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# ‘Self-Coordination’ and Its Origins: Civil Servants and Regime Change in 1933 and 1918/19

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This article situates civil servants’ responses to regime change in 1933 in their longer-term context. Focusing particularly on the process of ‘self-coordination’ – a term used by historians to describe and explain ministerial bureaucrats’ voluntary adaptation to changed political circumstances by implementing the Third Reich’s policy agenda – it argues that this process was far from unique, being in fact the typical response to regime change throughout the twentieth century. By examining how civil servants facilitated regime change in 1918/19 and 1933 specifically, it also argues that the central pillar of the ‘self-coordination’ thesis – that it was informed by civil servants’ political or ideological beliefs – needs to be revisited. Indeed, the fact that many began their careers in Imperial Germany and served under both the Weimar Republic and National Socialism suggests that it was not only ideology that informed their actions. So, in conclusion, the essay looks at how bureaucratic organisations like government ministries function and, more importantly, how individuals function within them, presenting a different angle, based on organisational theory, from which to assess civil servants’ propensity to ‘self-coordinate’.

Though its usage has increased in recent decades, wherever it appears in the literature the term ‘self-coordination’ (*Selbstgleichschaltung*) has long been used to describe how individuals and groups adapted to regime change in 1933, and how large sections of society were eager to assist the new order in pursuing its radical agenda. As such, not only does it counteract theories emphasising the importance of the regime’s own ‘coordination’ efforts; that is, those top-down measures, like purging public bodies of ‘undesirable’ personnel or disbanding independent trade unions, aimed specifically at creating conditions conducive to the pursuit of its aims. The ‘self-coordination’ thesis also implies that Germany was somehow primed for National Socialism. For the relative ease with which sections of society adapted to the new order and did its bidding is generally explained, if not in terms of an outright political or ideological consensus between the new rulers and the ruled, then at least by what Manfred Messerschmidt once called ‘a partial identification of aims’ between the two.<sup>1</sup> In other words, although some were turned off by how the Nazis presented their message, at its core the message itself was appealing to many, whether it was the promise of national renewal, the appeal to more traditional values or, for some even, its anti-Semitism.<sup>2</sup>

Underpinned by this idea, ‘self-coordination’ has thus become a familiar paradigm through which both the transition to National Socialist rule and the implementation of its early policy agenda are understood. It has been used to explain how and why universities, their professors and students aligned themselves with the new regime, not least in the removal of colleagues on political or racial

<sup>1</sup> Manfred Messerschmidt, *Die Wehrmacht im NS-Staat* (Hamburg: R. v. Decker Verlag, 1969), 1.

<sup>2</sup> On the broader appeal of National Socialism’s message see Robert Gellately, *Hitler’s True Believers: How Ordinary People Became Nazis* (Oxford: Oxford University Press, 2020).

grounds.<sup>3</sup> It has also been used to describe how and why football clubs and musical societies so willingly purged themselves of their Jewish members, or how and why the horse breeding industry or tourism sector adopted without command changes allegedly preferred by the regime.<sup>4</sup> In short, the ‘self-coordination’ thesis tells us that the Nazis’ fear that German society would prove unresponsive to its aims was largely misplaced, and that there was no shortage of individuals, groups and organisations willing to help implement the new political order.

This was certainly true of the civil servants who remained in office after 1933, at least those who survived the personnel purges hastened by the Law for the Restoration of a Professional Civil Service – the regime’s first significant piece of civil service legislation – and it is in explaining their actions under Nazism, arguably, that the ‘self-coordination’ thesis is most frequently used, particularly in the literature that has emerged over the last twenty years. Recent histories of the German foreign office, the economics ministry and studies of the civil service in the formerly federal states of Baden and Württemberg, for example, explain civil servants’ and diplomats’ complicity in the regime’s crimes precisely in these terms; their propensity to ‘self-coordinate’, for the most part, being explained as a function of Nazi sympathies or a conservative mindset that resembled National Socialism’s core tenets.<sup>5</sup> Much the same argument has also been made in recent surveys of the Reich agriculture ministry and its wider policy apparatus, the Reich finance ministry and its subordinate administrative agencies, the Reich justice ministry and the Reich ministry of transport; the aim here being, again, to show that German civil servants’ readiness to facilitate regime change and serve under Nazism was informed, to varying degrees, by their personal political dispositions.<sup>6</sup> It should thus come as no surprise, given the prevalence of such person- or people-centred understandings of how the

<sup>3</sup> Bruno Reimann, ‘Die “Selbstgleichschaltung” der Universitäten 1933’, in Jörg Tröger, ed., *Hochschule und Wissenschaft im Dritten Reich* (Frankfurt am Main: Campus Verlag, 1984), 38–52; Christoph Jahr, ‘Die nationalsozialistische Machtübernahme und ihre Folgen’, in Heinz-Elmar Tenorth, ed., *Geschichte der Universität Unter den Linden. Die Berliner Universität zwischen den Weltkriegen 1918–1945* (Berlin: Akademie Verlag, 2012), 295–324.

<sup>4</sup> Rudolf Oswald, *Fußball Volksgemeinschaft. Ideologie, Politik und Fanatismus im deutschen Fußball 1919–1964* (Frankfurt am Main: Campus Verlag, 2008). Pamela M. Potter, ‘Musikwissenschaft und Nationalsozialismus. Der Stand der Debatte’, in Hartmut Lehmann and Otto Gerhard Oexle, eds., *Nationalsozialismus in den Kulturwissenschaften* (Göttingen: Vandenhoeck & Ruprecht, 2004), 129–44. Berno Bahro, *Der SS-Sport. Organisation – Funktion – Bedeutung* (Paderborn: Ferdinand Schöningh, 2013), 227–34; Kirstin Semmens, ‘A Holiday from the Nazis? Everyday Tourism in the Third Reich’, in Lisa Pine, ed., *Life and Times in Nazi Germany* (London: Bloomsbury Academic, 2016), 131–60.

