine, Paris, F. Alcan, 1955, p. 170.)

only in his selection of research problems: the theory of economic and social organization and the protestant ethic and the development of capitalist enterprise, for example, but also in his explicit statements on the subject. He writes, for example,

Only a small portion of existing concrete reality is coloured by our value-conditioned interest, and it alone is significant to us. It is significant because it reveals relationships which are important to us due to their connection with our values. Only because and to the extent that this is the case is it worthwhile for us to know its individual features... but above all else, the fact with which we are primarily concerned is the cultural significance of the money economy... we are concerned with the analysis of the cultural significance of the concrete historical fact that today exchange exists on a mass scale.

The emphasis with Weber, however, remained always upon the description and objective analysis of what was involved in this development; he was not concerned with suggesting a social or political philosophy for establishing a new value framework for restoring what had been. The spirit with which Weber approached his adopted task of understanding is indicated in the following passage:

Almost all the sciences, from philology to biology have occasionally claimed to be the sources not only of specialized scientific knowledge but of Weltanschauungen as well. Under the impression of the profound cultural significance of modern economic transformations and

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1. E.A. Shils and H.A. Finch, ed., Max Weber on the Methodology of the Social Sciences, Glencoe, Ill., 1949, pp. 76-77.

especially of the far-reaching ramifications of the "labor question," the inevitable monistic tendency of every type of thought which is not self-critical naturally follows this path.

The same tendency is now appearing in anthropology where the political and commercial struggles of nations for world dominance are being fought with increasing acuteness. There is a widespread belief that "in the last analysis" all historical events are results of the interplay of innate "racial qualities." In place of uncritical descriptions of "national characters," there emerges the even more uncritical concoction of "social theories" based on the "natural sciences." ... It is to be hoped that the situation in which the causal explanation of cultural events by the invocation of "racial characteristics" testifies to our ignorance - just as the reference to the "milieu" of, earlier, to the "conditions of the age" - will be gradually overcome by research which is the fruit of systematic training. If there is anything that has hindered this type of research, it is the fact that eager dilettantes have thought that they could contribute something different and better to our knowledge of culture than the broadening of the possibility of the sure imputation of individual concrete cultural events occurring in historical reality to concrete, historically given causes through the study of precise empirical data which have been selected from specific points of view... The type of social science in which we are interested is an empirical science of concrete reality (Wirklichkeitswissenschaft). Our aim is the understanding of the characteristic uniqueness of the reality in which we move.<sup>1</sup>

In order objectively to analyze the phenomena with which he was concerned, Weber found it necessary, in dealing with each new research project, to do some important methodological clarifying and reconstructing. The German idealistic, historical and socio-cultural approach (Geisteswissenschaften)

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1. Ibid., pp. 69-72.

had long emphasized the uniqueness of concrete historical configurations and the subjective point of view. Weber retained the idea of the importance of cultural configurations and the inter-action which it stressed between the various aspects of the configuration concerned. His uniqueness among German sociologists up to that time lay in the fact that he rejected the predominantly intuitionist theories which, in the German idealistic tradition (conceiving of itself as distinct from the natural scientists, or Naturwissenschaften), tended too often to be methodological rationalizations of the collectivist and ultimately metaphysical branch of German historical thought. Weber's purpose was to build a social science discipline equipped for, and dedicated to the task of, the "analytical ordering of empirical reality;" it was in the process of realizing this purpose that he gradually worked out his systematic science of verstehende Soziologie, a system of logical categories (as in the case of generalized theoretical categories in the physical sciences), couched in the subjective point of view, that is, of the meaning of persons, things, ideas, normative patterns and motives from the point of view of the persons whose action is being studied.

Weber's approach to the state itself was strictly analytical and in terms of its relevance to the aspect of reality for the understanding of which he was developing his



system of analysis:

Within the total range of social-economic problems, we are now able to distinguish events and constellations of norms, institutions, etc., the economic aspects of which constitutes their primary cultural significance for us. Such are, for example, the phenomena of the stock exchange and the banking world, which, in the main, interest us only in this respect... Finally, there are phenomena which are not "economic" in our sense and the economic effects of which are of no, or at best slight, interest to us... We shall call these "economically conditioned phenomena." The constellation of human relationships, norms, and normatively determined conduct which we call the "state" is, for example, in the fiscal aspects an "economic" phenomenon; in so far as it influences life through legislation or otherwise (and even where other than economic considerations deliberately guide its behavior), it is "economically relevant." To the extent that its behavior in non-"economic" affairs is partly influenced by economic motives, it is "economically conditioned."<sup>1</sup>

It is in this connection that Weber considered the question of the institutionalization of authority and developed his classification of the three basic general types: rational-legal, traditional, and charismatic. The former two of these modes of organization he held appropriate to a settled, permanent social system and of routine character; whereas the charismatic involved a claim to authority by an individual, usually for particular ad hoc missions, and was thereby specifically in conflict with the bases of legitimacy of an established, fully institutionalized order:

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1. Ibid., pp. 64-65.

What is, for Weber, characteristic of the modern institutional order, is the relative predominance of the pattern of rational-legal authority. This is above all true of the modern state... this predominance of rational-legal authority is not a fortuitous curiosity of modern Western civilization - it is one of its fundamental characteristics, closely interdependent with a great many others. The free market economy could not function without it on an at all comparable scale. Such fundamental things as personal freedom, and the most important liberties as of speech, scientific investigation, the press, are basically dependent upon it.<sup>1</sup>

The state itself, for the purposes of his analysis, Weber defines as follows:

An imperatively co-ordinated group will be called "political" if and in so far as the enforcement of its order is carried out continually within a given territorial area by the application and threat of physical force on the part of the administrative staff. A compulsory political association with continuous organization (politischer Anstaltsbetrieb) will be called a "state" if and in so far as its administrative staff successfully upholds a claim to the monopoly of the legitimate use of physical force in the enforcement of its order. A system of social action, especially that of a corporate group, will be spoken of as "politically oriented" if and in so far as it aims at exerting influence on the directing authorities of a corporate political group; especially at the appropriation, expropriation, redistribution or allocation of the powers of government.<sup>2</sup>

In a society where political thinking had tradition-

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1. A.M. Henderson and Talcott Parsons, tr. (ed. with an introduction by Talcott Parsons), Max Weber: The Theory of Social and Economic Organization, New York, Oxford University press, 1950, p. 68.
  2. Ibid., p. 154.

ally restricted itself to the formalistic and juristic conception of the state-person, or to the contemplation of the evolution of an organically conceived collective, such a matter-of-fact analysis of the organizational aspect of the state and of its system of authority, and of its tie-in with the whole socio-economic environment, was nothing short of revolutionary, and could not but leave its mark upon the study of politics. Moreover, Weber's use of the subjective point of view of the individual actor as the starting-point of his analysis, in sharp contrast with the initial and empirically un-examined assumption of the organic collective which was made by the geopoliticians and most German students of the state, constituted both inspiration and guidance, as we shall see in Chapter VI, to those scholars in Germany who were struggling with the task of building a German science of politics. Lastly, and perhaps most important of all, as a contribution available to developing German political science, was Weber's statement of what constituted an objective social science, a Wirklichkeitswissenschaft, dedicated to the analytical ordering of empirical reality in terms of general logical categories for methodologically coming to grips with, inter-relating, and intellectually mastering the data of social and political reality. The turning-away of German students of society from the state

and politics had, as we have seen, seriously impoverished the German study of politics. The objective social science of Max Weber and those who followed in his footsteps had, in that sense, been bought at a high price, a price that, as events have shown, could never be fully made up. At last, however, when these social science achievements were finally adduced to the study of politics in the late Twenties and early Thirties, at least a part of that price was being restored.<sup>1</sup>

Hans Freyer, the other sociologist whose work we shall consider, and whose methodological contributions played an appreciable part in the German political science which developed between the late Twenties and the advent of National Socialism (as our survey of that political science and the statements of indebtedness of the political scientists concerned will indicate), was, as far as his conception of social science methodology went, very much in the tradition of Max Weber. Like Weber, he insisted that

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1. One Austro-Bohemian jurist, interested in social science theory and method, wrote in 1925, "It is above all the sociology of Max Weber, which has created the methodological basis for a purely descriptive science of society. All future study of society which claims to be scientific will have to begin with his definition that 'meaning' as the object of sociology can only be the 'meaning' intended by the social actors, and not some objectively right or some metaphysically founded true 'meaning', and that in this lies the difference between empirical and dogmatic science." (Fritz Sander, "Othmar Spann's 'Überwindung' der individualistischen Gesellschaftslehre," Archiv für Sozialwissenschaft und Sozialpolitik, vol. 53, 1925, p. 13.

German social study would have to free itself from the abstract formalism of the Geisteswissenschaften and combine the subjective point of view, as Weber had done, with a systematic analysis of empirical reality in terms of general scientific categories. For this development of the Geisteswissenschaften into social science, he felt that Dilthey had shown the general direction which would have to be followed, and which, in contemporary American sociological terminology, amounts to an incipient structural-functional point of view, although it clearly illustrates the heaviness with which the conception of the organism weighed upon German attempts to come to grips with social reality:

The characteristic of social systems consists in this, that their structure is conditioned by what Dilthey calls the purpose of the unit... From the structure of social systems follows in turn the function in terms of which the individuals are ordered in the whole. This relationship of purpose, structure and function "is the eternal and always varying subject of the social sciences"... in the realm of organic things this relationship is only an adduced hypothetical, methodological prop for analysis; in the case of social systems, on the other hand, it is experienced and historically demonstrable... so that the organism is not the clue to the analysis of social systems, but the latter, rather, should be used as the key to the science of the organism.<sup>1</sup>

If sociology were to remain merely a formal logical science in the sense of the Geisteswissenschaften, Freyer

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1. Hans Freyer, Soziologie als Wirklichkeitswissenschaft, Leipzig, Teubner, 1930, p. 45.

maintains that "it would be 'denaturing' its subject matter and depriving it of its reality. If sociology wants to grasp social life as a reality, it must not take over its systematization from the Logoswissenschaften but must develop independent conceptual schemes proper to its own subject matter."<sup>1</sup> It must always remember, Freyer warns, "that social systems are indissolubly tied to man and time ... and that they comprise the existential situation of the human being. What is involved is social reality as contemporary fate and contemporary decisions which have to be made."<sup>2</sup> What this amounts to, according to Freyer, is what he called a Wirklichkeitswissenschaft, comprising sociology, psychology and history, with its own conceptual schemes and methodology, separate from the formal logical and the physical sciences and dedicated to the formulation and analysis of man's existence.

Freyer was thus concerned with the same methodological problems and the same ideal of systematic social science as had been Max Weber. Apart from their agreement in this regard, however, there were, as has been suggested, some significant differences between these two men as regards the purposes for which they felt sociological research should be used. Weber, in analyzing the cultural significance, as he

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1. Ibid., p. 79.

2. Ibid., p. 87.

called it, of the money economy and what had come with it, never raised the question of the implications for sociological inquiry of the values in terms of which his chosen subject matter acquired this cultural significance. Hans Freyer, on the other hand, was constantly preoccupied with the problem of sociology itself as an historical phenomenon, and it was from the analysis of this phenomenon and its implications that he inferred what he called the ethical function of sociological studies, using its achievements as an objective social science to discharge this function:

Sociology developed as the science of the class society of large-scale capitalism, as the science of the structure, the origin, the behavioral laws and the developmental tendencies of this social order of contemporary Europe. The philosophical contrasts of the systems, the differences between... positivistic and metaphysical approaches almost disappear in the face of this unanimity as regards subject matter... Sociology knows that, in coming late, it has not come too late... It knows that it developed simultaneously with its subject matter. To the extent that... social movements develop independently of and apart from the state, to that extent sociological thinking matures... It is the intellectual correlative of the bourgeois revolution.<sup>1</sup>

In view of this origin of sociological studies:

The intellectual orientation of the Wirklichkeitswissenschaften is neither pure contemplation of a concluded and completed picture, nor the detached analysis of the nature of a permanently changing process. Rather, it is the reflective participation in something which is happening...

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1. Ibid., p. 8.

The science of reality is simultaneously ethical science. Not in the sense that it can discover ethical norms or that it should apply them, but in the sense that the very subject matter which it has selected for analysis bears in itself an orientation to participation in a certain direction.<sup>1</sup>

Because sociology has from the beginning been concerned with and oriented to the understanding of the class society of capitalism:

it documents itself from the very outset as a deeply anti-liberal phenomenon, as representing a point of view beyond the ideology of bourgeois society. In conscious opposition to the classical liberalism of English economics and to its diluted Manchester manifestation, it reveals the allegedly natural laws of capitalist economies and societies to be merely a constellation of historical forces. It goes further: the given class society is not only considered as not permanent, but is not even accepted as an adequate basis for further development. The task of understanding of contemporary sociology involves the analysis, not so much of its structure as of its instability... the present analysis of the structure of society consists chiefly in the demonstration of the revolution which is immanent in it - however the content and objectives of this revolution may be conceived.<sup>2</sup>

In the existing sociological literature Freyer sees three general types of suggested solutions for overcoming the disintegration of capitalist class societies. The first is the Marxian, which would establish the proletariat as the single class, which envisages an ultimate withering away of the state and which, according to Marxian theory, involved a series of international revolutions. The second

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1. Ibid., p. 206.

2. Ibid., pp. 285-286.



suggested type of solution involves some kind of modification of the liberal-capitalist order. Depending upon the particular point of view of the writers, this modification is set out variously as revised socialism, pluralism based on occupational groups or liberal programs for the "matured" industrial society. "Common to them is that they discover within bourgeois society itself certain developments which are capable not only of mitigating or equalizing the flagrant inequalities of capitalism, but of bringing about a social order which will overcome the essentially class nature of capitalist society."<sup>1</sup> The third type of solution which has been advanced in the literature is some kind of state socialism. This formula has been current in Germany since the middle of the nineteenth century and involves two possible points of view: the state as an agent for reintegrating the society and the state as the principle of the new structure of reintegration.

For reasons which he gives in an analysis of the concrete political and social situation in Weimar Germany, Freyer takes his stand among those who, for German society, at least, represent the solution of state socialism. As a sociologist he feels committed both to doing objective, empirical, social science analysis and to orienting his researches to problems involved in overcoming the capitalist order, in reaction to

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1. Ibid., p. 290.

which sociology had developed from the beginning. And to the extent that he was thus engaged, Freyer recognized himself to be working not only as a sociologist but as a political scientist. Ultimately, he maintained, both sociologists and political scientists were concerned with the same subject matter, and, if they were social scientists, both should be working with the same methods and techniques.

Here then, in the work of Hans Freyer, we have an example of the traditional cultural concern of German sociology, and the objective social science methodology which it developed in this originally unpolitical inspiration, being assimilated to the study of politics in the form of what was, in effect, an intellectual plea for national socialist integration. Not all the German social and political scientists whose works we shall be examining proceeded from social and political science to national socialism by the logic which had moved Freyer; but many of them did, and, even those who did not, gave evidence of having been strongly subjected to its temptation.

How could this come about? How could social science place itself in the service of an idea which, once it would be realized, would spell its own doom and the doom of the social system and the intellectual freedom which had made its development possible? Although we shall consider this

question more comprehensively in our conclusion, we must say at least a word in the present connection.

On the basis of the present survey and analysis of German political study and its situation, it would appear that the significant reason for this seemingly paradoxical development is not to be found in the fact that politics was developing as an objective social science, or that it was being conceived of as a national resource for formulating and analyzing the society's political problems. It is to be found, rather, we would suggest, in the fact that German society had never achieved national, social and political integration in terms of liberal values. Given the absence of such integration, and the disruptive clash of hostile political groups which characterized the later Weimar period in particular (which we shall survey in the next chapter), liberal ideals and a national political orientation seemed incompatible to men like Freyer. If sociology and the methodology which it had worked out were finally to be assimilated to the study of politics, and if it was felt that liberal democracy and the continued operation of the state could not be reconciled (a feeling which was all the more likely in view of the deeply-ingrained German myth of the organic Volk, and the lack of confidence in the effectiveness of democratic control of the state, which had been existing for merely a decade, and a socially and economically troublesome one at

that), then Freyer's logic, and that of the men who went the same way, seemed inevitable.<sup>1</sup> The only alternative, under these conditions, would seem to be that of turning away from politics altogether.

The manner in which a state integrated on a national socialist basis would accomplish the desired task, and define and carry out its international role, were questions which the Freyer-type logic, with its implied ultimate political abdication, failed to raise. The circle back to the state-person, albeit in twentieth-century form, was being completed.