<sup>5</sup> Eckart Conze, Norbert Frei, Peter Hayes and Moshe Zimmermann, *Das Amt und die Vergangenheit. Deutsche Diplomaten im Dritten Reich und in der Bundesrepublik* (Munich: Karl Blessing Verlag, 2010), 64–73, 138–66; the similar term ‘self-Nazification’ is found in Albrecht Ritschl, ‘Einleitung’, in Albrecht Ritschl, ed., *Das Reichswirtschaftsministerium in der NS-Zeit. Wirtschaftsordnung und Verbrechenskomplex* (Berlin: De Gruyter, 2016), 2; Frank Engelhausen, Sylvia Paletschek and Wolfram Pyta, *Die bädischen und württembergischen Landesministerien in der Zeit des Nationalsozialismus* (Stuttgart: Kohlhammer, 2019); Christoph Raichle, *Die Finanzverwaltung in Baden und Württemberg im Nationalsozialismus* (Stuttgart: Kohlhammer, 2019), 59, 117.

<sup>6</sup> Andreas Dornheim, *Rasse, Raum und Autarkie. Sachverständigenurteilen zur Rolle des Reichsministeriums für Ernährung und Landwirtschaft in der NS-Zeit* (Berlin: Internal Publication, 2006), 135–41; Ulrich Kluge, *Agrarwirtschaft und ländliche Gesellschaft im 20. Jahrhundert* (Munich: Oldenbourg, 2004), 27, 81, 87; Klaus Dieter Gössel, ‘Beamtentum im Nationalsozialismus’, in Martin Friedenberger, Klaus Dieter Gössel and Eberhard Schönknecht, eds., *Die Reichsfinanzverwaltung im Nationalsozialismus. Darstellung und Dokumente* (Bremen: Temmen, 2002), 99–113; Martin Friedenberger, *Fiskalische Ausplünderung. Die Berliner Steuer- und Finanzverwaltung und die jüdische Bevölkerung 1933–1945* (Berlin: Metropol, 2008), 50, 534; Jürgen Kilian, *Krieg auf Kosten anderer. Das Reichsministerium der Finanzen und die wirtschaftliche Mobilisierung Europas für Hitlers Krieg* (Berlin: De Gruyter, 2017), 116–26; Manfred Görtemaker and Christoph Safferling, *Die Akte Rosenberg. Das Bundesministerium der Justiz und die NS-Zeit* (Munich: C.H. Beck Verlag, 2016), 300–57; Manfred Görtemaker, ‘In eigener Sache. Das BMJ und seine Beiträge zur Aufarbeitung der NS-Vergangenheit’, in Manfred Görtemaker and Christoph Safferling, eds., *Die Rosenberg. Das Bundesministerium der Justiz und die NS-Vergangenheit* (Göttingen: Vandenhoeck & Ruprecht, 2013), 33–4; Alfred Mierzejewski, *The Most Valuable Asset of the Reich: A History of the German National Railway, 1933–1945* (Durham: University of North Carolina Press, 2000), 25, 164; Raul Hilberg, Christopher Browning and Peter Hayes, *German Railroads, Jewish Souls: The Reichsbahn, Bureaucracy, and the Final Solution* (New York: Berghahn Books, 2020), 114–17.

bureaucracy functioned under Nazism, that the few biographies of leading civil servants to appear in recent years, too, have used similar frameworks to help explain their subjects' actions.<sup>7</sup>

Of course, not all recent surveys of Nazi state institutions have adopted this approach. While some have largely eschewed the question altogether,<sup>8</sup> others have pointed to an array of possible explanations for why civil servants cooperated with the regime.<sup>9</sup> Others still have inverted the 'self-coordination' thesis, pointing instead to how ideological training programmes induced civil servants' compliance.<sup>10</sup> On the whole, however, civil servants are said to have 'coordinated' themselves, and this, for many authors, would be inexplicable had they not identified with Hitler's worldview on some level. It is the link between earlier patterns of radicalisation and future actions, in other words, that characterises much recent research on the topic. Reduced to a question of personal motivations, civil servants' conduct under Nazism is considered by many to have been a function of their radical or conservative mindsets.

Such emphasis on people and their beliefs is understandable. 'Structuralist' understandings of the Holocaust had exhausted themselves by the late 1980s, leaving a new generation of historians wondering why it actually happened and what had brought people to participate in it, while the emergence of the 'biographical' and 'cultural turns' in the humanities and social sciences around the same time helped put the individual, their beliefs and ideology generally back on the centre stage of history.<sup>11</sup> But however much historians view it as a function of ideology, we should bear in mind that, at its core, 'self-coordination' describes a process: that of voluntary adaptation after 1933.<sup>12</sup> And however much calling it 'self-coordination' suggests otherwise, that process actually outlasted and, as will be shown below, also predated National Socialism. Indeed, following an account of how some of the Weimar Republic's leading civil servants helped establish the Nazi dictatorship, this essay will highlight how those schooled in Imperial Germany also helped facilitate the transition to parliamentary democracy in 1918/19. Or, to put it differently, it will be shown that, just as they would in 1933, civil servants similarly 'coordinated' themselves fifteen years earlier.

This has important implications for the central pillar of the 'self-coordination' thesis, too, however. For the very fact that civil servants served under various regimes of different political hues throughout the first half of the twentieth century suggests that politics or ideology did not always determine their actions. The essay will conclude, therefore, by suggesting an alternative framework for assessing civil servants' readiness to facilitate regime change. Invoking organisational theory, it outlines both how and why bureaucratic organisations, like government ministries, and their members, like civil servants, will generally work to ensure the organisation's survival by, for example, adapting to regime change. But it will also show that this survival is predicated precisely on the organisation's ability to divorce its

<sup>7</sup> Hans-Christian Jasch, *Staatssekretär Wilhelm Stuckart und die Judenpolitik. Der Mythos von der sauberen Verwaltung* (Munich: Oldenbourg, 2012); Bertold Alleweldt, *Herbert Backe. Eine Politische Biographie* (Berlin: Wissenschaftlicher Verlag Berlin, 2011); Anne C. Nagel, *Johannes Popitz (1884–1945). Görings Finanzminister und Verschwörer gegen Hitler. Eine Biographie* (Cologne: Böhlau, 2015).

<sup>8</sup> Alfred Gottwaldt and Diana Schulle, 'Juden ist die Benutzung von Speisewagen untersagt'. *Die antijüdische Politik des Reichsverkehrsministeriums zwischen 1933 und 1945* (Leipzig: Hentrich & Hentrich, 2007).

<sup>9</sup> Alexander Nützenadel, 'Einleitung', in Alexander Nützenadel, ed., *Das Reichsarbeitsministerium im Nationalsozialismus. Verwaltung, Politik, Verbrechen* (Göttingen: Wallstein, 2017), 17; Ulrich Schlie, 'Das Reichsministerium für Ernährung und Landwirtschaft in der Zeit des Nationalsozialismus', in Horst Möller, Joachim Bitterlich, Gustav Corni, Friedrich Kießling, Daniela Münkler and Ulrich Schlie, eds., *Agrarpolitik im 20. Jahrhundert. Das Bundesministerium für Ernährung und Landwirtschaft und seine Vorgänger* (Berlin: De Gruyter, 2020), 253.

<sup>10</sup> Christiane Kuller, *Bürokratie und Verbrechen. Antisemitische Finanzpolitik und Verwaltungspraxis im nationalsozialistischen Deutschland* (Munich: Oldenbourg, 2013), 43; Ralf Banken, *Hitlers Steuerstaat. Die Steuerpolitik im Dritten Reich* (Berlin: De Gruyter, 2018), 71–6.

<sup>11</sup> Simone Lässig, 'Biography in Modern History', in Volker R. Berghahn and Simone Lässig, eds., *Biography between Structure and Agency: Central European Lives in International Historiography* (New York: Berghahn Books, 2008), 3; Geoff Ely, *Nazism as Fascism: Violence, Ideology, and the Ground of Consent in Germany 1930–1945* (New York: Routledge, 2013), 140–46.

<sup>12</sup> Richard J. Evans, 'The German Foreign Office and the Nazi Past', *Neue Politische Literatur*, 56, 2 (2011), 172.

goals from the motives of its members. How else can organisations' ability to repeatedly adapt to changed circumstances be explained? Of course, none of this is to say that civil servants were apolitical, or that they were completely unsympathetic to the regimes they helped usher in. Particularly after 1933, the opposite, in fact, was true. I am merely suggesting that an individual's beliefs play only a limited role in determining their actions in an organisational setting; something much recent scholarship has lost sight of.

But first we need to ask: what was 'self-coordination'? The interactions between leading Nazi functionaries and senior ministerial bureaucrats at the cabinet meetings in early 1933 offer perhaps the clearest answer. For it was here that civil servants were first presented with the new regime's early demands, and the minutes of these meetings show how they were adopted, codified and implemented by the administration.

It was at the cabinet table, for example, that key legislation allowing for the contravention of basic legal principles was passed; legislation that gave the regime's criminal behaviour a veneer of legality. As was often the case, the precise catalyst for such change was an unforeseen event, an accident the political leadership wished to exploit for its own ends: the Reichstag fire. Barely a week later, Hitler, supported by Wilhelm Frick and Hermann Göring, told the cabinet that he wanted the perpetrator – the Dutch anarcho-syndicalist, Marinus van der Lubbe – executed because the German people demanded it.<sup>13</sup> The only problem was that German law at the time prescribed only a prison sentence for arson.<sup>14</sup> So to get around such niceties, Frick proposed passing a law that not only permitted the execution of arsonists. It would also allow for such a sentence to be applied retroactively.<sup>15</sup>

But Hitler's authority was not yet absolute at this early stage, a little over a month into his chancellorship, and it is probably unsurprising that senior civil servants objected to such flagrant defiance of the prevailing statutes. Franz Schlegelberger, secretary of state in the Reich justice ministry – which he first joined in 1918 – even told the new chancellor that the proposal was beneath Germany's status as a civilised nation, and pointed emphatically to the legal principle *nulla poena sine lege*, which states that one cannot be punished for an act that is not prohibited by law at the time it is committed,<sup>16</sup> and how 'Only in Russia, China and a few small Swiss cantons is this principle not valid'.<sup>17</sup> It would be wrong, however, as some have, to interpret these interventions as 'resistance'.<sup>18</sup> Nor were they tantamount to opposition. Such objections, rather, are best understood in terms of an ongoing process of adaptation between politics and administration and were a feature of regime change in the first half of the twentieth century more generally, as will be shown below. Besides, it was not long before those same civil servants abandoned their objections and threw their support behind Frick's proposal.