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Having thus examined the methodological contributions made available to the development of German political science by German sociology, and digressed to indicate how at least one of the social science theorists found his way to national socialism, we must now consider the reactions of two well-

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1. We shall return to this problem in connection with our concluding discussion of the tentative list of preconditions which we shall propose for the existence of politics as a social science and a national resource in any society. It should be noted that we by no means intend to apologize for intellectual Nazis like Freyer, no matter how intellectual. It is felt only that the logic which he used raises some problems which were, and are, most significant for political science in Germany, and cannot, therefore, be dismissed with mere denunciation.

known Staatsrechtslehrer to the development of this German political science and to the Weimar social and political situation in general. Although the brilliant Viennese jurist, Hans Kelsen, had written his chief works a few years previous to the appearance of Freyer's Soziologie als Wirklichkeitswissenschaft, it is very appropriate, as will become evident presently, that his views should be considered next to those of the German sociologist turned intellectual Nazi.

Kelsen's central position was that the study of politics and the state should not and could not be conducted as a social science, because, he insisted, the political order of the state was, in the last analysis, identical with its legal system, and as such, could simply not be properly understood in terms of social science, at least not in terms of the social science which he saw developing in the Germany of his time:

If once it is recognized that the operation of the state constitutes the fulfillment of norms and not a process of cause and effect, that that specific unity does not lie in the world of natural reality but in that of norms and values, that the state in its essence is a system of norms or the expression of the unity of such a system, then we have already realized that the state as an order can only be a legal order or the expression of its unity. That the state is fundamentally related to the legal system is generally recognized. That this relationship does not constitute an identity is only assumed because one does not recognize the state as an order. But if one recognizes the state as such, then to reject this identity implies the

existence of a dualism of two systems of norms, of which the one is the positive legal order, the other only a complex of ethical and political norms... Is the state a system of norms, it can only be the system of the positive legal norms, because the effectiveness of the former precludes the acceptance of any other.<sup>1</sup>

Our reading of Kelsen's most-discussed works would suggest that there were at least two fundamental reasons for his insistence upon the identity of the state with its legal system and his rejection of the appropriateness of social science for its study. The first of these reasons would seem to be that Kelsen, like the imperial Staatsrechtslehrer, and like the German scholars who during the Weimar period despaired of the possibility of national political and social integration and compromise on the basis of liberal and democratic values and institutions, felt that the only genuine unity in the state could be a legal one. He writes, for example:

It is quite incomprehensible how various hostile economic, national, religious and other groups can be united into social systems by their interaction in terms of these roles and functions as sociological theory maintains... Because our psychologically oriented sociological theory insists that what is involved in membership in a state are psychological processes with a common content, it cannot maintain that the employer and the laborer, who are separated by membership of class, can simultaneously be united in the state by shared values. One cannot at the same time be friend and enemy, or love and hate. Class divisions

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1. Hans Kelsen, Allgemeine Staatslehre, Berlin, J. Springer, 1925, pp. 16-17.

would have to vanish out of the individuals' consciousness, if the community of the state were to become possible as an empirical, social-psychological unity... Is the sociological theory of the psychological interaction of individuals prepared to face the consequences of its view... which, would mean that the state would come to grief on the rocks of economic, religious and national divisions?<sup>1</sup>

Moreover, he maintains in the same vein:

Whether someone belongs to the state or not cannot be decided by empirical-psychological research into the interactions between the people concerned - how would that be possible! ... That such individuals as children, the insane, the sleeping, and those who are completely unaware even of their membership in the juristic unity of the state should participate in the psychic interaction which is supposed to constitute the intimate bond of a sociological association is not only boldly maintained as a matter of course by the sociology of the times, but is also a completely unpermissible fiction.<sup>2</sup>

Here, then, is one reason why the traditional juristic conception of the state is held to be the only valid one. And if, in truth, as Kelsen maintains, it is, then only a normative science, a theory of law, is required for its study. The subject matter of politics and the state, viewed in this manner, simply does not warrant an empirical science of the roots and the expression of social and political behavior. As Kelsen puts it, "to supplement public law with sociology would be as absurd as to constitute the study of private law

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1. Hans Kelsen, Der Soziologische und der Juristische Staatsbegriff, Tübingen, Mohr, 1928, pp. 10-11. (Our italics)
  2. Ibid., p. 9.

and human biology and psychology into one unified discipline."<sup>1</sup>

Thus Kelsen sought methodologically to justify the substitution of his pure theory of law for an empirical science of politics. All that mattered according to this theory, as a theory of politics, was the state as a logically systematized body of legal norms which were the correctly deduced expression of one basic, fundamental Grundnorm. "The original and fundamental norm which lies at the basis of the positive legal system has as its typical content that an authority or source of law be set up, whose decrees are to be legally effective: Act as the legal authority - the monarch, the popular assembly, the parliament, etc., commands - this is the sense, simplified for greater clarity, of the Grundnorm."<sup>2</sup> Kelsen admits that there is a problem "of what relationship exists between the content of the system of laws, as a system of effective norms and the content of the causally determined concrete actions of the world of reality."<sup>3</sup> Between these, he says, there must always be some disparity, but this disparity cannot exceed a certain maximum - else the positive legal norms are no longer positive; nor could the degree of correspondence exceed a certain maximum - else the positive norm would lose its meaning as a

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1. Kelsen, Allgemeine Staatslehre, p. 7.
  2. Ibid., p. 99.
  3. Ibid., p. 18.



norm. This problem of a certain (undefined) degree of tension between the world of empirical reality and the positive legal norms Kelsen called "the problem of the realization of values" which, he says, is simply a matter of the inevitable antinomy between "what is" and "what ought to be." That this formalistic answer was merely begging the question, and that what he dismissed as "the inevitable antinomy" involved all the aspects of social and political reality with which empirical social science was trying to come to grips, Kelsen ignored or refused to admit.

The objection, from the point of view of the development of political science, is not to the pure theory of law as a theory of law, which it had started out to be. As one authority on Kelsen's legal theory, as a legal theory, has written:

In the same way that Kant made the physical sciences aware of their limits, the Pure Theory of Law seeks to define the limits of the science of law... The problems of the ultimate being must be left by natural science to metaphysics, for they are meta-natural; so too in the normative sphere, the problem of creation is meta-normative, in legal science, metajuristic.<sup>1</sup>

The objection, rather, must be to Kelsen's attempt to exclude the empirical consideration of social and political action as irrelevant and to substitute his formalistic normative

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1. William Ebenstein, The Pure Theory of Law, Madison, Wisc., University of Wisconsin Press, 1945, p. 32.

systematization of positive legal norms for the political and social science methodology which was, at long last, attempting to come to grips with the processes by which, and the values and the concrete situation in terms of which, human beings were creating these norms, defining problems in terms of them, and bringing about or not bringing about their realization. For legal systematization these matters may, perhaps, be considered irrelevant; for an empirical science of politics they cannot be.

Inasmuch as Kelsen's reasons for insisting upon the exclusive appropriateness, for political study, of a formal legal theory, are to be found in his initial assumption, that the state was essentially nothing more than its legal system, deduced from a Grundnorm, his work, when viewed against the background of the development of the study of politics in Germany and its situation, must be considered, firstly, a piece of methodological reaction, and, secondly, an evasion (much in the tradition of the Gerber-Laband school of imperial Staatsrechtslehre) of the concrete social and political situation which the social science of the period confronted, and for the analysis of which, it was slowly but surely developing an empirically oriented, scientific method. In this regard the verdict penned by Hermann Heller in 1926 does not seem unjustified: "... without intending to be ironical, I see Kelsen's greatest achievement in the fact

that without concessions, with very great emphasis, and with extraordinary brilliance, he took his stand for logistic legal positivism and developed it to its final absurdity."<sup>1</sup>

In addition to this first reason which prompted Kelsen to insist upon the identity of the state with its legal system, and the sole appropriateness, for its study, of a formalistic legal science, our reading of Kelsen's work would suggest a second and quite different one. It is this second reason which, as we indicated earlier, makes it appropriate that Kelsen's work be considered immediately following that of the sociologist Freyer. As one of a minority of sincerely liberal and democratic Staatsrechtslehrer and academics, Kelsen was profoundly concerned with what he correctly discerned to be a collectivistic normative and ethical implication in much of the current sociological theory, an implication which it had inherited from the idealistic, historical and metaphysical tradition from which it had originally issued.<sup>2</sup>

One example of what Kelsen feared was the idea of a collectivistic and anti-liberal ethical function which Freyer had frankly stated to be inherent in German sociology

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1. Hermann Heller, "Die Krisis der Staatslehre," Archiv für Sozialwissenschaft und Sozialpolitik, vol. 55, 1926, p. 309.
  2. In this connection, see Kelsen's short pamphlet, Staatsform und Weltanschauung, Tübingen, Mohr, 1933.

as a result of its own historical position and role. Another and more subtle characteristic of some of the sociological theory of the times, to which Kelsen was opposed, was what might be called its collectivistic teleology, in terms of which an a priori orientation to the concrete state was at least implicitly imputed to the individual, as though the Volksggeist were manifesting itself in his interaction with his fellows:

The normative character of social systems, particularly of the state is expressed at least implicitly in most of the sociological theory, even though in psychologistic guise. That modern sociology has generally replaced natural law, the normative problems of which it has taken over almost unchanged... is undeniable - even though superficially cloaked in a natural science terminology.<sup>1</sup>

The only way that Kelsen saw for avoiding this collectivistic-normative imputation was to reject the sociological theories with their historical and idealistic background altogether, and to conceive of the state as a system of norms which may or may not be conformed with, and for the actualization of which there is envisaged no a priori inclination in the individual:

If the state is conceived as a system of norms, as a normative order, which verbally is expressed in "ought" postulates, and logically is expressed in hypothetical judgments, in which the precondition is tied to the outcome through the

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1. Kelsen, Der Soziologische und der Juristische Staatsbegriff, p. 46.

"ought"...., it is in principle moved into the same sphere as that in which the law is conceived. In this manner the state, like the law, becomes a value which is juxtaposed against reality, as an "ought" is put over against an "is." This difference between "what ought to be" and "what is," is a basic element in the socio-cultural (geisteswissenschaftlichen) method in general and in the science of the state and the law in particular. For in the contrast between the "what ought to be" and the "what is" we have, here, the contrast between mind and will (Geist) and Nature.<sup>1</sup>

What we have, above, called Kelsen's evasion of social and political reality, and his reactionary methodological position was, thus, part of a scholarly attempt to defend philosophical empiricism against the philosophical idealism and organicism of traditional German social and political philosophy which, he had quite correctly seen, was biasing much of the developing social science theory of the state and politics. As clearly as one may recognize what Kelsen was thus attempting to do, and as much as one may agree that it was something that well deserved doing, one cannot but conclude, nevertheless, that Kelsen's weapons in this struggle were archaic and inadequate. Because of his insistence upon an exclusively legal concept of the state and a formalistic, normative science to understand its operation, Kelsen's liberal ideas, his great erudition and his first-rate mind, remained essentially outside the areas where the battle for empiricism would have to be fought, and where

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1. Ibid., p. 75.

his opposition to organicism might have become an effective and positive contribution. A system of norms is indeed important, but this aspect of a social system, it must be recognized by an empirical science, is only one of a larger number of functional requisites which are involved, and in terms of which the individual is motivated and learns to participate in the system. It is with the inter-relation between legal norms and the other functional requisites of a political society, and the reciprocal action between these functional requisites and the individual members of the system, that the German political science of the early Thirties was concerned.

The other well-known German jurist whose reaction to the post-World War I situation and whose attempts to contribute to the development of German political science we shall briefly consider, is Carl Schmitt. Schmitt's works were, for the most part, addressed to the analysis of the political problems of the Weimar Republic, and in our consideration of the Weimar situation, in Chapter V, we shall have occasion to refer to them. Implied in these analyses of the concrete governmental process, however, and made explicit in his most famous and perhaps most notorious article, The Concept of the Political, were some views about the study of politics which were, from a methodological point of view, as well as from the point of view of the political philosophy implied, the

very antithesis to those which had been expressed by Kelsen.

Popularly referred to in the literature as "Decisionism" and "Anti-neutralism," Schmitt's central position was that the roots of political behavior, and the foundations upon which legal relationships rested, were not to be discovered in a contemplation of allegedly neutral juristic norms, but in an empirical examination of existing power relationships and what was involved in them. As he saw it, German Staatsrechtslehre, by merely deducing legal concepts and systematizing them, had completely ignored and missed the significant political facts upon which the German state had rested:

The liberalism of the last century had a peculiar but systematic way of transforming and "denaturing" all concepts which had to do with the state or with politics. As an historical and political reality liberalism was, of course, involved in politics as much as was any other human movement. The liberals played politics like everyone else... but from the very beginning liberal thinking raised against politics the charge of "force." Such a charge may be inspired by moral conviction but, politically considered, may also mean that a position of power which rests upon an economic and legal superiority is thereby merely resisting all challenges...<sup>1</sup>

It must always be remembered, Schmitt maintained, that every juristic norm represented the legitimation of the power of a concrete person or group of persons. The functioning of a

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1. Carl Schmitt, "Der Begriff des Politischen," Archiv für Sozialwissenschaft und Sozialpolitik, vol. 58, 1927, pp. 27-31.

legal norm assumes a "normal" situation, which cannot be created by the norm itself, but only by a power relationship which guarantees the existence of the norm and action in terms of it. "The sovereign," he says, "is whoever has the power of decision over the state of emergency."<sup>1</sup> Thus, every functioning legal system goes back to, and always represents, a political decision which was made prior to the establishment of the norms, in the area of what Schmitt called the existential. Taking this position against the so-called "pure" and allegedly politically neutral juristic thinking of the normative science of German Staatsrechtslehre, Schmitt gives the following definition of the political which, as he saw it, had so long been neglected:

The specifically political distinction to which political actions and motives can be reduced is the distinction of friend and enemy... The political enemy need not be considered morally evil or aesthetically unpleasant, nor need he be an economic competitor and it may even appear advantageous upon occasion to do business with him. He is simply the other one, the stranger, and it suffices that in being such... he reflects, in the eventuality of a conflict, the negation of one's way of life, and because he does so, one defends oneself against him in order to preserve that way of life...

Whether one may consider it responsible or not, that one may perhaps find in this fact an atavistic remnant of barbaric times... or that one may hope that this distinction will one day disappear from the earth... all this is here irrelevant...

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1. Quoted in the stimulating article by Siegfried Marck, "Existenzphilosophische und Idealistische Grundlegung der Politik," Die Gesellschaft, vol. 9, November 1932, p. 442.



That nations may still be grouped in the contrast of friend and enemy, that this contrast is still a potential reality and is constantly given as a real possibility for the existence of every nation, is a fact which one cannot reasonably deny...

The enemy is thus not the competitor or opponent in general, nor is the enemy the private opponent whom one may hate (*inimicus*)... the enemy is only the public enemy (*hostis*)... referring to a whole nation... Central to the concept of enemy is the constant possibility of a struggle... The present definition of the political is no more militaristic or imperialistic than it is pacifistic... Nor does the distinction of friend and enemy mean that a certain nation must be the permanent enemy of another... What is essential is always only the eventuality... That the occurrence of this eventuality is the exception does not change the distinctive character of the relationship.<sup>1</sup>

According to Schmitt, the sphere of this political cannot simply be equated with the state, for, he insists, the state and society in the modern world have concretely become almost inseparable, at least potentially. The political relationship of friend and enemy applies to any group of people who are oriented to the eventuality of a potential life-and-death decision, and are integrated for that eventual purpose. The implication is that all human interaction, no matter in terms of what functions or values, is political in this sense. To speak of norms being involved is to "neutralize" or "depoliticize." Even, or rather, especially, war cannot be understood in terms of norms:

War, the readiness to die of those who are

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1. Carl Schmitt, op. cit., pp. 4-7.

fighting, the physical killing of other people who happen to be on the enemy's side, all this does not have a normative meaning, but only an existential one, and then only in the reality of the situation of an actual fight against a concrete enemy; and certainly not in terms of any ideals, programs or norms. There is no rational purpose, no norm however just, no ideal however exemplary, and no legitimacy or legality, which could justify that human beings should kill one another for them... If there are really enemies in a concrete sense... this can only be meaningful in a political sense as we have defined it.<sup>1</sup>

Kelsen, as we noted, had failed, from the point of view of the development of politics as a social science, because he had insisted upon ignoring non-legal social and political facts and setting up an exclusively normative conception of the state, along with the claim that its study could only be in terms of a normative science. Schmitt, in contrast, came to grief for the very opposite reason - for attempting to deny the significance of norms for human interaction altogether. Reacting too indiscriminately and unreservedly to the inadequacies of the allegedly unpolitical normative science of traditional Staatsrechtslehre, and overwhelmed by the politics of uncompromising and hostile group-struggles which had, at least latently, always characterized the German situation, Schmitt developed a thesis which was the most convincing intellectual expression of the absence of German political integration in terms of universal, ethical

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1. Quoted in Siegfried Marok, op. cit., p. 443.

norms, which we have already discussed. The only possible relationship, cooperation and cohesion between people, according to Schmitt, could be integration for the eventual life-and-death struggle: the central tenet and only ultimate political value, if such it can be called, of Nazism; and Schmitt did, in fact, become one of the political and legal philosophers of National Socialism

From a methodological point of view, Schmitt's insistence upon the importance of the concrete power relationships involved in the establishment and operation of a social system's normative order, had undeniably been a step forward towards an empirically oriented science of politics. It was different, however, with his definition of the political. In the first place, his thesis seeks to deny the relevance of norms altogether. Yet if people are to be guided in their actions and express these actions in terms of a social system of interacting individuals, a normative order is a sine qua non, as a scientific theory of individual behavior and a scientific theory of the functional requisites of a society will testify. In the second place, Schmitt's conception of the friend-enemy relationship did not constitute a contribution to the empirical analysis of the factors which were involved in political action and the development and expression of political power. What it did, rather, was to place these factors in the area of the ultimately irrational

where, grouped together as a mystique, they would, in spite of the importance which Schmitt had ascribed to them, remain inaccessible to empirical inquiry.

With the consideration of the relevance, for our study, of the works of Kelsen and Schmitt, we conclude this survey of representative contributions to the development of a German science of politics from political geography, sociology, and jurisprudence. How these various works were methodologically integrated and adapted for the scientific study of politics we shall demonstrate in Chapter VI. In the meantime, we shall proceed with an examination of the social and political situation, as an intellectual reaction to which, and as an expression of which, we hope to show, these various works were conceived.

## Chapter V

### The Situation during the Weimar Republic

We concluded our survey of the imperial situation by pointing to the absence, in Germany, firstly, of political integration in terms of universal ethical values, and, secondly, of a positive sense of popular responsibility for, and control over the state as an apparatus for serving man's welfare.<sup>1</sup> These two basic weaknesses of German society, from the point of view of the development of politics as a social science and a national resource, continued to characterize the German scene during the Weimar period, and, in view of the changed circumstances of the post-war world, in a much more manifest and acutely critical way. With the collapse of the old regime and its authoritarian-imposed integration and leadership, the lack of agreement upon fundamental values among German social groups, the absence of training for positive political participation and compromise for responsible government, the lack of a tradition of representative statesmanship and national vision, and the absence of a general, directing and integrating sense of cultural and political objectives, combined to take their full toll. The resulting many-faceted crisis was all the more serious because even the familiar conditions and symbols which had inspired at

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1. Supra, pp. 30-40.

least short-run confidence and predictability were gone or going fast: the monarchy, the one national symbol and institution which the Germans had known, was no more; the economic prosperity and the stable social relationships of earlier days had been ruined by the war, and were being further disrupted by the terms of peace and the devastating inflation; and even the comradeship in arms, of which Rathenau had hoped so much, not only had lost the war but, in the eyes of non-German public opinion, had been an immoral conspiracy and an instrument of criminal aggression, a charge which Germans may not have believed, but which certainly aggravated their already overly sensitive national defensiveness. If the political way of life of German society in the imperial days had been one of orientation to authoritarianism, this way of life, during the years of the Weimar Republic, became one of general political and cultural disorientation and anomie.

At the end of the war it had looked for a time, indeed, as though the much-needed political initiative, and the democratic reorganization of the German state, were about to come from the one organized social and political group in German society which had never fully accepted the imperial order, and which possessed the numerical strength and the inspiration of universal ethical values to do the job. On November 10, 1918, the first Republican Government was elected

at a general meeting of the Berlin Workmen's and Soldiers' Councils, comprising a cabinet of six, three representatives of the Majority Socialists and three from the ranks of the Independent Socialists. The opportunity for creating the people's state which men like Preuss and Rathenau had called for, seemed at hand. The traditional dynastic and dynastic-affiliated groups had, at least for the moment, lost the initiative. Viewed in retrospect, it was an opportunity of now or never.

As we know, the opportunity was missed. Without going into a detailed survey of the political history of the Weimar Republic, we shall attempt to single out five aspects of the situation which were at once an expression of the general crisis which we have described, and contributing factors in the further intensification of that crisis. Above all, we shall be concerned with the reasons why the German social democratic movement failed successfully to exploit this one great opportunity for reintegrating the German society on a democratic basis and supplying it with a sense of national and international objectives.

In the first place, the immediate post-war socialist strength was not a true measure of the effective hold which democratic and socialistic convictions had upon the German people. As Arthur Rosenberg has pointed out:

The revolutionary German soldier in order to furnish himself with an ideological justification for his actions was compelled at least to pretend Socialism. Hence the red flag was substituted for the black-white-red. The masses realized with greater or less clarity that up till 1914 the Social Democrats had been the opponents of the Emperor and the army. The Independent Social Democrats from the very outset of their political life, and the Majority Socialists at least from 1917 onwards, had opposed the War and demanded the conclusion of peace. Hence it came about that the German soldiers took on the appearance of Socialism by throwing off the authority of the generals and princes. And it was because the military revolution throughout Germany from Kiel to Munich was to outward seeming a Socialist revolution that it united itself everywhere without difficulty with the revolutionary movement of the Socialist working class.<sup>1</sup>

The tentative hold which the socialist parties thus had upon the German people became especially significant in view of the second fact which we must consider: the unpreparedness of these socialist parties to plan and carry out a reorganization of the state and to furnish such a state with confident and statesman-like leadership. And how could it have been otherwise, in view of the essentially passive role which parliament had played in relation to dynastic authority? To quote again from Rosenberg:

The Social Democrats voted against the Budget and bitterly opposed the Government's military and foreign policy. Nevertheless, Social Democrats never took thought to formulate plans for changing the existing form of the State.

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1. Arthur Rosenberg, A History of the German Republic (tr. by I.F.D. Morrow and L.M. Sieveking), London, Methuen, 1936, p. 9.



Thus pre-War Social Democracy... combined activity for the workers' welfare with a passive and theoretical Radicalism in all other spheres of public life. In general the Social Democratic Party official had no real interest in problems of foreign policy and the army, education, the administration of justice, the civil administration, and even economic problems as a whole... He never realized that the day might come when the Social Democrats would be called upon to decide all these matters. His interest was concentrated solely upon everything that concerned the technical interests of the industrial working class in the narrow sense of the term.<sup>1</sup>

This lack of a positive and confident program was combined with, and partly the cause of, a penchant for the theoretical (also understandable in view of the traditionally defensive position of German labor), which manifested itself in embittered divisions among various factions which, particularly upon a number of politically decisive occasions, disastrously split the strength which united labor would have possessed and been able to transform into parliamentary victories. As it was, confidence which pro-socialist Germans might have had in the socialist parties was dissipated, and many important issues were lost to parties whose leadership possessed a less reflective conscience.

A third fact which impeded a democratic reintegration of German society under the auspices of the socialists and their democratic allies was the economic crisis of the post-

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1. Ibid., pp. 12-13. See also the article by Georg Decker, "Statistik und Leben, Leben und Politik," Die Gesellschaft, vol. 7, July 1930, pp. 1-5.

war period. The need for re-equipping by German industry, the loss of markets, the loss of formerly German-held territories, the vast reparation payments and finally, the inflation, combined to create a situation of permanent economic crisis. This crisis was only alleviated by the infusion of capital under the Dawes Plan in 1924,<sup>1</sup> an arrangement which, not surprisingly, immediately strengthened the political position of the democratic forces which, until the end of 1923 (as again after 1923 and the withdrawal of American investments) were being seriously threatened by the re-grouped forces of anti-democratic reaction. To illustrate German reactions to this economic crisis we shall quote once more from Arthur Rosenberg, who was active in this period as a left-wing, democratic socialist:

It was in particular the question of reparations which prevented any recovery of the German Republic... The victorious Powers in 1919 might have destroyed Germany entirely as an independent state... The makers of the Treaty of Versailles did not... As

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1. "In December, 1923, no thoughtful observer would have wagered five shillings on the continuance of the Weimar Republic for all the democratic forces in the country had been demobilized and all the trumps were in the hand of the counter-revolution. But when the next spring came, the state of martial law faded softly and silently away. The enabling law expired, the currency remained stable, and the Democratic Republic suddenly reappeared without creating any particular sensation and without any dramatic struggle. This miracle came as a result of a change in reparations policy, resulting from the intervention of the New York Stock Exchange in German affairs..." (Ibid., p. 221.)

a result of this decision, however, the conditions of peace should have been so formulated as to make it possible for Germany to exist under them. Nevertheless, the Entente statesmen of 1919-23 could not bring themselves to adopt this obvious view. The territorial provisions and their execution involved intolerable hardships for Germany. And the financial demands of the Entente became fantastic. Such sums were required from Germany for reparations that in the shattered economic condition of the country could never even with the best will in the world have been raised. Germany was continually being forced to pay, and when it proved impossible to fulfill the obligations that had been extorted, the victors took punitive measures. No German Government could maintain itself for any length of time under this pressure. Every attempt to put German economic life on a sound footing was nipped in the bud. Confusion grew increasingly greater, and there seemed no way out of the blind alley.

Certain sections of the wealthier French middle classes wished to exploit Germany's incapacity to pay in order to keep a permanent army of occupation in the Rhineland with the help of the so-called sanctions; to add the Ruhr to the occupied area; to separate these western provinces from Germany and to bring them under French influence in one form or another... The forces of German democracy were driven into a hopeless struggle both internally and externally; and then people wondered why the counter-revolution and the old 'militarist' spirit in Germany revived.<sup>1</sup>

The fourth fact involved in the failure of democratic integration in Germany which we wish to highlight is the failure of the socialist and other democratic parties to represent themselves as the champions of German resistance to French demands, and adequately to channel and educate the nationalistic reaction which was developing around the issue of reparations specifically and the question of the

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1. Ibid., pp. 142-145.

Treaty of Versailles in general. Had they done this, "they would thus have become in the best sense representatives of the national ideal, and have wrested their sharp weapon from the hands of the monarchist Opposition."<sup>1</sup> But, very literally pledged to the ideal of peace and international cooperation, and lacking experience in national leadership, the anti-authoritarian parties allowed the representation of even this one common German bond to slip from their grasp:

The great majority of German students had been most bitterly disappointed by events after November 9. They saw the economic misery and the national humiliation, and laid the blame for existing conditions upon the governing republican Parties and upon the events of November 9. Since the Government did nothing to make known among the people the truth about war-guilt and the causes of the German collapse, and since men are prone to forget what they do not wish to remember, the 'stab-in-the-back' legend gained currency among the nationalist students.<sup>2</sup>

The fifth and last fact about the defeat of democratic integration in Weimar Germany which we wish to cite is, in a sense, the outcome of the combination of all the other circumstances which have been enumerated: gradually, from coalition to coalition, political initiative and the definition of political problems moved to the right, picking up greater numbers and more convinced and outspoken anti-

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1. Ibid., p. 156.

2. Ibid., p. 159.

democratic and conservative forces as it went.

Thus, in effect, the democratic system, which had taken over the representation and leadership of unintegrated post-imperial German society not only failed to re-integrate that society on a democratic basis and in terms of democratic values, but, by its inability effectively to lead and inspire, allowed the disintegration of this society to become even more acute.<sup>1</sup> Whether the fault lay with the democratic parties or whether the task, in view of the problems which were involved, was beyond solving, cannot

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1. As Carl Schmitt saw it, "The concrete governmental situation of present-day Germany can be characterized by three concepts: pluralism, "polycraty" and federalism... Pluralism signifies the power of a number of social groups over the state's decision-making process; "poly-craty" consists of taking away from the effective jurisdiction of the state certain areas which are involved in its existence; and federalism in which both of the latter converge... in the antithesis: influence upon the decision-making of the state and freedom from its jurisdiction in spheres which are held not to be any of the state's concern. This disintegration and competition of uncompromising groups for control of the state means that the state is becoming 'total' in two ways: firstly, social forces which were previously non-political are now vying for control of political decision-making on behalf of the state, and, secondly, if the body politic is to survive, it must consider every social group as politically relevant and subject to integration. It is a development, which leads from the absolute state of the 17th and 18th centuries through the neutral, liberal state of the 19th century to the total state of the 20th century in which state and society have become identical." (Der Hüter der Verfassung, Tübingen, Mohr, 1931, pp. 71-79.)

be decided here.<sup>1</sup> At any rate, the opportunity of giving Germany the sense of objectives, integration and stability which it needed for rationally coming to grips with its problems on a democratic basis was missed. Moreover, such awareness as might have existed among Germans during the early days of the Republic about the need for, and the possibility and desirability of effective participation in, and responsibility for, the operation of the democratic German state, and the definition and solution of its problems, tended, by the later Weimar years, to turn into confusion and exasperation. During the imperial days there had been no political challenge at all; now the challenge seemed suddenly too great, and, gradually, encouraged by propaganda from those German social and political elements which had never been converted to democracy, the feeling grew, that only some kind of authoritarianism and non-democratic leadership could really look after the German state's functioning and survival after all.

Having thus briefly indicated the manner in which the democratic political system not only failed to solve, but, by

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1. Another observer wrote, discussing German political parties: "Not the German party system is to blame if political conditions in Germany are still not stable. The fault lies with the social conditions which have not become stable and never will, until the basis of these conditions is changed. At this point the consolidation of the parties could bring clarity, but not stability." (Georg Decker, "Krise des Deutschen Parteiensystems," Die Gesellschaft, vol. 3, January 1926, p. 16)

this failure, even aggravated the two basic weaknesses of lack of political integration and direction, and lack of confidence in the possibility and effectiveness of democratic control of the state, we shall take a short look at the values of German intellectuals from whom democratic and liberal ideological leadership might have, but did not come. Liberalism in Germany, as we pointed out earlier,<sup>1</sup> had, since 1849, expressed itself in essentially non-political channels, chief among them, the administration of social policy within the authoritarian state, and the conception and study of the state based upon law, the Rechtsstaat. Before 1849, liberalism in Germany, as elsewhere in western Europe, as Hallowell has pointed out in his very stimulating study, The Decline of Liberalism in German Politico-Legal Thought, had been based upon the beliefs that social control was best secured by law rather than command, that there was a natural order that embraced both the individual and the collective, and that there was a sphere of rights, peculiar to individuals as human beings, which the state could not penetrate and for the preservation of which the state existed. After 1849, however, and particularly with the establishment of the Empire, this liberalism of ultimately transcendental values became increasingly one of legal forms, with the value content being weakened

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1. Supra, pp. 35-36 and 44.

more and more as such legal forms were adapted to the concrete situation. To quote Hallowell:

Integral liberalism espoused a belief in rights which belonged to individuals by virtue of their humanity. They were antecedent to the state. With the infiltration of positivism into politico-legal thought, as this took place in the latter half of the nineteenth century through the writings of jurists like Gerber, Laband and Jellinek, individual rights were conceived as legal rights. They were no longer rights of man but rights of citizens. The implication was that, as concessions on the part of the state which willed them into existence, they could be contracted or even abrogated if so willed. Individual rights, therefore, were no longer concrete, substantive limitations on will but purely formal limitations.

Positivism also tended to identify rights with interests. With the separation of law and ethics legal rights became identical with the stronger interest and will. Thus by the turn of the century liberty had become a formal concept, its content no longer determined by absolute values inherent in individuals as human beings but determined by the interests of the stronger.

As a result of the emptying of the concept of law of all substantive content, law became formalized; it became a mere formula suitable for any content...

Emphasizing formal "equality before the law" and the general application of the law as the criterion of the Rechtsstaat, late nineteenth-century "liberals," as exemplified by Hans Kelsen, were completely unconcerned with the just or unjust content of law. Procedure and manner of enactment replaced justice as the criterion of law... With the sloughing off of objective values the atomistic and anarchical elements contained in liberalism came to the fore. The way was prepared for anarchy and dictatorship which is its political expression.<sup>1</sup>

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1. John H. Hallowell, "The Decline of Liberalism in German Politico-Legal Thought" (unpublished Ph.D. thesis, Dept.