This became clear at another cabinet meeting on 15 March,<sup>19</sup> a little over a week before the passing of the Enabling Act, which effectively suspended the Weimar Constitution and gave the cabinet the right to legislate without recourse to the Reichstag or the president.<sup>20</sup> With the cabinet alone soon to be deciding what was and was not law, objections to the regime's policy agenda on legal grounds all but disappeared. Indeed, at another meeting on 24 March, the same day as the Enabling Act's passing, not only did Schlegelberger now show support for the effort to execute van der Lubbe. He also

<sup>13</sup> Minutes of the cabinet meeting, 7 Mar. 1933, reprinted in Karl Heinz Minuth, ed., *Akten der Reichskanzlei. Die Regierung Hitler 1933–1945. Band I, 1933–1934, Teil 1: 30 January 1933–31 August 1933* (Munich: Oldenbourg Wissenschaftsverlag, 1996), 164.

<sup>14</sup> Nikolaus Wachsmann, *Hitler's Prisons: Legal Terror in Nazi Germany* (New Haven: Yale University Press, 2004), 72.

<sup>15</sup> Minutes of the cabinet meeting, 7 Mar. 1933, 163–4.

<sup>16</sup> Susanne Jung, *Die Rechtsprobleme der Nürnberger Prozesse: dargestellt am Verfahren gegen Friedrich Flick* (Tübingen: J.C.B. Mohr (Paul Siebeck), 1992), 137.

<sup>17</sup> Minutes of the cabinet meeting, 7 Mar. 1933, 165.

<sup>18</sup> Michael Förster, *Jurist im Dienst des Unrechts. Leben und Werk des ehemaligen Staatssekretärs im Reichjustizministerium* (Baden-Baden: Nomos Verlag, 1995), 40.

<sup>19</sup> Minutes of the cabinet meeting, 15 Mar. 1933, reprinted in Minuth, ed., *Akten*, 218.

<sup>20</sup> Richard Evans, *The Coming of the Third Reich* (New York: Penguin Press, 2004), 12.

presented the cabinet with the 'legal' framework in which it could take place. Labelled *Lex van der Lubbe* by the press, the Draft Law concerning the Imposition and Implementation of the Death Penalty, worked out by Schlegelberger and his team in the justice ministry, allowed for the retroactive application of article 5 of the Reichstag Fire Decree – introduced *after* van der Lubbe had set the parliament building ablaze – which foresaw the death penalty as punishment for treason, the attempted assassination of the president or other government members and, of course, arson.<sup>21</sup> We can only speculate on how he squared this with his earlier championing of the 'no penalty without a law' principle. But it made no difference to van der Lubbe one way or the other. He was executed on 9 January 1934.

Civil servants' ultimate volte-face in the van der Lubbe affair is indicative of how the ministerial bureaucracy as a whole adapted to the changed political circumstances throughout the early months of Nazi rule, a period in which their propensity to 'self-coordinate' was most visible. As time progressed, however, there was less pressure to do so coming from the top – that is, from Hitler and the political leadership. Instinctively sensing which way the wind was blowing, from around the end of March 1933 senior administrators appear to have taken it upon themselves to 'work towards the Führer' by implementing his radical agenda.<sup>22</sup>

Again, the clearest evidence of this is to be found in the cabinet protocols, which show us how Schlegelberger, for one, as if to compensate for his initial reservations in the van der Lubbe affair, helped transform the judicial administration into an instrument of political justice. At a meeting on 21 March, for example, it was he who presented the Draft Decree against Discrediting the National Government on behalf of the justice ministry, a slightly modified version of which was adopted and introduced on the same day,<sup>23</sup> and which laid down a range of sentences, from prison time to the death penalty, for acts that in any way harmed the government or its reputation.<sup>24</sup> And although the decree was obsolete in little over a year, its basic substance lived on in the infamous Treachery Act of 1934, which merely extended the original decree's provisions to protect both the state and the Nazi Party from criticism.<sup>25</sup> It was also Schlegelberger who presented the Decree concerning the Formation of Special Courts at that same cabinet meeting on 21 March,<sup>26</sup> a measure Lothar Gruchmann has called 'undoubtedly the most important reform of the German court system taken in the first weeks of National Socialist rule'.<sup>27</sup> Similar 'special' courts, to be sure, had existed in the first and final years of the Weimar Republic, enabling swift punishments for increasing incidents of violent disorder through a more simplified legal procedure.<sup>28</sup> So, in this sense, Schlegelberger's proposal was nothing new. In the sense that their authority was rooted in both the Reichstag Fire Decree and the Decree for the Defence against Treacherous Attacks on the Government, however, we can see that it helped create a lasting tool of legal terror and political oppression. For although the Decree stipulated that the special courts were to be a temporary measure – "emergency courts" for the state to combat crimes that, at present, especially threaten its existence' – it was nowhere stated when, exactly, the courts would be wound up.<sup>29</sup> Consider also the fact that the state of emergency enshrined in the

<sup>21</sup> Minutes of the cabinet meeting, 24 Mar. 1933, reprinted in Minuth, ed., *Akten*, 253.

<sup>22</sup> Ian Kershaw, 'Working towards the Führer: Reflections on the Nature of the Hitler Dictatorship', *Contemporary European History*, 2, 2 (1993), 103–18.

<sup>23</sup> Minutes of the cabinet meeting, 21 Mar. 1933, reprinted in Minuth, ed., *Akten*, 243–5. The modified version was printed in the Reich Law Gazette as the Verordnung zur Abwehr heimtückischer Angriffe gegen die Regierung der nationalen Erhebung, 21 Mar. 1933 (RGBl, 1933, 135).

<sup>24</sup> Lothar Gruchmann, *Justiz im Dritten Reich: Anpassung und Unterwerfung in der Ära Gürtner* (Munich: Oldenbourg Verlag, 1990), 825.