The leadership for a democratic reorientation and reintegration of German society which the socialist and other democratic parties were not able to supply, could thus not be furnished by German liberal intellectuals either. With the expression of their liberal values restricted to essentially non-political considerations of legal forms and technicalities, the inspiration which these men might have infused into German society and politics was lost as well. In the end, because of their preoccupation with the only formally liberal Rechtsstaat, they too delivered themselves to what was, instead of enlisting themselves for what might have been, had their liberalism been one of positive values and determined political conscience.

Another illustration of the general failure of German democracy to express primarily a set of values which were desired for their own sake, with political democracy as a form of government being the most likely path to their realization, is to be found in a letter written by Max Weber in 1917. Expressing his exasperation with the inefficiencies of the authoritarian imperial system, Weber wrote:

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of Politics, Princeton University, 1939) pp. 25-27. Hallowell's work is of particular interest for the purposes of this study since he specifically addresses himself to the problem of explaining "how it was possible for prominent professors, judges, and lawyers of present-day Germany, who before 1933 were professed liberals, to accept, and even in some cases, to acclaim a despotism that destroys the fundamental postulates of liberalism." (Ibid., p. 1)

I do not care about the form of the state, if only politicians and not dilettante fools like Wilhelm II and the like rule the country... I see now no other way than ruthless parliamentarization... to freeze out these people. The civil servants must be subordinated to parliament. Altogether and without exception... Forms of state are for me techniques like any other machinery. I would attack parliament and defend the monarch, if the latter were a politician.<sup>1</sup>

These words, admittedly, were written in times of national crisis, yet the exclusively rational justification of parliamentary government is nonetheless significant. As Carl Schmitt pointed out a decade later, the survival of parliamentary democracy in Germany would have to be justified on other than rational and technical grounds. Weber had wanted this form of government because he felt that it would provide the most rational method for selecting and training capable political leaders. But on those grounds, Schmitt explained, parliamentary democracy had failed badly: parliamentary leaders had turned out to be as unstatesmanlike as the dynastic ones had been, and considerably more partisan. To weather its crises, Schmitt concluded, German parliamentary democracy would have to become an expression of universal or national values which meant something to the German people.<sup>2</sup>

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1. Quoted in J.P. Mayer, Max Weber and German Politics, London, Faber & Faber, 1943, p. 58.
  2. Carl Schmitt, Die geistige Lage des heutigen Parlamentarismus, Munich, Duncker & Humblot, 1926, pp. 8-9.

While the minority of liberal and democratic German intellectuals thus, by the logic of their own positions, formalistic legalism and rational democracy, removed themselves from a position of liberal and democratic leadership, and committed themselves to follow where their technical criteria might lead, the majority of German intellectuals remained passive or hostile to the democratic experiment altogether:

It is a very regrettable, but undeniable fact, that the great majority of the representatives of the professions in present-day Germany are reacting to the democratic republic which the Revolution created, with very tentative loyalty or outright hostility. This is true of large groups of the civil servants taken over from the old regime, of the judges, university professors, high school teachers, university students, and even of free professions like journalism and the arts...<sup>1</sup>

Thus neither the democratic political integration and sense of objectives which German society needed, nor the sense of popular sovereignty and confidence in the state's ability to solve its problems responsibly which it had always lacked, were effectively promoted either by the democratic political process or by German intellectuals. When to this lack of leadership are added the loss of familiar national symbols and the serious economic difficulties and social dislocations of the period, it is not difficult to

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1. Ernst von Aster, "Nationale Romantik," Die Gesellschaft, vol. 1, 1924, p. 235.

understand why the national aimlessness, which in imperial days had been sensed only by a minority of intellectuals, developed, by the late Twenties, into a profound sense of crisis and disorientation which extended throughout the whole German people. As one perceptive French observer characterized this situation in 1931:

One witnesses in Germany the collapse of a certain material, social and moral equilibrium, the end of the bourgeois way of life. How does Germany itself react in the midst of this crisis? ... Above all by a vast uncertainty; the intellectuals haunted by the cultural crisis and the masses disoriented by realities which are too new...

Uncertainty is a permanent fact of German life. The problems of Germany are inexhaustible. While the intellectual is overcome by the complete relativization of traditional values of the crisis of German civilization, the Kulturkrise, the average German has become hesitant and confused. The spontaneity of his reactions and his judgment, at times even the simple intervention of practical common sense, are half paralyzed. Even in ordinary, every-day life, the imitation of what is foreign, especially American - or, with others, the desire "to be German" betray, by the way they are expressed, the absence of a simple, intuitive and natural sense of balance.

That this anxiety could easily become desperation and violence goes without saying...

The average German of today, says to himself: "This condition of instability and contradictions, this world without laws and forms surely cannot last. We are witnessing the dying of the past in order that the future may be reborn; the present moment is only an historical exception."

Every German imagines a tomorrow which will be different... They are waiting for it, they want it; they love it in advance...

But from now until then, how to live?<sup>1</sup>

It is this profound and many-faceted crisis, as we have briefly outlined it above, which comprised the situation of the contributions to the development of German political science which we are examining. On the one hand, this crisis condition of German society provided a stimulus of rare intensity for the objective analysis of what was involved in the operation of society and the state. Where little remains protected by traditional values and sentiments, little can escape coming under the microscope of exhaustive and uninhibited investigation. And because of the very lack of social and political integration which was the most important aspect of the crisis, the functioning of almost no phase of the German political and social process could be taken for granted. Everything was in doubt and therefore subject to the most detached scrutiny. As Karl Mannheim wrote in 1934, comparing the American and German sociology of the time:

In American sociology... the most difficult and vital problems crop up one by one, and social study concentrates on the solution of these isolated problems... But the phenomena

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1. Pierre Vienot, Incertitudes Allemandes, Paris, Librairie Valois, 1931, pp. 84-93. For a short, penetrating and well-written picture of what was involved in the general crisis of Weimar German society, Vienot's book is unsurpassed.

that do not become apparent are: the totality of society, the dynamic forces operating throughout society... The totality of society is veiled because of the general belief that if the difficulties of single institutions and particular situations are solved in the right way, the entirety of society will reveal itself through a process of integrating the solutions of individual social difficulties. Such a belief is possible as long as there are still vast expanses of territory unexploited and numerous possibilities unexplored; where this is the case it is always possible to find a way out of social dilemmas...

We obtain our most important insights into the working of social forces in periods of rapid social disintegration such as that which Germany is now experiencing; for it is at such times that the latent elements become operative in society. The class problem was intelligible not only to German socialists but to all groups of the German intelligentsia, because in recent years the latter have become increasingly aware that their fate is closely linked with that of the groups immediately next to them. It was impossible to remedy individual defects by mere reformist measures in a society where, owing to the narrowness of the field of action, no social element could be conceived of independently of any other element.<sup>1</sup>

On the other hand, however, the crisis which thus stimulated social science objectivity and the examination of the totality of what was involved in a society's functioning, also created serious intellectual inhibitions to the development of social science analysis. These inhibitions came in two general forms: firstly, in attempts to raise some one societal factor to the rank of a deterministic absolute;

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1. Karl Mannheim, "German Sociology, 1918-1933," Politics, vol. 1, 1934, pp. 30-31.

and secondly, in efforts to challenge the desirability and right to exist of a value-free science of society altogether. Examples of the former type of inhibition are to be found in the one-factor analyses of the geopoliticians and in the pseudo-scientific racial theories which were gaining ever greater currency among conservative German intellectuals and, through the propaganda of the fascist political groups, among the whole German people.<sup>1</sup> Examples of the challenge to the existence of objective social science are to be found in the sentiments of two scholars whose writings on the subject we shall now briefly consider.

The most stimulating of the attacks upon objective social science - and one which deserves attention for the clue which it suggests to what may be one of the basic requisites of social and political science in general, was that of the historian Erich von Kahler.<sup>2</sup> Kahler singled out Max Weber's ideas as representative of what he hoped to demonstrate was the inadequacy of pure social science, particularly as the ideal of this social science was set forth in Weber's statement:

That science today is a professional

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1. In this connection see the interesting article by Hugo Iltis, "Der Schädelindex in Wissenschaft und Politik," Die Gesellschaft, vol. 8, June 1931, pp. 549-562.
  2. Dr. Kahler left Germany in 1933 and now lives in Princeton, N.J.

specialized "occupation"... and not a part of the reflection of wise men and philosophers about the nature of the world - this, of course, is an inescapable fact of our historical situation from which, if we are to remain true to ourselves [as social scientists], we cannot escape.<sup>1</sup>

In the general dissolution and disorientation of the times, Kahler believes, it is nothing short of irresponsible to escape into the practice of a specialized profession and to ignore the larger over-all situation. He states his own approach as follows:

We do not ask: Here is science. What has it to achieve according to its conception of itself... and what can it achieve according to this conception...? We ask, rather: Here is our life. It has these and those critical needs. Is that which calls itself science able to satisfy these needs of ours and to what extent? Upon that depends the justification of its existence. And if it cannot meet or contribute to the satisfaction of these needs, where do we look for and how do we bring about that which will meet these needs which press upon us?<sup>2</sup>

Originally, says Kahler, Western science began as an inquiry which was conceived as a study and contemplation of man and the universe as God was believed to have created them. Even in the eighteenth and nineteenth centuries, man studied himself, his environment and the relationship between them, in an ultimately religious or metaphysical framework, in terms of which his analyses and his own existence were con-

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1. Erich von Kahler, Der Beruf der Wissenschaft, Berlin, G. Bondi, 1920, p. 9.
  2. Ibid., p. 10.



veivable as parts of a great and meaningful synthesis.<sup>1</sup> Today, however, both for man's orientation in general as well as for a meaningful framework for social science, this synthesis exists no more:

The world... is for us nothing more than the understanding of our own intelligence, any synthesis which we may be able to grasp at all, consists merely of relationships imputed by our reason alone... the substantive significance which the old total picture afforded to science is discredited and rejected as dogmatic, and the data which empirical science is producing, is forever piecemeal and temporary and subject to the constant development of research...

Modern systematization is thus not, as were the systems of the past, a central structure which encompassed all origins of life and action in a conception which went back to one Creation; it is, rather, a supplementary construction, a scaffold, an insufficient tool-box to order and master a more and more elusive living reality, a construction, however, which, of course only serves to confuse this reality even more...<sup>2</sup>

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1. It is interesting to compare R.K. Merton's statement on this subject: The basic assumption in modern science "is a widespread, instinctive conviction in the existence of an Order of Things, and, in particular, of an Order of "Nature" (Whitehead). This belief, this faith, for at least since Hume it must be recognized as such, is simply "impervious to the demand for a consistent rationality." In the systems of scientific thought of Galileo, Newton, and of their successors, the testimony of experiment is the ultimate criterion of truth, but the very notion of experiment is ruled out without the prior assumption that Nature constitutes an intelligible order, so that when the appropriate questions are asked, she will answer, so to speak. Hence this assumption is final and absolute. As Professor Whitehead indicated, this "Faith in the possibility of science, generated antecedently to the development of modern scientific theory, is an unconscious derivative from medieval theology." (Social Theory and Social Structure, Glencoe, Ill., The Free Press, 1949, p. 335.
  2. Kahler, op. cit., pp. 15-16.

The absence of this synthesis, to give the work of social science significance and thus enable it to help man to orient himself meaningfully to society and the world, Kahler feels to be particularly serious in the Germany in which he was writing. Nowhere, he says, has unintegrated and socially, politically and spiritually meaningless specialization and effort proceeded as far as it has in Germany. Nowhere, is the lack of world vision and dedication to the national interest as great as among the political parties and groups which are fighting for control of the German state:

No, we cannot see the salvation of the German future in this pitiful comedy. We cannot see it at all in this, for the Germans... ruinous splitting up into parties which for all time hope to fight their sterile and perpetual battle on the body of the German people. It is time that these representatives be stripped of their hypocritical cloak and their claim to be acting for the whole... and revealed as what they are: economic interests and partisan pressure groups. It must be made clear that they are all only parts and that as mere parts and members none of them are entitled to lead the whole state. Even the arithmetical method of counting the parts does not make the whole. They should be assigned their limited places and integrated in the whole as the mere contributing parts which they are. More than that, one should build anew from the roots of this whole and united people... and let all the parts and members be aware of one another and of the whole... Not division and strife but intimate cooperation, not the further dissolution of the organic, but profound unity... of the organic system... to find this is the challenge... The leadership which we... need today, will be faced with the unprecedented task of fusing together everything in the German which has been torn apart or which, in its up to now un-

analysed manifoldness and complexity has sensed,<sup>1</sup>  
and organic cohesion only in the vaguest way...

This leadership, says Kahler, is yet to be trained  
and educated. It is to the task of this education that  
knowledge must be oriented, and in this task value-free  
social science can be of little use:

But to such knowledge... only he can contribute  
and tutor who has himself risen to the stature  
of a human being, in whom thinking and feeling,  
knowing and acting are not conceptually sepa-  
rated and alien to each other, in whom the  
teacher and the leader do not split apart... if  
Max Weber insists upon this separation for the  
future, we must answer him: ... What we demand  
and what our new knowledge and action both need  
is the whole man, and the whole man is neces-  
sarily at the same time a knowing, a willing and  
an acting human being.<sup>2</sup>

Instead of an analytical, objective social science, Kahler  
feels that what is needed, rather, is:

... a relating back of the individual organic  
systems to the corresponding higher syntheses  
of the larger organic systems which encompass  
them - back to the uppermost first cause of all  
life: in this way organic unity and organic com-  
plexity will once again illuminate each other.  
Adduced to this will be our accumulated ideas  
as they have undergone various histories and  
various manifestations and as they have been  
variously formulated, each in its own sphere -  
until we reach the highest sphere, where we will  
have a collection of our whole restlessly sus-  
pended, metaphysical, heavenly body of ideas.  
Generalizing and doing specialized studies will  
in this way lead, in a broader sense, to a con-  
crete renewal of life which has grown away from  
and become intangible for us.<sup>3</sup>

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1. Ibid., p. 38-39.
  2. Ibid., p. 40.
  3. Ibid., p. 96.

What is wanted is not a well-developed, objective, empirical social science which can be adduced to the clarification of the society's social and political problems. Such a social science, as it is developing in the United States today, for example, is felt to assume a degree of social and political integration and a core of shared values which no longer exist in Germany. In view of the failure of liberal values in Germany to provide the inspiration and basis for social and political integration and a sense of ethical national objectives, the inquiries of objective, analytical social and political science, it is alleged, can only increase the confusion. The only answer is a reintegration of social groups in terms of some new system of values which will at the same time provide a rationale for a new type of political organization and integration.

What we have here is a counsel of despair. Merely to point out, however, that this is intellectual fascism, or that these writers were engaged in promoting an "escape from freedom" or that they were the victims of an authoritarian family pattern, as has been done so often, is to indulge in superficial complacency and to miss the great question which they posed: can an objective social and political science exist or perform any conceivably constructive function if there is no ultimate consensus of shared values and no minimum political framework which is acceptable to the

majority of the members of the society concerned? Whether this was actually the situation in Germany or not is uncertain. For a general study of the requisites of political science, however, the question remains a relevant one, and we shall have to come back to it in our conclusion.

Another example of an attack upon social science along lines fundamentally similar to those of Kahler's, though with a more outspokenly fascist emphasis, is to be found in the works of the Austrian and very pan-German economist, Othmar Spann. Comparing Spann's approach to the study of society with that of Max Weber, one jurist, turned social science theorist, wrote:

Weber's methodological demands were ahead of the spirit of the times... because they made clear once and for all that the defence of partisan political programs cannot claim to be social science. So it is only too understandable that, simultaneously with the appearance of Max Weber's principal works, another system of sociology is receiving consideration which aims explicitly and implicitly to nullify the results of Weber's analysis and to present a system of ethical and political postulates and thereby to flood the hard-won path of empirical social science progress with a stream of arbitrary dogmatics - I refer to the sociology of Othmar Spann. This sociology cloaks itself in the methodological garb of an antithesis which is described as a struggle between "universalism" and "individualism." "Individualism" is, according to Spann, just about everything that has been thought and done since the Renaissance...<sup>1</sup>

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1. Fritz Sander, "Othmar Spanns 'Ueberwindung' der individualistischen Gesellschaftslehre," Archiv für Sozialwissenschaft und Sozialpolitik, vol. 53, 1925, pp. 14-15.

Spann considers his universalism (as opposed to individualism) to be both a sociological method as well as a part of the subject matter of sociology. In its development as a method he suggests that intuitive thinking and "conceptual deduction" have to be used as supplements to mere empirical observation:

He who would overcome individualism and know the true nature of society must banish from himself every sentiment, however subtle, of the individual. For this purpose mere logical criticism does not suffice; what is necessary in order to establish universalism on firm ground is the inner awareness and experience of his spiritual tie as a human being with the whole.<sup>1</sup>

Empiricism alone, according to Spann, goes with individualism and relativizes every assumption of experience and knowledge. Only a metaphysical feeling of unity with society and God can stay the process of disintegration:

The adage "Knowledge is power" points to the instrumental side of knowledge. Since time immemorial the truth has been considered a coinciding of the objective and the subjective, but the only thing which can coincide with the complete neutrality of present-day theoretical social science knowledge is total insipidness and indecision, the opposite to all participating and willing, and if one looks at it this way, there can be no bridge between science and life, between theory and politics... Chemistry, for example, can give us a knowledge of chemical compounds but as to whether we should use them for gas warfare, it can tell us nothing... the same way with the contemporary point of view of our science. In the last analysis it can never satisfy.<sup>2</sup>

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1. Othmar Spann, Gesellschaftslehre, Leipzig, Quelle & Meyer, 1923, p. 88.
  2. Ibid., p. 293.

The state, according to Spann, was the institution in terms of which the universalistic science, participation and integration which he prescribed was possible. But it was not the state of the Weimar period:

Man can adjust himself to poverty, but not to lack of status, uprootedness and nothingness... The atomistic structure of the present form of government is in no way compatible with the universalistic idea of the culture-state; what this idea requires is a corporate state based upon occupational organizations which must be conceived and ordered in the sense of the rule of the best, of the spirit - as in the old aristocratic cultural state idea... In democracy, the form of government which logically follows from natural law individualism, it is not the individual who is supreme but the mechanical total of the atomistically conceived masses. The will of the people must first be formed by leadership before it can express itself as political will... Democracy of necessity leads to the splitting up and rupture of the state into parties. From a universalistic point of view, the organization "state" is the expression of a genuinely spiritual whole of organically linked parts.<sup>1</sup>

Even among scholars who aspired, and in general lived up to the ideal of objective social science, the concern with the integration of German society which had inspired Kahler's and Spann's extreme anti-social science and anti-liberal positions, introduced serious unscientific biases. One such bias emerged particularly in the distinction of the characteristically German sociological categories of

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1. Paraphrased from Spann's book, Der Wahre Staat (1922) by Georg Burckhardt, "Staatsphilosophische Probleme der Gegenwart," Zeitschrift für Politik, vol. 12, 1922-23, p. 536.

Gemeinschaft (community) and Gesellschaft (society), a distinction which implied the whole tradition of German organicism and collectivistic, historical metaphysics which underlay the positive suggestions of both Kahler and Spann, and against which Kelsen had recommended the abandonment of social science methodology altogether.

The two best-known sociologists who used this distinction, and whose works were biased by the metaphysical assumptions which it implied, were Ferdinand Tönnies (Gemeinschaft und Gesellschaft) and Alfred Vierkandt (Gesellschaftslehre). Gemeinschaft, by these sociologists was understood generally to mean a traditional, organic, biologically-related social unit, whereas Gesellschaft was conceived of as a social unity of predominantly rationalized relationships. As other German sociologists were quick to point out, however, Gemeinschaft, in the sense in which it was defined, only applied as a category to certain types of groups, such as the family and some species of tribes; yet even these and certainly every larger and complex social unit were to a certain extent composed of rationalized relationships, and since no one had set up clear criteria of rationalization to determine at what point a Gemeinschaft became a Gesellschaft, the use of the two terms to distinguish concrete societies could only lead to confusion.



The German sociologist Theodor Geiger, discussing the various definitions of these two concepts in the work of Tönnies, saw clearly what was involved:

Tönnies ends up by conceiving Gemeinschaft and Gesellschaft as the first and last stages of a process of social development. Humanity travels from Gemeinschaft towards Gesellschaft. And herein lies the cultural and social philosophical message of the entire work. It is here that the overpowering pathos of the metaphysical evaluation breaks through - which makes the description of the book as "The Principles of Pure Sociology" seem excessively modest... Tönnies remains first and foremost a social and cultural philosopher... To contrast the concept of Gemeinschaft, with that of Gesellschaft, as the purposeful and schematic relationship between people, has the result that Gemeinschaft appears as that which alone is real, whereas Gesellschaft is implied to be artificial and fictional... and where the choice has to be made: biologically related Gemeinschaft or purposeful and schematic social interaction, there is no doubt as to which decision the German will make: Back to nature! It seems to me to follow quite naturally, therefore, that American, English and French research workers... are little interested in Tönnies theory... As regards this cultural pessimism... pure sociology cannot insert such implicit value judgments into its ideal types or general categories. And this is clearly the case with Tönnies. Nature and artificiality, organism and mechanism, intimate warmth and alien coolness are so clearly made to distinguish the two categories that there can be no doubt about the value judgment involved.<sup>1</sup>

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1. Theodor Geiger, "Die Gruppe und die Kategorien Gemeinschaft und Gesellschaft," Archiv für Sozialwissenschaft und Sozialpolitik, vol. 58, 1927, pp. 360-373. The same objections are made as regards the use of these two concepts by Vierkanndt by Fritz Sander, "Alfred Vierkannds Gesellschaftslehre," Archiv für Sozialwissenschaft und Sozialpolitik, vol. 69, 1933, p. 483.

What was fundamentally at issue here, again reflecting the lack of integration of German society, was one of the basic problems which were preoccupying German students of society and politics - the philosophical and methodological question: how does one conceive of the individual, concretely and analytically, in relation to the group, and vice versa? The general solution which was emerging was one of some type of functional approach, in terms of which the individual and the various groups in the social system were viewed as occupying various roles which were somehow integrated in the operation of the whole. Often this type of analysis leaned heavily upon the analogy of the organism, and we have already seen to what collectivistic mysticism (ultimately looking back to the golden age of the mythical, organic German Volk) this led, explicitly in the works of Spann and Kahler, and implicitly in the distinction of Gemeinschaft and Gesellschaft. Max Weber, on the other hand, in whose works a functional approach was very clearly implied, as Parsons has pointed out, always tried to keep as his focus the motivation of the individual actor. Interpreting Weber's reasons for this, Parsons suggests that:

Apparently Weber understood a functional approach to mean one of these things, either an individualistic form of biological orientation or the illegitimate reification of collectivities as organisms or as cultural totalities. He did not perceive that starting from the frame of reference

of subjectively interpreted individual action - which he himself used so extensively - it was possible by functional analysis to develop a generalized outline of social systems of action ... such an outline was in fact to a large extent implicit in the structure of his own system of ideal types.

Weber's fundamental reason for being suspicious of too much emphasis upon a functional approach to social science lay in his strong conviction of the indispensability, in order to attain the level of knowledge he considered possible and essential, of careful detailed analysis of the motivation of the individual. To him, departure from the "whole" smacked of a kind of mysticism by which it was possible to derive far-reaching conclusions without adequate empirical basis, to pull scientific rabbits out of the functional hat. Given the kind of treatment of the whole prevalent in his day, he was right.<sup>1</sup>

Not all the solutions of this problem, however, ended in non-scientific, metaphysical sterility. In a convergence of the sociological analyses of Max Weber and the work of the phenomenologist philosophers Edmund Husserl and Theodor Litt, there gradually was developed a theory and methodology according to which neither the individual nor the collective was considered prior, each, rather, being held to assume the other - with the individuals, in terms of their subjective motivation, oriented to the performance of some function upon which the operation of the whole depended. The full working out of this approach and its application to political science analysis did not come until the early Thirties, as we shall

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1. A.M. Henderson and Talcott Parsons, ed., op. cit., p. 21.

see in the next chapter; by the late Twenties, however, substantial progress was already being made. After his criticism of Tönnies, for example, Theodor Geiger wrote:

Some have assumed the socialization of individuals to constitute the origin of groups, others adhere to the opposite extreme and consider the emergence of the individual the most recent product of historical social development. "In the beginning was the individual" or "in the beginning was Gemeinschaft" - these are the current passwords. In the beginning was the human being, and in him individuality and sociality are necessarily united simultaneously... the whole process of social development constitutes a development of integration and differentiation. As we try to reconstruct earlier human living together and project it backwards, the less the interdependences of social life are ramified... the less evolved are the polarities which we know among ourselves. But they are always present.<sup>1</sup>

The same problem and an essentially similar general approach, were the inspiration of the much-discussed work of the jurist Rudolf Smend<sup>2</sup> - one of the first outstanding representatives among academic German students of politics who by the late Twenties were rapidly assimilating the methodological and general theoretical work being done in sociology and adapting it to their own specific subject matter. Despite his undeniably positive contribution to the development of politics as a social science in Germany, we include Smend's work in the present chapter because his

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1. Theodor Geiger, op. cit., p. 369.

2. Rudolf Smend, Verfassung und Verfassungsrecht, Munich, Duncker & Humblot, 1928.

~~theories~~ very clearly demonstrate both the stimulus to political science investigation which the crisis conditions of German society offered, and the biases which they tended to introduce into these investigations and the theories which were built upon them.

Smend's view of the question of the relationship of the individual to the state was that of the phenomenologists, particularly of Theodor Litt,<sup>1</sup> to whom he admits himself to be heavily indebted. The antitheses individual and community, individual and the state, etc., he feels to be spurious - the social system, whatever it is, and the individual, assume each other. Among the citizens of the state "each stands with the others in creative relationships... the state context constitutes for the individual a possibility of intellectual expression and therewith at the same time the formation of his personality."<sup>2</sup>

Smend accepted Max Weber's analysis of social action in terms of the subjective meaning to the individual actor and also the latter's definition of the state as an organization. But, whereas Weber had tended to emphasize the function which various institutions played in the organization's operation - supporting parliamentary government, for example,

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1. Theodor Litt, Individuum und Gemeinschaft, Leipzig, Teubner, 1924.
  2. Smend, op. cit., pp. 12-13.

because he hoped it might select capable leaders, Smend was particularly concerned with the relationship of the individual to the state in terms of these various institutions and their meaning to him:

The state is not a static entity which emits individual expressions of life such as laws, diplomatic acts, decisions or administrative procedures. Rather, it only exists in these individual, concrete expressions of life in so far as they represent the participation of a total psychic context, and even more importantly, in so far as they constitute and are the occasion for renewals and continuations which in turn contribute to the total psychic context. The state lives and exists only in this process of perpetual renewal and constantly renewed experiences; it lives, to use Renan's famous characterization of a nation for our purposes, on the basis of a plebiscite which is repeated daily. It is this basic process of a nation's existence, its very essence... for which I have suggested... the term "integration"... The state exists only because and in so far as it constantly integrates itself and thus constitutes itself in and through the individual... This permanent process is its essence as a psychic-social reality.<sup>1</sup>

Previous theoretical political studies, says Smend, have never raised or considered this problem of integration, as he conceived it:

The ideology and sociology of leadership, to the extent that it can claim to be scientific at all, is conceived in predominantly mechanistic terms... The theory of the functions of the state does not deal with the functional integration of the state but with the rights of the three powers. And the study of the psychic content involved in the existence of the state is dissolved, if one

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1. Ibid., pp. 18-20.

examines it closely, into theories about its justification - thus missing the significance of this content as the very constituent essence of the state.<sup>1</sup>

Smend distinguished various types of integration, with the principal forms being what he called "personal" and "functional." As regards the former, he pointed out that leadership does not only perform a technical executive function in the state, but serves importantly to integrate the citizens by providing a symbol to them and thus eliciting their participation. People like Weber, he says, who conceived of various types of leadership as merely different techniques of government, completely missed this important aspect. As regards the "functional" integration, Smend found that elections, parliamentary debates, the formation of cabinets and referenda were not solely technical parts of the process of government, but served at the same time, and just as importantly, to promote and channel participation by the citizens and to integrate them, thus creating the very basis for the governmental procedures and their acceptance.

While these facts were being neglected by traditional political study and those who had devised the Weimar constitution and were operating within it, Smend drew attention to the fact that:

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1. Ibid., p. 23.

It is one of the strengths of fascism, whatever one may think of it otherwise, that it has seen the necessity for this kind of manifold integration with very great clarity. With all its rejection of what is liberal and parliamentary it is, nevertheless, masterfully handling the technique of functional integration and is replacing the socialistic integration which it rejects with other kinds, such as the national myth, the corporate state, etc.<sup>1</sup>

Smend marks himself as a German of his time, and reflects the nature of the crisis situation of German society, and the relation of his work to it, in the very perceptive statement that:

Insights such as those here presented are not common to foreign thinking. But this is not surprising: foreign political theory is relatively naive and without serious problems, for it has as its basis, in countries such as France, England and the United States, a national political unity and solidarity which can be taken for granted. This precondition is lacking in Germany. But for this very reason the awareness of the integration aspect of the political order is much more important and necessary in a federal state charged with tensions between the federal and the individual states and in a nation where national solidarity cannot be taken for granted.<sup>2</sup>

It is clear that the strengths and weaknesses of Smend's work, from the point of view of the development of politics as a social science, are directly related to the Weimar situation as we have described it. His "discovery" of the integrating function of political institutions and processes constituted a contribution to political theory and

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1. Ibid., p. 62
2. Ibid., p. 74.



methodology which had escaped the earlier, more formalistic students of society and politics and which henceforth had to be, and was, fitted into political science syntheses and conceptual frameworks. On the other hand, in his concern with the integration aspects of institutions, reflecting his preoccupation with the "national political unity and solidarity" which, he correctly saw, could not be taken for granted in Germany as elsewhere, he developed a view of the state which reduced it to mere psychic participation and which, ultimately, implied the traditional German historical organicism of the Volksgemeinschaft. Granted, he had systematically considered one requisite of a political society; yet he did this at the cost of ignoring all the others: the normative order, the governmental and administrative processes, the geographical and economic foundations of the society, and, above all, the fact that a state could not exist as a mere expression and projection of blind integration but needed, above all, to seek to define and rationally to carry out its role in the service of the values it stood for and in adjustment to its international environment. In the last analysis, there is much similarity between the theories of Smend and Carl Schmitt: the one made a mystique of the political, the other of integration; both, by implication at least, sought to remove the investigation of what was involved in the operation of the state from the realm of empirical analysis and rational control. Fortunately, however, as will be shown in

the next chapter, there were at least a handful of scholars who had developed a sufficient degree of awareness of what was involved in the study of politics as a social science that the insights of both of these men were incorporated and their one-sidedness corrected.

As we conclude this survey of the Weimar situation and the political and social science studies which were directly stimulated and biased by it, we must point to the historical fact, that the crisis conditions which we outlined, exploited by the anti-democratic political right, in the name of the traditional myth of the organic German Volk, ultimately overcame both Weimar democracy and the scientific study of society and politics. German social and political scientists either made peace with the new authoritarian order and its myths,<sup>1</sup> placed themselves in its service as philosophers and apologists, or were persecuted or forced to flee.

This tragic end to the long struggle to create in German society a scientific study of politics as a national

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1. An example of this coming to terms with Nazism is to be seen in the following statement from a book published in 1933 by the well-known jurist, Otto Koellreutter: "As a result of the war, which resulted in the political collapse of the bourgeois world, there emerged in National Socialism a different expression of the national idea. For National Socialism signifies the application of front-line battle experience to political life, against the dominant ethic of the bourgeoisie. This new national

resource for formulating and rationally coming to grips with its political problems did not come, however, before the various diverse contributions which we have surveyed were methodologically integrated and synthesized in the works of two men in particular, Adolf Grabowsky and Hermann Heller, whose level of political science achievement compares favorably with what was being done in this field elsewhere, and whose studies offer the only systematic, native foundation upon which present-day and future politics as a social science in Germany can build. It is to an examination of the works of these two men, and some of the lesser studies which led the way for their more comprehensive syntheses, that the next and final chapter of our survey is dedicated.

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idea is consciously built upon a sound social concept of the Volk. 'The question of the nationalization of a Volk is in the first instance a matter of creating sound social conditions as a foundation for properly educating the individual. For only he who through his upbringing and schooling has learned of the cultural, economic, and, above all, political greatness of his own people, will acquire the inner pride which he needs to be a member of that people. I can only fight for something I love, can love only something which I esteem, and can esteem only something which I know.' (Mein Kampf, p. 34)

"It is for this reason that the intellectual and political struggles of our time are dominated by the idea of National Socialism, the twentieth-century idea of the state. It is in this sense that National Socialist ideas place the figure of the worker in the foreground, and thereby differentiate themselves sharply from the conception of the bourgeois-citizen of the world of liberal ideas." (Otto Koellreutter, Grundriss der Allgemeinen Staatslehre, Tübingen, Mohr, 1933, pp. 25-26.)