<sup>25</sup> *Ibid.*, 496; Bernward Dörner, 'Heimtücke': *das Gesetz als Waffe. Kontrolle, Abschreckung und Verfolgung in Deutschland, 1933–1945* (Paderborn: Schöningh, 1998), 10.

<sup>26</sup> Minutes of the cabinet meeting, 21 Mar. 1933, 243–5.

<sup>27</sup> Gruchmann, *Justiz*, 946.

<sup>28</sup> *Ibid.*; on their introduction to combat political violence in 1932 see 'Die Terror-Kampfverordnung. Ab heute Sondergerichte und Strafverschärfungen', *Vossische Zeitung*, 10 Aug. 1932.

<sup>29</sup> Gruchmann, *Justiz*, 946.

Reichstag Fire Decree was repeatedly renewed,<sup>30</sup> and we can see that the ‘special courts served not only the “simplification” and “acceleration” of [criminal] procedure, but also the political leadership’s greater control [of criminal law]’.<sup>31</sup>

Of course, Schlegelberger and the justice ministry’s readiness to assist the regime early on was indicative of a much broader pattern of ‘self-coordination’ throughout 1933, something partly explained by the jurisdictional conflicts that were already occurring during the first months of Nazi rule. As was the case with many state agencies, the justice administration’s authority was being challenged by a host of institutional rivals from the very start, leading to a fear that a more thorough curbing of its authority was at least possible.<sup>32</sup> If only as a means of preventing a further erosion of its competencies, it thus made sense for the justice ministry to enact the demands of the political leadership.<sup>33</sup>

A similar backdrop also helps explain Johannes Krohn’s readiness to help facilitate regime change. A civil servant in the labour ministry since 1920,<sup>34</sup> it was Krohn who presented to the cabinet on 24 March the Law concerning Shop Representatives and Economic Associations, a measure aimed at securing an orderly purge of politically undesirable elements from the works councils.<sup>35</sup> That such a measure was required at all is explained not only by Hitler and the political leadership’s intervention. Again, it was partly a response to the jurisdictional conflicts that emerged from the beginning of Nazi rule. Indeed, during the so-called ‘revolution from below’, Nazi Party agencies and functionaries had taken it upon themselves, with little recourse to Berlin, to execute the purge.<sup>36</sup> Having failed to break the power of the trade unions in the works council elections,<sup>37</sup> there was unrest from March onwards, as ‘SA and NSBO gangs entered the factories, put elected works council leaders of all political hues on the street, and took over their jobs and offices’.<sup>38</sup> And with such efforts even outpacing those of the Action Committee for the Defence of German Labour – set up by the Nazi Party to plan a coordinated attack on the trade unions<sup>39</sup> – a consensus soon emerged that the chaos needed to be regulated, and the civil servants in the labour ministry set out to ensure that they would be the ones doing the regulating.<sup>40</sup> This was certainly how Krohn viewed his brief; a note accompanying the drafts he presented to the cabinet confirmed as much, stating that ‘In many federal states Reich Commissioners have ordered the suspension of works council elections and taken action against individual works councils. The aim of the Decree, therefore, is to provide the government [by which he meant the labour

<sup>30</sup> Michael Head, *Emergency Powers in Theory and Practice: The Long Shadow of Carl Schmitt* (London: Routledge, 2016), 45.

<sup>31</sup> Dörner, ‘Heimtücke’, 35.

<sup>32</sup> Wolfgang Peter, ‘SA and SS als Instrumente nationalsozialistischer Herrschaft’, in Karl Dietrich Bracher, Manfred Funke and Hans-Adolf Jacobson, eds., *Deutschland 1933–1945. Neue Studien zur nationalsozialistischen Herrschaft* (Bonn: Bundeszentrale für Politische Bildung, 1992), 72; Wachsmann, *Hitler’s Prisons*, 169; Hans-Peter Haferkamp, ‘Begründungsverhalten des Reichsgerichts zwischen 1933 und 1945 in Zivilsachen verglichen mit Entscheidungen des Obersten Gerichts der DDR vor 1958’, in Reiner Schröder, ed., *Zivilrechtskultur der DDR. Vom inkasso- zum Feierabendprozess. Der DDR-Zivilprozess* (Berlin: Duncker & Humboldt, 2008), 27.

<sup>33</sup> Gruchmann, *Justiz*, 1145.

<sup>34</sup> Letter from Krohn to Hans Labin, 4 Jan. 1947, German Federal Archive Koblenz (from now BAArch K) N 1430/5.

<sup>35</sup> It was originally presented as two pieces of draft legislation – Entwurf einer Verordnung zur Befriedung der Betriebe and Entwurf einer Verordnung über Wirtschaftliche Vereinigungen. See the minutes of the cabinet meeting on 24 Mar. 1933, reprinted in Minuth, ed., *Akten*, 253–5. For the combined version printed in the Reich Law Gazette see the Gesetz über Betriebsvertretungen und über wirtschaftliche Vereinigungen, 4 Apr. 1933 (RGBl, 1933, 161).

<sup>36</sup> Jeremy Noakes and Geoffrey Pridham, eds., *Nazism 1919–1945: A Documentary Reader. Volume 2: State, Economy and Society, 1933–1939* (Exeter: University of Exeter Press, 2015), 29.

<sup>37</sup> Klaus Hildebrand, *The Third Reich*, trans. P.S. Falla (London: Routledge, 2005), 7.

<sup>38</sup> Timothy W. Mason, *Sozialpolitik im Dritten Reich: Arbeiterklasse und Volksgemeinschaft* (Opladen: Westdeutscher Verlag, 1977), 83–4.