## Chapter VI

### Politics as a Social Science and a National Resource

The final convergence upon a discipline of politics as a social science in Germany was characterized by an intensive concern with methodology and the emergence of a structural-functional analysis of the state as one analytically abstractable aspect of total empirical social reality. This methodological emphasis was not, however, the expression of a desire on the part of the scholars involved to evade concrete political problems and issues. The fact was, simply, that the battle for German political science had to be fought on methodological grounds. In the first place, there had been many excellent descriptive and analytical studies of German political problems by men who, like Schmitt, for example, had, nevertheless, remained in the grip of what were, fundamentally, quite unscientific conceptions of what the study of politics should be. If the works of such men were to be evaluated and adduced to the scientific study of politics, the metaphysical assumptions of their theories would have to be fully articulated and replaced by a truly social science methodology. In the second place, as Mannheim pointed out, and as our survey has demonstrated, the totality of German social and political reality had become problematical. If a science of politics were to come to grips with the many

aspects of this reality which were being simultaneously questioned, and if it were to block the large number of pseudo-scientific, one-factor analyses which were seeking to satisfy the general desire for intellectual and political answers with misleading oversimplifications and dangerous catchwords, this could only be done on the basis of a sound and comprehensive methodology of politics as a social science. And lastly, if the intellectually pervasive and fatal historical tradition of the organic Volk were to be effectively opposed in the study of politics, this could only be done by a social science methodology which, by means of a structural-functional analysis, would empirically investigate all the functional requisites of a society and relate them to the voluntaristic action of the individuals involved, (and not exclusively focus upon the normative order as Kelsen had done in his desire to combat idealistic organicism). It is in this sense that, in our view, the structural-functional methodology as worked out and applied by men like Grabowsky and Heller, marks the final, if short-lived, victory of German political science over its data. At last, in the works of these men, nothing about the operation of society and the state is assumed; every function and structure that is found to be involved is opened to empirical investigation and related to the individual actor's role; and, both by implication and explicitly, every aspect

of this social and political reality, as analyzed in terms of the structural-functional methodology, is held to be subject to change and rational planning (within the limits set by heredity and the non-human environment) by the individual actors involved in the system and according to their values.

To quote Heller upon the matter of this concern with methodology:

The necessity for methodological introspection derives from the nature of the situation in which the empirical study of politics... finds itself. If one can justly speak of a crisis in our contemporary political science, one should by no means conceive of this as a symptom of disintegration. On the contrary. The chaotic confusion of controversies which marks post-war German political science, compared to the situation of political science abroad, undoubtedly testifies to a more advanced stage of sophistication, and if one cannot yet speak of a scientific renaissance, these controversies are evidence, at least, of a more serious awareness of and preoccupation with the problem of method...

The decisive impetus for this development no doubt stems from the social and political upheavals which since the war have rocked German, Italian and particularly Russian society. The foundations of traditional political life and thought have been shaken and it is generally being recognized, that it makes little sense, from a scientific point of view, to argue about events if one is not even agreed about one's most basic assumptions.

At the point, however, where these assumptions become problematical, there is nothing for us to do, but to face up to the task of examining and scrutinizing them and of building up a methodology which will enable us to come to grips with our subject...

Methodology is also necessary, however, because it forces the specialized discipline of political science to define its relationship to the basic trends of the times and to the totality of its scientific awareness. Politics remains only an aspect of the whole of empirical reality, which can be only analytically isolated by political science. Political science insights, therefore, are useful only when what is analytically isolated is constantly related back to the whole of empirical reality in which it exists and functions.<sup>1</sup>

The development of the political science methodology with which we are thus concerned, involved, principally, a convergence of the idea of the state as an international actor with the social-action analysis of Max Weber's verstehende Soziologie. While the minor figures whose works we shall consider first, still tended to lean upon the organism analogy which had always been more or less involved in the conception of the state as an international actor, even with them the trend was clearly in the direction of a synthetic empirical study based upon a social science methodology, the need for which they all recognized, even though their own approaches may have been only inadequately worked out.

One German scholar, for example, a disciple of Rudolf Kjellen and a supporter of the idea of the state as an international actor or organism, devoted a lengthy

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1. Hermann Heller, Staatslehre (ed. by Gerhart Niemeyer), Leiden, A.W. Sijthoff, 1934, pp. 30-31.

article to the development of the thought: "that the view of the state as an organism - I will call it the morphological-biological method, and the verstehende Soziologie... of Max Weber, are not at all mutually exclusive."<sup>1</sup> In the assimilation of these two types of analysis, the writer maintains, lies the future development of a political science which will be equipped to set up adequate conceptual frameworks for selecting and analyzing the aspects of society and politics which are important for the state's internal and international operation. What has hindered this assimilation, as he sees it, is that the sociologists of the verstehende Soziologie school have too narrowly interpreted the context of social action:

... it is the purpose of the verstehende Soziologie to study the changes which occur in the individual as a result of his living together with others. If it refuses to recognize human groups as "systems" or "organisms" differentiated from other "systems" or "organisms," this is because, in view of its point of departure - the individual consciousness, it has found it impossible to see and take into consideration the great differences between the characteristics and the operation of the very important national contexts; indeed it tends easily to focus exclusively on the analysis of other and subordinate social groups, while slipping into the error of not recognizing the by far most important grouping of people according to states.<sup>2</sup>

This situation could be remedied, Vogel believes, by a recog-

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1. Walter Vogel, "Rudolf Kjellen und seine Bedeutung für die deutsche Staatslehre," Zeitschrift für die gesamte Staatswissenschaft, vol. 81, 1926, p. 231.
  2. Ibid., p. 232.



dition of the fact that:

... the two methods of analysis, the morphological-biological and the verstehende-soziologische are related to each other as macroscopic (systematic and topographical) anatomy is to cellular physiology. Both must supplement each other in the study of the human or animal body and, accordingly, history (as dynamic political science, so to speak) has always worked with both of these methods: with research into the concrete operations, actions and situations of states as units... and research into the experiences and psychologically understandable motivation of the individual actors.<sup>1</sup>

It is in the development of these two supplementary approaches into a coordinated methodology, Vogel concluded, and in their systematic application as such - whereas history had been restricted to impressionistic analysis, that the future of politics as a social science would be found.

A generally similar methodological concern, although with a somewhat different emphasis, was that of the jurist Franz Jerusalem. In an article devoted to the problem of method in the study of politics, he pointed out that this field of research comprised a vast conglomeration of theories and data with no guiding methodological principles for systematizing and scientifically applying it. This fact, however, was not altogether a discouraging one:

The reason for the present condition of the study of politics lies, I believe, in the fact that it is undergoing an inner transformation... the study

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1. Ibid., p. 233.

of politics has heretofore been essentially political philosophy and is in the process of becoming a science of politics as one part of social reality.<sup>1</sup>

While Jerusalem accepted the verstehende Soziologie approach to the study of social action, he felt that this type of analysis tended to have too "individualistic" a point of view. To be used to full advantage, he believed, one had to emphasize not only the motivation of the individual but also the values (Kollektivgeist, he uses the metaphysically tinged language of the "historical" school) and the structures (Grundformen) in terms of which the individual was motivated and performed his social role. It was conceivable "that the whole world could become the theater of one collective system to which all human beings would belong - if the technical means were available for assuring the maintenance of the collective values and its coordinated development."<sup>2</sup> But until that time had arrived, the problem was to study what was involved in the relationship of the individuals to the national collective system and its operation for survival. Jerusalem borders upon a functional-requisite point of view, although it remains only partially articulate:

... in this connection one can... point to a

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1. F.W. Jerusalem, "Das Problem der Methode in der Staatslehre," Archiv des öffentlichen Rechts, vol. 15, 1928, p. 162.
  2. Ibid., p. 161.

totality of empirically discoverable functions which, as such, tend to be involved in the operation of every collective system. On the basis of the desire for survival... the collective system seeks to provide for the defence of its jurisdiction. A specialized organization often develops for this purpose: thus it came about that armies were built against attacks from outside, and, to assure internal order, criminal and civil law were set up... What we call the state is the collective system in which human beings have come to live since a certain point in their historical development.<sup>1</sup>

It is clear that Jerusalem, like most of his contemporaries, was still groping and, in language and general orientation, was still handicapped by his own particular intellectual background. However, it was no insignificant step to have sufficiently overcome the traditional, teleological German mystique of the state, as Jerusalem had, and to see that it is only one type of social system and as such must be approached in terms of a structural-functional analysis.

Another German writer of the period who was a representative participant in the general movement for assimilating sociological analysis to the study of politics and political science methodology, was Max Rumpf. Rumpf addressed himself to the task of "extending the horizon of my jurist colleagues and sharpening their focus" to the fact that "law is concretely inseparable from society as human social interaction and that politics and the state are necessarily only

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1. Ibid., p. 183.

a special aspect of society."<sup>1</sup> After surveying what he felt were the relevant works from the new empirical science of sociology, Rumpf concluded that, taken together, they added up to the basic insight that:

All social systems are real; they are real for, in terms of and through the living human beings who form them and who are encompassed by them. Each of these human beings reveals his relationship to society, his duties to society and his social capabilities in that, either as an actor or one who is acted upon... he plays a certain social role within certain social systems and in certain social situations. The actuality and operation of common and reciprocally oriented existence in any one of the many social systems comprises the essence, the reality and the significance of that particular system... each individual must be viewed... as a bearer of various social roles... Analytically and concretely, the individual and the social system assume each other...<sup>2</sup>

Concrete social reality, Rumpf therefore proposes, must properly be studied from three analytical points of view. Firstly, as a social science, concerned with the study of the structure and operation of the social systems involved; secondly, as a cultural science (Geisteswissenschaft), focussing upon the subjective meaning to the individual actors of the objective cultural forms, media and symbols in terms of which the systems operate; and, thirdly, as what he called "order science," dealing with the norms and legal regulations which define the nature of the systems'

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1. Max Rumpf, Politische und Soziologische Staatslehre, Tübingen, Mohr, 1933, p. 6.
  2. Ibid., p. 11.

operations. It is this last approach which is the proper study of the jurist, and in working with this approach, Rumpf warns, the jurist must always remember that it is only an analytical type of study, and that the total context of empirical social reality is much more complex and must be studied from several other, equally valid, analytical points of view.

One of the more substantial contributions to the adaptation of social science theories and methods to the study of politics in Germany, particularly to the traditional, academic, juristic approach, came from the Swiss scholar, Dietrich Schindler. Specifically, Schindler conceived of his work as:

an attempt to show the way for the scientific analysis of the varied interrelations between law, particularly constitutional law, and the non-legal processes and forms of society. This problem has already been treated from various points of view in recent German political studies. Some of the valuable suggestions and insights from these treatments are taken up in the present work, and, I hope, in certain respects are developed further.<sup>1</sup>

Pointing to the considerable volume of excellent specialized social science studies which were available, Schindler regreted that "as soon, however, as one poses questions beyond very specialized areas, as soon as one

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1. Dietrich Schindler, Verfassungsrecht und soziale Struktur, Zürich, Schulthess & co., 1932, p. iii.

seeks a unified and coordinated total picture of social reality, scientific certainty is lost."<sup>1</sup> The result, he felt, were the many one-dimensional theories, as he called them, which sought to reduce large segments of empirical reality to the operation of some one, deterministic principle. The reclamation of what was valid in these theories and their integration into a more inclusive and scientific type of analysis was the great function of what he felt was an absolutely essential social science general theory and methodology.

To the extent that the one-sidedness of the approach increases, to that extent does contact with reality vanish. The purer the normative method becomes, the more completely has it lost touch with sociological reality - even intending to do so (Kelsen); the more the sociological method becomes naturalistic, the more intellectual and voluntaristic reality - meaning and value, escape it. Of course, the one-sided methods have their value... in having discovered what may be elements of social life... But it is always a question of elements which do not have an isolated existence, but operate in a larger and more complex network of factors... These elements have the further characteristic, that one cannot derive a social system by merely adding them up. Indeed, the question of their interrelation is the very problem upon which scientific social analysis depends... Every one-sided method leaves a large unsolved remainder. And what is even more serious for conceptualizing: the plurality of methods leads to insoluble antinomies.<sup>2</sup>

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1. Ibid., p. 1.
  2. Ibid., pp. 5-8.

As a first step towards remedying this weakness in social science, Schindler suggested a "dialectical" point of view, in line with which, all aspects of social reality could be considered in terms of their relationship to one another and to the whole picture.

The essential aspect of the dialectical procedure is that it leads to an overcoming of isolations and makes it possible to place every individual thing and every individual concept, such as the law and the state, in a broader context... Every single factor can only be considered in terms of its relationship to all the others; one cannot measure it by some abstract criterion. Its unique characteristics and its functional position in the whole (in so far as it has one) can only be understood in the total picture of its relationship to or contrast with the others.<sup>1</sup>

It is in terms of this dialectical approach that Schindler proceeds with his analysis of "the law in the social whole." Before beginning with this analysis, however, he seeks to make it clear that when he will be using the concept of the social whole he will, unless otherwise stated, mean "the total system of social life which is involved in a people grouped together as a state." This is not, however, meant to imply any mystique of the state. "Putting this whole in the center of our analysis is justified by the fact that, when the totality of social phenomena is considered, it is in the state that specially and subjectively, as regards the individuals, the most intensive

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1. Ibid., p. 10.

relationships to the whole are to be found."<sup>1</sup>

The "social whole," specifically the state, Schindler sees as a structural system in which every part may be viewed as fulfilling a function which is involved in the operation of the whole unit, so that the over-all system may be considered "a network of roles" - in which, however, the individual parts do not lose their significance; nor can the whole system be broken down and considered merely in terms of its separate, individual parts. The existence of the whole and the parts is reciprocally conditioned:

The substratum of social life is constantly, if imperceptibly, changing - the physical as well as the human beings, their technology and economy as well as the ideal - concepts, desires, opinions, values and conventions. If, in spite of this, social life is not a chaotic confusion but an ordered whole, this is because, with all the differences between its individual parts, its operation rests upon certain constants or invariables. These may be divided into two groups, structures and functions. The operation of total social life rests upon certain constant structures, its living action is carried out in terms of certain constant functions... From the constant nature of the structures and functions it follows that these are not present in any random number but constitute a limited list... The discovery, by research, of these constants is the most important task of the social sciences. Only in the knowledge of these constants can they find a sure foundation.<sup>2</sup>

Schindler goes so far as to add that the social whole is self-regulating, in the sense that "every over-emphasis of

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1. Ibid., p. 57.
2. Ibid., p. 58 (our italics)



an individual structural or functional element calls forth the development of a counter-balance, as is the case as well with the reduction of these structural and functional elements, which calls forth the development of substitutes, if the system is to avoid damage and is to survive."<sup>1</sup> Schindler realizes that his whole analysis remains impressionistic and he therefore seeks to qualify his position with the statement that, "What has here been said about the social whole cannot be deductively proven. It is a question of insights which are only demonstrable if they are assumed, at first, as hypotheses which, with more research, can be verified by empirical reality."<sup>2</sup>

Having thus set forth a hypothetical analysis of a social system (the state), operating in terms of certain determinable structures and functions, the explanation of the problem with which he had set out, the position of the legal system in the social whole, becomes relatively simple. The law is a requisite structure for meeting the function, in the most general sense, of assuring order - a fundamental requisite of the operation of every social system.

With his remarks directed to his jurist colleagues in particular, Schindler continues:

Is the law a means or an end in relation to the

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1. Ibid., p. 59.
  2. Ibid., p. 60.

social whole? All law serves a purpose. It realizes its purpose by commanding, prohibiting, organizing or directing... Always, however, it assumes a reality beyond itself - a reality upon which it builds and to its intimate connection with which it owes its effectiveness. The realization of its purpose becomes effective only in terms of non-legal social reality...<sup>1</sup>

In answer to Kelsen's and the traditional German juristic view, that there is an "inevitable antinomy" between the law and social reality which must simply be accepted and which is irrelevant to the study of politics, Schindler counters that, "The question of the effectiveness of the law can only be answered with reference to the whole social picture. Only in terms of this can it be analyzed how the law can so be brought into contact with and related to the non-legal, that both together can become the kind of operating system which one desires."<sup>2</sup> The legislator must devote all the "insight, intelligence and sensitivity" he has available, to decide what criteria should be used for deciding what is involved in the making and administration of the law. "The way the legislator interprets the total social reality is decisive for the laws which he makes. Does he make a mistake or is he the captive of an unrealistic ideology, his error will soon show its impact."<sup>3</sup>

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1. Ibid., p. 63-64.
  2. Ibid., p. 66.
  3. Ibid., p. 67.

Both in its over-all conception and in its detail, Schindler's treatise was, thus, an attempt, by a jurist, systematically to adduce the results of social science research to the building of a political science theory and methodology. In this analysis the law, long claimed to be the essence of politics by German jurists, was demonstrated to occupy merely a structural role which only became significant in terms of the whole social system or state. To supplement legal conceptualization and make it meaningful, there was needed a well-developed study of politics as a social science, oriented to the concrete problems of the particular state and its operation. Although Schindler's structural-functional analysis remained only in relatively embryonic form, it constituted one of the important contributions which were available to and were worked into the building of a German science of politics.

The first comprehensive and synthetic German, theoretical and applied treatise on politics in the sense of political science, was the excellent study, Politik,<sup>1</sup> published in 1932 by Adolf Grabowsky, the editor of the Zeitschrift für Politik. Grabowsky divided his volume into four general parts: Political Science Theory; World Politics; Internal Politics; and Special Problems of Foreign Policy.

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1. Adolf Grabowsky, Politik, Berlin, Spaeth und Linde, 1932.

An indication of the range and focus of Grabowsky's interest in politics and of his conception of what was relevant to political science analysis, is his break-down of each of the four parts. Part One, the theoretical section, for example, was divided into chapters on: the conception of and the necessity for politics as a science; the state as an operating unit as the central concept of political science; the structure and systematization of political science; changes in the concept of the state and their significance; the intensification of the political aspects of the state and its struggle with new forces; the historical origins of the state; the population and the nation; the building of states and their content in theory and practice; the individual and the masses; political systems and the more outstanding political theorists; religions, fictions and myths; the form of the state as an expression of social forces; the internal operation of the state; public opinion and national values; the problem of leadership; and, the problem of political education.

Both in the theoretical part and in the sections devoted to applied analysis, Grabowsky showed an awareness and a grasp of the available social science works and an orientation to practical German and international political problems which, in the German context, had theretofore been unknown. Politics, both as a social science and as a national

resource, he held to be essential, because:

Modern life and above all modern, national political life have become tremendously complex... The organization of the state has become more intricate; the relations of states to one another have become more intimate and varied. All this and much more, makes it impossible for the statesman to grasp everything that is involved in the functioning of the state by merely impressionistic methods. He must learn this as a mechanical engineer must master the development of mechanical construction. And in this study it is not enough to stop with the legal foundations of the state; he must learn to understand the state as such, the state in its total functioning, the state as an operation... but this means that he must turn to political science (Politikwissenschaft).<sup>1</sup>

Grabowsky's approach to this political science, as he understood it, had been from a close tie with geopolitics. He had, however, soon realized that, as important as the recognition of the geographical factor in politics might be, the development of a one-factor, geographical analysis could only lead to serious error and the frustration of political study as a true social science. Increasingly, he says in his introduction, he is coming to see "that geopolitics is by no means a special science but merely one method of approach among others, and that it is most important that it be methodologically integrated with other approaches relevant to political science, among them, economics..."<sup>2</sup>

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1. Grabowsky, op. cit., p. 20.

2. Ibid., p. 6.

In line with his recognition of the need for a general, scientific political theory and methodology for encompassing, weighting and integrating the various relevant factors for applied analysis, Grabowsky begins with a survey and evaluation of the available material, in order to assimilate to his own approach what he holds to be valid. After a brief reference to the inadequacy of the imperial jurists' and Kelsen's juristic abstraction of the state, he examines the "integration" theory of Smend, Max Weber's treatment of the state as an organization, and several other works dealing with the structure and operation of political society - distilling in each case, what he finds useful, and pointing out where, in his view, each particular writer has oversimplified and violated the facts. In a brief examination of the charge that values should or unavoidably will be involved in political study and will make scientific objectivity impossible, Grabowsky vigorously disagrees with this sentiment, pointing out that, by examining and building and relating concepts about empirical reality, political science not only becomes possible but is absolutely necessary as "a real basis for political value judgments."

In a discussion of internal and international politics, in connection with his chapter on the structure of political science, Grabowsky makes a very interesting point, a point which is both significant as a clue to his own approach

and as the introduction of an insight that had been conspicuously lacking in respectable German political study:

That internal politics is concerned with the operation of the state's domestic affairs and that foreign policy comprises the individual state's relations with other states and the whole international context, is obvious. But from this follows that the internal politics of the other states is the concern of the foreign policy of the particular state which one may be considering. And from this, in turn, it follows that the very foundations of all foreign policy must be the intimate knowledge of the other powers. And just as we cannot know a state in general, merely by understanding its judicial system, so we know just as little about foreign powers if we merely analyze their constitutions or their legal organization... We cannot understand the structure of a state by considering it statically ... in studying foreign states we must seek to analyze them in their actual operation, with reference to everything that is involved in their functioning as an international actor.<sup>1</sup>

It is in international politics, in Grabowsky's view, that the state finds its fulfillment. "Here it must consolidate all its capabilities to survive amid the international competition. Or... the state must develop and maintain power." But power is not naked force. In general, it means "nothing more than the mobilization of the state's energies for survival..." which implies merely "the desire not to become weaker but to continue in its operation without change of its over-all status."<sup>2</sup> The friend-enemy theory of Carl Schmitt, Grabowsky feels, is both too inclusive and too

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1. Ibid., p. 32.

2. Ibid., p. 33.

narrow. Power is the means for assuring survival in a relative status quo. It is the relative status quo which is the end. And there are many political phenomena, such as social welfare, communication and educational policy which cannot be explained solely in terms of power.

Grabowsky also realizes the extent to which internal politics may orient states in their foreign policy. There are states, he points out, which seek to establish a primacy of foreign policy:

simply in order to divert attention abroad and away from internal class splits and party instabilities. That is the case with fascist Italy... In such states, in which the whole structure... is refashioned, the focus on power is easily diverted inward, so that constitutional government tends to suffer basic changes. The dictatorship which does not desire to win a higher power position for the nation within the international order, and the existence of which depends upon its foreign policy successes, can also have no use for constitutional government in its internal operation, at least the kind of constitutional government in the nature of the liberal-democracies of the present, with their insistence upon the freedom of the individual against the state and their theory of mechanical freedom.<sup>1</sup>

In a discussion of the importance of further developing the new study of political parties and relating them to a survey of political ideas and ideologies, Grabowsky comes to a consideration of the importance of sociology for the

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1. Ibid., p. 37.



scientific study of politics. Anyone will readily see, he says,

... that the analysis of parties is not possible without a knowledge of the structure of society; the study of political parties has led us directly to sociology. But in order to get an adequate analysis of the social structure, we must analyze all the other social phenomena, the estates, the classes, and also the smallest social cell, the family. From this it follows that political science is impossible without the support of sociology... The structures of estate, class and family in a constitutional state always operate in some manner under the sanction of the law, but they are essentially not of a legal nature.<sup>1</sup>

In connection with his section devoted to the consideration of "the modern state and world public opinion," Grabowsky makes the following perceptive comment:

Another force which has developed side by side with the state is internationalism... these international ideas are dysfunctional to the state but do not destroy it. The first root of this internationalism is international public opinion, world public opinion, which is undoubtedly a power, a blessed or a dangerous one, if for no other reason than because a systematic and very aggressive propaganda has been built upon it. We experienced this fact to our disadvantage during the war. In the meantime this propaganda has been developed into a full-fledged science, without science, however, having taken much notice of this fact... The smaller the world became - the more inextricably interdependent, the greater became world public opinion. It is not the extract of the public opinions of various countries but something distinctive which rests upon common cultural convictions and is strongly fortified by what one calls the world press. The individual state must

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1. Ibid., p. 44.

adapt itself to it, if it does not want to sacrifice international moral sanction; but it can, at the same time, do much to influence it, and a large part of the diplomatic activity of our time consists of such influencing...<sup>1</sup>

The activeness of Grabowsky's insights and the breadth of his approach are illustrated by a very interesting point he makes in connection with his penetrating and detailed analysis of the general social and psychological situation of Western Europe, as he finds it relevant to politics. He speaks of:

... a movement which one generally dismisses as a strictly artistic phenomenon, but which is much more... We have become accustomed to speak of a new objectivity and mean, thereby, a new direction in art which has overcome the exaggerated subjectivism of earlier times and has held itself dutifully to the real object. Overcome, as well, is baroque ornamentation; one seeks to get down to the simple structure of things. Now, this movement is nothing other than the expression of democracy and collectivism against liberalism and subjectivism... an issue which is becoming visible in all areas... and which concerns Europe in particular, less America and Asia even less. In the economic order, the ever further developing personality is clashing with the rationale of mass democracy which is a product of capitalism; but there is also a conflict between subjectivism and the modern longing for orientations which are more than individual but are related to a larger context... It is at this juncture that one rejects a type of art which emanates from... and appeals strictly to the subjective. One desires an objective art which is at the same time an expression of the collective.<sup>2</sup>

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1. Ibid., p. 54.
  2. Ibid., p. 86.

It is also relevant and of interest, in this connection, to quote briefly from Grabowsky's analysis of the social structure of post-War I Germany, a brief description of which we have already given in our survey of what we termed the situation of German political study. After describing the impact of the defeat upon Germany, the lack of statesmanlike political leadership and the general social, political and economic uncertainties of the period, Grabowsky continues:

... in reaction to these is developing what can best be described as the flight into collectivities. The harried, unbalanced, insecure and nervous human being, feeling that he can no longer maintain and assert himself individually, rushes into collectivities, seeks to attach himself to them and to turn his responsibilities as a human being over to them. It is as an expression of this general situation that socialism and solidarity, unions... and employers' associations have developed; their roots are in capitalism; their flourishing, however, has been powerfully promoted by the deep anxieties of the period (Lebensangst) which again goes back to capitalism. This world phenomenon is especially noticeable in Germany for two reasons: firstly, because it is here that in the last ten, fifteen years, the uncertainties of life have increased more enormously than elsewhere; and secondly, because the tension between the desire for a personal sense of responsibility and the need felt to submerge oneself socially, has in Germany been particularly strong... The less the German feels comfortable in the collectivities and the more he is driven into them in spite of himself, the more strongly is he tempted to make a matter of philosophy of life out of them. Other peoples see in the great collectivities a necessary evil; the German, in order to justify himself in his own eyes, sees in them an inner necessity - an historically much more accurate view, which, however, should not make it necessary to wrap these collectivities in a pompous ideology.<sup>1</sup>

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1. Ibid., p. 237.

As regards the specifically political situation of the times (1932), Grabowsky wrote:

... we have proceeded a long way towards dictatorship already. The splitting up of party relationships has reached such a degree that parliament has become almost incapable of operating and that every important issue has become the occasion for a crisis. The invoking of Article 48 [state of emergency] is becoming ever more commonplace and flagrant - to the point where almost all the constitutional guarantees are being eliminated and where one is constantly demanding the most extensive interpretations of the powers of the president as laid down in the constitution... the question arises: should one, in such a case, remain temporarily content with democratic fictions, in the hope of soon being able to return to real democracy, or, would it not be preferable to leave the democratic system altogether.<sup>1</sup>

The posing of this question, however, Grabowsky feels, would be "an evasion of the problem but not a solution." Some form of dictatorship, he feels, is necessary to reestablish an operating political order. But, he insists one must be very careful to distinguish between temporary constitutional, or what he calls "objective," dictatorship and "personal" dictatorship, which would be completely unconstitutional.

There is no sense in talking about "personal" dictatorship when no "personal" dictator of adequate stature and ability is available. This is the situation in Germany. But an "objective" or constitutional dictatorship can be developed without the terror and the grave mistakes which accompany every change of constitutions - if, that is, a sufficient number of self-disciplined people can get together with the firm will to overcome the party split-up

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1. Ibid., p. 253.

by means of a new, coordinated alignment... the question of rebuilding parties is truly our central domestic, political problem.<sup>1</sup>

It would be desirable but is neither possible nor necessary to quote further from Grabowsky's treatise in the present connection. As stimulating as his analyses are, substantively, their principal relevance for the purposes of this study, consists in the evidence which they offer, of the extent to which the considerable social science theory and method and the more elementary political analysis of the previous years, had been synthesized into and applied as a full-fledged political science - at least by one German scholar. One cannot read Grabowsky's Politik without becoming convinced that one is dealing with a man who has a firm grasp of what politics as a social science means and who is determined to apply it to the formulation and empirical analysis of his society's political problems. There can be little doubt that his work compares favorably with what was being done in the field of political science at the time (1932) both in the remainder of Europe and in the United States.<sup>2</sup>

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1. Ibid., p. 253.

2. Dr. Grabowsky, who spent most of the years between 1933 and 1945 as a refugee in Switzerland, now divides his time between teaching at the University of Marburg and running the Weltpolitische Archiv in Basel. In a correspondence with him, he has informed me that he recently published a revised and expanded version of his earlier book, entitled, Politik im Grundriss (Frankfurt a. M., Dikreiter Verlagsgesellschaft, 1952).

The other outstanding political science synthesis of the period, which sought to bring together, methodologically integrate and apply the insights of sociological and political analysis that had accumulated since World War I, was the posthumously published Staatslehre of Hermann Heller. Whereas Grabowsky had begun in close touch with the geopoliticians, and had become strongly oriented to the application of political science methodology and techniques, Heller, one of the foremost jurists of the period, tended to approach the whole problem of political science in a somewhat more philosophical and theoretical vein. In spite of this, one might call it more traditionally German, tendency, Heller's entire work is very consciously and earnestly dedicated to what he holds to be the two functions of political science (Politikologie, as he calls it): firstly, "to analyze the unique political reality in which we live... to understand the state in its structure and function..." and secondly, "to give a valid and reliable explanation and evaluation of political phenomena..."<sup>1</sup>

From the very beginning, however, and throughout his whole book, Heller was very sensitive to the fact that, to conceive of political science as he did, as a social science and a national resource, raised a fundamental problem. It

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1. Heller, op. cit., pp. 1,4 (our italics).

was a problem, as we have seen, which had been felt by other writers as well and which, in its urgency, was deeply rooted in the value-situation matrix of the times: By what criteria does one select one's research and set up one's analysis, and in terms of what criteria does one evaluate? The problem does not become articulate or pressing, says Heller, as long as there is at least a core of shared values, of "agreement on fundamentals" among the members of a society or at least of groups within the society. "Where, however, political study cannot assume such shared values at all, and cannot, therefore, possess any generally acceptable criteria for selecting, setting up and evaluating its researches... in such a situation it cannot exist as a science."<sup>1</sup>

It is precisely such a situation, Heller fears, which is threatening political science in the Europe of his time. Since at least the beginning of the present century, he points out, a movement has been growing (Nietzsche, Bergson, Pareto, Sorel) which seeks to relativize all theories - to reduce the substance of intellect to a mere function of personal 'élan-vital, to make it strictly an expression of the individual's socio-economic situation, or to see nothing more in it than an ideological weapon in the struggle for power. To the extent that this movement gains acceptance, he prophesies, especially

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1. Ibid., p. 5.

in view of the general social and political disintegration, particularly in Germany, to that extent political science will be impossible and, eventually, there will be a complete frustration of intellectual communication and coordinated social or political action.