<sup>39</sup> Timothy W. Mason, *Arbeiterklasse und Volksgemeinschaft: Dokumente und Materialien zur deutschen Arbeiterpolitik 1936–1939* (Opladen: Westdeutscher Verlag, 1977), 22.

<sup>40</sup> *Ibid.*; Mason, *Sozialpolitik*, 83–4; Eckart Reidegeld, *Staatliche Sozialpolitik in Deutschland. Band II: Sozialpolitik in Demokratie und Diktatur 1919–1945* (Wiesbaden: VS Verlag für Sozialwissenschaften, 2006), 386.

ministry] with the possibility to align the legal rights of the works councils with the necessary measures of public interest;<sup>41</sup> by which, of course, he meant the regime's interest.

Such a blatant declaration of the necessity to 'align' labour policy with the politics of the new regime, again, is indicative of a much broader process of 'self-coordination' in the early months of Nazi rule. For if we look at the drafts submitted by Krohn to the cabinet, we can see how they too tell the political leadership that the civil service was ready to do its bidding, albeit in a more orderly fashion than the revolutionary impulses from below. Indeed, whereas article 1 subsection 1 stated that 'For reasons of security and order, only the federal state authorities can suspend the elections to the works councils established by law', subsection 2 held that 'The federal state authorities will appoint new members to the works councils' committees when, because of departures, the number falls below what is legally prescribed', and that the state authorities alone can 'revoke the membership of works councils' members who act in ways hostile to the state, especially in a communist sense'.<sup>42</sup> According to Krohn's vision, in other words, it was the federal state authorities who should take the lead in purging the works councils of the regime's left-wing enemies.

In reality, however, the federal state authorities were not to be vested with this mandate at all, or at least not for long. For it was also around this time that the first steps towards revoking federal state sovereignty were being taken. Following the passing of the Preliminary Law for the Coordination of the Federal States with the Reich on 2 April, federal state parliaments were dissolved and reformed to reflect the Reichstag election results of 5 March.<sup>43</sup> On 7 April, the Second Law for the Coordination of the Federal States with the Reich was passed, placing executive authority in the hands of newly appointed Reich governors, who were themselves nominally subordinate to Berlin.<sup>44</sup> And less than a year later, on 30 January 1934, the formal process of abolishing the federal states was completed upon the passing of the Law for the Reconstruction of the Reich, which stipulated that 'The sovereign authority of the federal states is to be transferred to the Reich'.<sup>45</sup> From this point onwards, federal state administrative authorities became the subordinate bodies of the central Reich ministries. So when Krohn proposed that the purge of the works councils should be placed squarely in the hands of federal state authorities, he was effectively arguing that it should be guided by the labour ministry, and therefore by him personally. Indeed, the Law concerning Shop Representatives and Economic Associations, when it was published on 5 April 1933, contained additional clauses that were not discussed at the 24 March meeting, but yet somehow foreshadowed this later development. For according to article five 'The Reich Labour Minister is empowered to issue legal decrees and general administrative provisions that facilitate the implementation of the provisions contained in this law'.<sup>46</sup> Thus, two days before the Law for the Restoration of a Professional Civil Service was published, and the broader purge of the civil service got under way, the labour ministry gave itself the go-ahead to begin purging the works councils of those 'who act in ways hostile to the state, especially in a communist sense'. As with Schlegelberger and the justice administration, Krohn had adapted when faced with regime change, telling the new political order that the labour ministry and its subordinate authorities were ready to do its bidding.

Like Schlegelberger, Krohn had also been somewhat obstinate in the face of Nazi demands in February, rejecting outright Hitler's order that the government rescind completely a surcharge on medication for medically insured patients.<sup>47</sup> But it would again be wrong to interpret this as resistance or obstruction. It too was part of an ongoing process of adaptation that characterised regime change throughout 1933 and, as will be shown below, 1918/19. Besides, as the Law concerning Shop

<sup>41</sup> Reich labour ministry note accompanying the Entwurf einer Verordnung zur Befriedigung der Betriebe and the Entwurf einer Verordnung über Wirtschaftliche Vereinigungen, reprinted in Minuth, ed., *Akten*, 254, fn. 3.

<sup>42</sup> *Ibid.*, 254, fn. 4.

<sup>43</sup> Vorläufiges Gesetz zur Gleichschaltung der Länder mit dem Reich, 2 Apr. 1933 (RGBl, 1933, 153).

<sup>44</sup> Zweites Gesetz zur Gleichschaltung der Länder mit dem Reich, 7 Apr. 1933 (RGBl, 1933, 173).

<sup>45</sup> Gesetz über den Neuaufbau des Reichs, 30 Jan. 1934 (RGBl, 1934, 75).

<sup>46</sup> Gesetz über Betriebsvertretungen und über wirtschaftliche Vereinigungen, 5 Apr. 1933 (RGBl, 1933, 162).

<sup>47</sup> Minutes of the cabinet meeting, 16 Feb. 1933, reprinted in Minuth, ed., *Akten*, 74–8.

Representatives and Economic Associations illustrated, Krohn and the labour ministry were more pliable on matters of political importance.