The contemporary tendency to fall back upon deterministic, one-factor analyses in politics or historical and social study, Heller views as largely a stop-gap reaction for escaping from the relativization of theories and values:

... one selects some socio-historical phenomenon... and makes it into an absolute criterion and a constant, in terms of which one pretends to explain all historical and social reality... It is with this kind of poor metaphysics, which alleges some one fact of experience as the only reality, dismissing all others as ideological, that all the contemporary radical movements are meeting their scientific needs. It is in this light that one must consider the deification of the state or the nation, the raising to an absolute of a race or class or the assertion that economics, the will to power or the libido, are the sole springs of political behavior.<sup>1</sup>

For this reason, because the cohesiveness and stability of social and political life have been shaken and because of the competition of absolutes and one-factor "explanations" of reality, a scientific methodology for political science is essential, although it involves serious difficulties;

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1. Ibid., p. 8.



however, the formalistic, pure theory of the state of Kelsen cannot meet the problem, since it evades the question of social science analysis instead of answering it. Nor does it make any sense to orient one's analysis to some explanation of the historical origins of states. "The conceptual framework for analyzing the state must, rather, be based upon the empirical facts, i.e., upon the empirically ascertainable relation of all the conceptualized factors and elements to the operation of the concrete state."<sup>1</sup>

The first characteristic that the methodology<sup>1</sup> of political science must thus have, is that it recognize itself as a "cultural" as opposed to a physical science. "The subject matter of the cultural sciences and their problems," says Heller, "concern everything in which changes in the physical world come about as an expression of voluntaristic human action."<sup>2</sup> Culture must be viewed as:

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1. Heller, op. cit., p. 29.
  2. Ibid., p. 34. This voluntaristic nature of human action, says Heller, was recognized even by Marx. He quotes the following passage from Das Kapital, p. 140: "The spider engages in operations which resemble that of the weaver, and a bee, in constructing its waxy cells, puts many a human master carpenter to shame. But what from the very outset distinguishes even the poorest human builder from the bee is that he has already built the cell in his mind before he actually constructs it in wax. When the work is finished there is a result which was already ideally present in his imagination when he began. He does not only bring about a change in the physical world, he is at the same time fulfilling a purpose which he knows, which determines the manner of his procedure and to which he must subordinate his will."

... a part of the physical world which can be comprehended as the product of purposeful human action. In tilling the soil, building houses, in creating works of art... man is a bearer of culture. One can juxtapose an objective culture over against man's subjective culture - by taking the embodiments of human cultural, voluntaristic action out of their to him subjectively meaningful context... This, one can then conceptualize as objective culture. But in doing so, one must always remember that objective culture is only real as subjective culture and that, objectively, it has no meaning except in terms of man's psychic experience and understanding.<sup>1</sup>

As a "cultural" science in this sense, moreover, the study of politics is an empirical science, a Wirklichkeitswissenschaft, as which, it has the task of "relating all cultural processes to their human and societal sources and of understanding their significance, if at all possible, as a societal function..."<sup>2</sup> Therefore, "the study of the state is in every respect a sociological, empirical science, the purpose of which is to depict, analyze and understand the state as a concrete, historical unit within the total socio-historical context."<sup>3</sup>

The second principal characteristic of the scientific study of politics, in addition to its "cultural" and empirical nature, is its essentially analytical and structural quality, as contrasted with descriptive, historical science. And for this reason, Heller warns, attempts to

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1. Ibid., p. 38.
  2. Ibid., p. 47.
  3. Ibid., p. 47.

lay down eternally and universally valid theories of the "state" cannot have any true scientific significance:

The stream of history is not understandable... as an undifferentiated total process but reveals itself as a variously differentiated structure of reciprocally conditioned functions and forms. The higher the degree of civilization, the stronger and more complex is the integration and differentiation of the structure... And to the extent that we distinguish various functions and structures within the totality of historical reality, we can order our picture of the stream and meaningfully select from the multitude of facts and phenomena. The study of the state... cannot forget, that it must do what historical science and its methods cannot do: to analyze the state as an historical structure and as a function within the totality of concrete historical reality.<sup>1</sup>

Now if, says Heller, the student of politics must visualize and study the operation of the state as an historical-social empirical system, he must begin with an examination of the social reality which is involved. This reality is relevant in two aspects: the physical factors, heredity and the non-human environment, and the cultural factors - comprising values, goals, patterns of behavior and the concrete embodiments of these. As regards the evaluation of the significance of the non-human and hereditary factors, Heller points out that:

Only if one conceives of the total physical basis in conjunction with the historical tradition - with the economic, technical, social, pedagogical, poli-

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1. Ibid., p. 50.

tical and other cultural characteristics - only then can one expect to obtain an approximate understanding of what weight one should attach to these natural conditions in the context of total social reality.<sup>1</sup>

In regard to what he calls the "cultural" requisites of social reality, Heller penned what, for political science as a guide for research selection and interpretation, is undoubtedly one of the most penetrating and suggestive sections in all German political writings up to that time:

If we ask, what does a psychological mass of people, which seemingly constitutes a collective unit, lack, the answer is: that they do not have a permanent existence as such, nor a provision for making and carrying out decisions, nor a constantly operating and intentional system of integrated roles. A group of people with arrangements for formulating and carrying out decisions we shall call an association, as distinguished from a mere psychological mass... In such a mass, the individuals are tied to each other by psychological processes over which their consciousness has no control... People are socially associated when and because they know themselves to be in some manner politically, economically, sexually, ethically, etc. interdependent, and because the awareness of this disciplines, forms and channels the drives and individual motives...

Thus social reality is constituted as human living in patterns of a certain greater or lesser permanence. The individual social act is expressed in terms of techniques, forms and organizations through which the personal life is directed into common channels. A psychic-social accommodation and adjustment are created which are quite distinct from and relatively independent of the common physical basis.<sup>2</sup>

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1. Ibid., p. 77.
  2. Ibid., pp. 81-83 (our italics).

The key requisite of a social unit Heller sees not in the jurists' legal system nor in Rudolf Smend's psychic integration, but in "the collective's decision-making and decision-executing capacity." And, "the unity of action on behalf of the collective - developed from the larger number of action centers, can only occur where the roles of the majority are, if need be forcibly, consciously coordinated and directed towards the achievement and execution of such a unified decision. This form of action, which aims at a certain type of coordination of roles and their actualization we call a conscious building of unified action or organization."<sup>1</sup>

The organizational factor, Heller insists, must not be over-rated, but it remains a fact that a social unit "cannot come into existence if the manner of coordinated action is not fixed by rational planning, in however modest measure..."<sup>2</sup> And what is true of the creation of a social unit is also true of its continued operation, which would be inconceivable "without organizational action which is consciously oriented to the choosing of goals and their realization, i.e., the adjustment of the collective action to the changing physical and cultural environment."<sup>3</sup>

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1. Ibid., pp. 88-89 (our italics).
  2. Ibid., p. 89.
  3. Ibid., p. 89.

It is to an application of this general conceptual scheme and social science methodology to the analysis of the state and politics, that Heller devoted the remaining several hundred pages of his book. Since this work compares well with contemporary American analyses of social systems and, in its adaptation of a social science methodology to the study of such problems as decision-making and organizational behavior probably equals all except the most recent studies, it would be well worth the space and time to translate larger sections of Heller's analysis and subject them to more detailed discussion. However, as with Grabowsky's Politik, the primary relevance of Heller's work for the present study is the evidence it provides of the existence by the early Thirties of a synthetic German study of politics as a social science.

When we compare Heller's and Grabowsky's work with the narrowly specialized sciences of the imperial Sozialpolitiker and Staatsrechtslehrer, and with the scattered, one-sided and often pseudo-scientific geopolitical, sociological and legal treatises which we surveyed in Chapter IV, we have the full measure of the development which the study of politics in Germany between 1870 and 1933 was able to achieve.<sup>1</sup> In Grabowsky's analysis of concrete international

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1. Although Heller and Grabowsky were the most outstanding among the new German political scientists, there were

and German domestic problems and in Heller's emphasis on the decision-making aspect of political society, we have conclusive evidence of the extent to which, at least among a minority of German intellectuals, the study of the state was no longer a limited expertise for unquestioningly effecting the policies of a given system, but, rather, had become conceived of and applied as an empirical and evaluative national resource, as defined in our introduction. If the crisis conditions of the Weimar situation which had stimulated this development had not simultaneously given birth to intellectual and political forces which, after 1933, wiped out what had been achieved and made further progress impossible, it is quite possible that politics as a social science in Germany would soon, at least qualitatively, have surpassed most of what was being done in this

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many others. A number of those most concerned with politics as a social science have already been considered. Still others, however, were concerned in much the same manner as Heller and Grabowsky, with the need for a stronger orientation to concrete political problems and to such questions as the importance of comparative government, foreign policy and decision-making process analysis. The Zeitschrift für Politik and a number of other journals contained many excellent studies in these areas. See, for example: Albert Hensel, "Staatslehre und Verfassung," Archiv für Sozialwissenschaft und Sozialpolitik, vol. 61, 1929, pp. 168-197; Rudolf Laun, "Die politische Erziehung der Studierenden an den Hochschulen und hochschulähnlichen Anstalten," Zeitschrift für Politik, vol. 20, 1930-31, pp. 699-709; Aurel Kolnai, "Der Inhalt der Politik," Zeitschrift für die gesamte Staatswissenschaft, vol. 94, 1933, pp. 1-38.

field elsewhere. The response, for a short time and among a small minority of German scholars, had been both promising and brilliant, but, if in retrospect one may be pardoned the poetic expression, the challenge which had called it forth, turned out, in the end, to be too great.



## CONCLUSION

## Conclusion

Since we have attempted, as conscientiously as possible, to consolidate our observations as this study progressed, our final conclusion will be both general and brief. In order to point up what we hold to be the most significant of such insights as this study may have yielded, we shall begin by listing the general preconditions which, on the basis of our survey and analysis of the orientation, method and substance of German political study in relation to its changing situation, we suggest to be necessary for the development of politics as a social science and a national resource in any society. We shall then proceed to summarize our observations in regard to the problem of political science and society in Germany between 1870 and 1933, in terms of these suggested preconditions.

Since our study has been limited to the problem of political science in Germany, these preconditions are, of course, tentative and subject to verification by a consideration of the development of the study of politics in other societies. We hope to be able to engage in further research along these lines as soon as possible. In the meantime, however, we suggest that these preconditions include the following:

1. A set of politically oriented, utilitarian values in terms

of which the state and its government are held to constitute a rationally understandable apparatus for serving man's welfare individually and in terms of the political unit concerned.

2. A sense of popular sovereignty in terms of which the individual, either as an amateur or professional student of politics, feels called upon, and competent, to scrutinize government processes and decisions on the basis of the above-mentioned utilitarian values.
3. A governmental system which not only is based upon the principle that popular participation, discussion and scrutiny are essential for its effective operation and its philosophical vindication, but also provides channels for such participation and does not ideologically or forcibly repress its expression.
4. A political framework and a set of institutions which the student of politics rationally and emotionally accepts, at least in principle, to which he orients his interest and participation, and in relation to which he will select and apply himself to his research.
5. A situation in which there are important "issues" but where these "issues" seem sufficiently manageable within the principles of the existing system, so that there will prevail a sense of optimism and confidence as to the possibility of their eventual solution and the rel-

evance and ultimate usefulness of political study addressed to them. If the "issues" should involve social and political dislocations which are felt to be too complex and far-reaching to be remedied, political study will tend to be frustrated in at least two ways. On the one hand, the student of politics may become convinced that the situation is hopeless and that his researches would be irrelevant and ultimately of only academic interest. On the other hand, he may, on the basis of the above-mentioned utilitarian values, feel himself forced to the rational conclusion that an alternative system or political frame of reference is necessary, at least during the establishment of which, objective political science inquiry might rationally be considered subversive.

6. A situation in which there is a sufficient relativization of values to permit and stimulate objective and empirical inquiry, but where there remains a common, politically and socially integrating core of absolute values in terms of which the student of society and politics will feel sufficiently meaningfully related to his fellow man and the course of national and international events, that he will not give up objective inquiry and political rationality as a political scientist because of his insecurity and anomie as a human being.

The condition of political study in Imperial Germany, with its almost exclusive emphasis upon administratively oriented, technical and narrowly specialized state science, such as Staatsrechtslehre and Sozialpolitik, must be understood as a reflection of the fact that nearly all of these preconditions for political science were missing from the German society of the period. The German Empire and its government, as built and operated by Bismarckian authority and diplomacy was, as we illustrated, far from being conceived of as an apparatus for serving man's welfare. It was, rather, at least primarily, the realization of an age-old dream, in payment for which, partly by their own volition and partly as a result of Bismarck's political maneuvering, the German people had surrendered their right to participate in the political decision-making which determined their fate. Admittedly, one of the props of the authoritarian imperial state was the policy of satisfying the needs of as many social and economic groups as were felt to be compatible with the stability of the Bismarckian order, but such satisfaction of wants came in the form of concessions. What ultimately confronted the German people was what the jurists had formulated as the "basic idea" of their systematizations of legal concepts, the state-person concept, according to which the state was held to stand above its subjects and alleged to be neutral and unpolitical, and be-

hind which lurked the mystique of the organic Volk, evolving in terms of the dialectic of history. Committed to such a system, and trained for many generations in the tradition of dynastic, rather than popular, sovereignty, the German people, including students of the state and society, were not only not motivated to participate in, and constructively scrutinize, the political process, but were restrained from such activity by the ideological rationale of the authoritarian system which they accepted, by the fact that the formulation and empirical study of basic domestic and international political problems was both unwelcome and without promise of applicability, and, lastly, because it was generally assumed that politically and socially unintegrated German society could only possess national unity on an authoritarian basis.

In such a situation there could not be the motivation, the feeling of being necessary and competent, the focus nor the possibility of free expression, which go into the development of politics as a social science and a national resource. The works which we cited of such men as Preuss and Rathenau were very much of an exception and, as political science, remained academically unrecognized.

The situation during the Weimar period had changed considerably, as we demonstrated in Chapter V, providing new

stimuli for the development of politics as a social science, but, at the same time, producing serious new difficulties for its expression and long-run survival. At least during the first years of the Republic, government and the state, operating on the basis of democratic and parliamentary institutions, was conceived as a rationally understandable apparatus for serving man's welfare to a much greater degree than had ever been the case in Germany. Similarly with the precondition of a sense of popular sovereignty: more than ever before, the German people now possessed a government of and by the people, operating according to the Weimar Constitution as the responsible agent of the German electorate, and based upon the principle that popular political participation was not only to be encouraged, but was absolutely essential. As far as the rational and emotional acceptance of the system was concerned, the situation was less favorable. In the short run, it is true, the failure of parliamentary democracy to find either broadly-based emotional loyalty or unhesitating rational endorsement motivated considerable investigation of social and political problems, either from a detached, scholarly point of view, or from the point of view of those who sought to attack or defend the system's foundations and functioning. In the long run, however, the lack of emotional and rational acceptance of the system, aggravated by the grave economic

and social difficulties which German democracy confronted and with which it found it increasingly impossible to cope, resulted in increasingly powerful, politically-organized anti-democratic hostility, in increasing popular political disorientation, in the widespread acceptance of political myths, and in the eventual rejection of political science altogether and the destruction of the conditions under which its development would be possible.

The two most significant aspects of the German situation which thus cut short the progress of politics as a social science and a national resource in Germany were, firstly, the lack of social and political integration of German society and the large number of what, at least on a democratic basis, seemed to be irremediable political problems which resulted from this fact; and, secondly, the lack of shared, absolute and politically and personally meaningful, orientation-giving values which, in the end, in view of the shallow roots of German democracy and the vast problems which it faced, resulted in the turning-away of the majority of German intellectuals from objective social science, in their reversion to the myths of the defensively-conceived, traditional theory of the organic German Volk, and in their surrender to the political ideology and movement in which this theory was adapted to twentieth-century



German social and political problems.

Before this capitulation was completed, however, as we have shown in Chapters IV and VI, the very weaknesses of German society which we have outlined, and which in the end overcame politics as a social science and destroyed the preconditions for its existence, stimulated an intensity and range of social science inquiry which has probably been unsurpassed anywhere in the Western world, and which, in the works of such men as Grabowsky and Heller, were methodologically integrated and adapted to scientific political analysis which, both in regard to its method as a social science and its application as a national resource, showed both brilliance and great promise. Unfortunately, as we know, the crisis conditions which we have described in Chapter V, and which, fundamentally, had been inherited from the imperial period, turned out to be too great; German political and social science fell as one of the first victims of the organized Nazi rebellion against political rationality. Their place was taken by institutionalized intuition and force. Once again, as in imperial days, the German ship of state sailed its course on uncharted and unsounded seas; and once again the German people were committed simply to hoping, trusting and obeying.

It is this chain of failures that seem to have be-

gotten failures, which led us earlier to characterize the course of German attempts rationally to formulate and come to grips with political problems, as an illustration of the teleological, but seemingly applicable, conclusion, that nothing fails like failure.

Whether this process is reversible at this stage would seem to depend, firstly, upon whether the various social and political preconditions for political science which we have outlined can at last be brought about in German society; and, secondly, upon whether the German intellectuals, in view of past developments, can realize and act upon the insight, that political decisions, like all other decisions, no matter how complex, must be based upon an empirical appraisal of the facts involved and a rational choice of means, based upon the knowledge gained from such an appraisal, for the achievement of the desired ends. One of the purposes for which this study was conceived was the hope that it might, however modestly, contribute to pointing up this insight.

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