In the absence of ego documents like diaries or letters, it is difficult to know how, exactly, civil servants understood or explained their own roles in facilitating regime change as it was happening. Many did explain themselves after the war, when remaining in office was predictably justified in terms of a desire to prevent even worse from happening, or in terms of their loyalty to the state.<sup>48</sup> But some also justified it in terms of what had by then become well-established practice, with Krohn speaking for many when declaring that ‘the change of government in January 1933 occurred in a way foreseen by the Weimar constitution. It resembled the numerous changes of government I had experienced directly as a civil servant’. He thus saw no reason not to remain in office.<sup>49</sup>

As we know, it is now common to explain such readiness to adapt and implement the regime’s demands – to ‘self-coordinate’, in other words – as a function of civil servants’ politics, be it their outright identification with National Socialism or a conservative mindset that is said to have resembled it. And if we look at the biographies of men like Schlegelberger and Krohn, we can see that both of them had conservative and anti-republican views, voting for parties like the German People’s Party and the more radical German National People’s Party, and belonging to clubs like the Berlin Club and the Berlin National Club – even to organisations like the Steel Helmets.<sup>50</sup> But it is not enough to simply point to beliefs. Correlation does not always mean causation. It also needs to be shown that those beliefs actually informed their actions, an incredibly difficult task for the historian, however much scholarship has moved in this direction over the last thirty years. The very fact that they held those beliefs and nevertheless served successive Weimar governments, despite their overarching hostility towards them,<sup>51</sup> suggests that civil servants’ readiness to ‘self-coordinate’ when faced with regime change was also determined by factors other than ideology. Indeed, both men were part of a broader civil service apparatus, generally considered to have been hostile to the Republic and loyal to the monarchy,<sup>52</sup> that throughout 1918/19 actually helped dismantle the latter while establishing the former.

Of course, few could have foreseen – and even fewer would have desired – this outcome in September/October 1918, when, as German defeat in the First World War loomed, the most important measures hastening Germany’s transition to a parliamentary democracy were introduced. Like the Social Democrats’ Philipp Scheidemann, not many civil servants believed early on that the Kaiser would be forced to abdicate, and that within ten months they would find themselves swearing an oath of loyalty to a piece of paper: the Weimar Constitution.<sup>53</sup> Yet, not only is this ultimately what happened. Civil servants played an active role in both amending the Imperial Constitution and in drafting the republican one that followed it.

Indeed, it was a civil servant – Wilhelm von Radowitz, undersecretary of state in the Reich chancellery – who provided the initial draft and subsequent amendments to the Parliamentarization Decree of 30 September 1918, in which Kaiser Wilhelm II reluctantly expressed his intent to grant elected representatives, and with that the German people, a greater role in government.<sup>54</sup> This represented

<sup>48</sup> Nachlass Friedrich-Wilhelm Kritzingler, BArch K N 1635/1.

<sup>49</sup> Letter from Johannes Krohn to the denazification authorities, 4 Jan. 1947, BArch K N 1430/5. The labour ministry’s Hermann Rettig made the same point in his letter to the denazification authorities, Sept. 1946, *ibid*.

<sup>50</sup> Letter from Krohn to an unknown recipient, 4 Jan. 1947, BArch K N 1430/5. Förster, *Jurist*, 39. 1926 membership list for the Club von Berlin, German Federal Archive Berlin (from now BArch B) RY 56/14. Krohn’s denazification questionnaire BArch K N 1430/5. Letter from Fritz Mertens to Krohn’s lawyer, Dr. Hans Labin, 1 Mar. 1946, BArch K N 1430/5.

<sup>51</sup> On their work as civil servants during the Weimar Republic, see Darren M. O’Byrne, ‘Political Civil Servants and the Practice of Administration under National Socialism’, PhD Thesis, University of Cambridge, 2019, 90–157.

<sup>52</sup> For one example of a much broader literature see Hans Fenske, ‘Monarchisches Beamtentum und demokratischer Staat. Zum Problem der Bürokratie in der Weimarer Republik’, in *Demokratie und Verwaltung. 25 Jahre Hochschule für Verwaltungswissenschaften Speyer*, Schriftenreihe der Hochschule Speyer (Berlin: Duncker & Humblot, 1997), 117–36.

<sup>53</sup> Ernst Huber, *Deutsche Verfassungsgeschichte seit 1789. Band V. Weltkrieg, Revolution und Reichserneuerung 1914–1919* (Stuttgart: Verlag Kohlhammer, 1978), 568. The outline of the following discussion of the October Reforms can also be found in the same volume, 584–635.

<sup>54</sup> Erlass Kaiser Wilhelms II. an den zurückgetretenen Reichskanzler Graf Hertling, 30 Sept. 1918, reprinted in Ernst Huber, ed., *Dokumente zur deutschen Verfassungsgeschichte. Band 2. Deutsche Verfassungsdokumente 1851–1918* (Stuttgart:

a significant shift in the power dynamic in Imperial Germany, for Reichstag deputies had hitherto been excluded from the executive branch, which was made up exclusively of civil servants appointed by the Kaiser and directly answerable to the chancellor.<sup>55</sup> And although the decree resulted in the immediate appointment of Social Democrat, Centre Party and People's Party deputies to cabinet positions – albeit only provisionally and without portfolios – it was clear that statutory changes were needed to make this arrangement permanent and to enact broader parliamentary reforms.<sup>56</sup>

Given their apparent hostility to parliament, it is somewhat paradoxical that it fell to civil servants to implement these reforms – both the state secretaries in the cabinet and the lower-ranking officials in the ministries.<sup>57</sup> But it would be wrong to suggest that they embraced the task with open arms. The undersecretary of state in the Prussian state ministry, Adolf Heinrichs, for example, produced a memorandum outlining the constitutional implications of ruling without recourse to the Reichstag, and of establishing a temporary dictatorship, should the government refuse to implement the reforms being demanded by the majority parties. Heinrichs himself was a known critic of those parties, particularly their readiness to exploit the plight of the fatherland for party-political gain.<sup>58</sup> Yet even he advised against pursuing such a course, arguing that while it was certainly possible to ignore the Reichstag, to do so would involve violating the constitution.<sup>59</sup>

This, it seems, was the attitude most civil servants displayed when faced with the demand for constitutional reform, however unpalatable they may have found it. Indeed, even before Max von Baden was given the task of implementing the reforms as chancellor in early October, the Reich bureaucracy had begun work on statutory changes that would culminate in constitutional amendments later that month – the so-called October Reforms. As the agency chiefly responsible for constitutional matters, it was the Reich office of the interior that took the lead, with its undersecretary of state, Theodor Lewald, in consultation with leading figures in the cabinet, producing two memoranda on 28/29 September on how best to implement the changes being demanded by the majority parties in the Reichstag.<sup>60</sup> Submitted one day before even the Kaiser gave his public backing to the reforms via the Parliamentarization Decree, the memoranda focused particularly on how best to enable Reichstag deputies to join the cabinet, something Lewald argued would not, as many people believed, require a wholesale amendment to article 21 of the Imperial Constitution, which stated that Reichstag deputies could not hold government office. Instead, the addition of a minor subclause to that article, coupled with a more thoroughgoing amendment to an 1878 law on who had the right to represent the chancellor, would suffice.<sup>61</sup> If at all possible, in other words, the essential substance of the Imperial Constitution was to be protected.

But the first draft of the Reform Law that was sent out for approval just four days later, on 3 October, did, in fact, amend article 21, with the justification that 'His Majesty the Kaiser . . . wants to create a

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W. Kohlhammer Verlag, 1964), 482. On von Radowitz's role in drafting the text see Heinrich Potthoff, 'Der Parlamentarisierungserlass vom 30. Sept. 1918', *Vierteljahrshefte für Zeitgeschichte*, 20, 3 (1972), 319–32.

<sup>55</sup> Julia Cholet, *Der Etat des Deutschen Reiches in der Bismarckzeit* (Berlin: Berliner Wissenschafts-Verlag, 2012), 108; Ernst Huber, *Deutsche Verfassungsgeschichte seit 1789. Band IV. Struktur und Krisen des Kaiserreichs* (Stuttgart: Verlag Kohlhammer, 1978), 136.

<sup>56</sup> Huber, *Deutsche Verfassungsgeschichte. Band V.*, 535–7.

<sup>57</sup> Winfried Becker, *Frederic von Rosenberg (1874–1937). Diplomat vom späten Kaiserreich bis zum Dritten Reich, Außenminister der Weimarer Republik* (Göttingen: Vandenhoeck & Ruprecht, 2011), 43.

<sup>58</sup> Aufzeichnung des Unterstaatssekretärs Heinrichs über den Sturz Hertlings, reprinted in Erich Matthias and Rudolf Morsey, eds., *Quellen zur Geschichte des Parlamentarismus und der politischen Parteien. Erste Reihe. Von der konstitutionellen Monarchie zur parlamentarischen Republik. Der Interfraktionelle Ausschuß 1917/18. Zweiter Teil* (Düsseldorf: Droste Verlag, 1959), 797.

<sup>59</sup> Denkschrift des Unterstaatssekretärs Heinrichs über verfassungsrechtliche Fragen, 30 Sept. 1918, reprinted in *ibid.*, 773–8.

<sup>60</sup> Unterstaatssekretär Lewald an Unterstaatssekretär von Radowitz, 29 Sept. 1918, reprinted in *ibid.*, 731; see also Huber, *Deutsche Verfassungsgeschichte. Band V.*, 536.

<sup>61</sup> Denkschrift des Unterstaatssekretärs Lewald über die Frage einer Änderung der Artikel 9 und 21 der Reichsverfassung, reprinted in *ibid.*, 731–5. See also Huber, *Deutsche Verfassungsgeschichte. Band V.*, 536.

stronger connection between the Reichstag and the Reich leadership'.<sup>62</sup> In reality, the Kaiser did not want to create such a connection at all. Senior civil servants and military figures had impressed upon him in late September the necessity of doing so in light of Germany's impending defeat. Given the military high command's desire to both sue for peace and have political leaders blamed for it, as well as the growing calls for parliamentary reforms from both the majority parties in the Reichstag and the Americans as a condition for peace, the Kaiser had little choice but to declare his support for reform.<sup>63</sup> And as back-channel negotiations with the Americans revealed that piecemeal reforms would not suffice,<sup>64</sup> the Reich bureaucracy began work on further dismantling the legal and constitutional basis of the Kaiser's authority.

At a meeting of the cabinet on 6 October, Lewald announced that he was already working on rescinding the Siege Law,<sup>65</sup> which had given the Kaiser unlimited control over domestic affairs from the start of the war, and was used later on to establish what was in essence a military dictatorship.<sup>66</sup> And the following day a law subjecting all military decisions to the chancellor's approval was drafted by the Reich office of the interior.<sup>67</sup> This was a basis for the constitutional amendment enacted at the end of the month, according to which the Kaiser required the backing of both the Reichstag and the Bundesrat to declare war, and which was first brought up by the cabinet on 7 October as a means of protecting the monarchy should the Allies demand the Kaiser's abdication.<sup>68</sup> In its original form, however, Lewald's draft amendment, given to the cabinet on 10 October,<sup>69</sup> did not go far enough. Indeed, many thought this was true of the entire package of legal and constitutional reforms Lewald and his team had put together.

This became clear at a meeting of the Reichstag's majority parties one week later, on 17 October, where it was expressed that only the complete subordination of the military, particularly the general staff, to civilian control would suffice. However much decisions by the Kaiser and the military were now subject to the chancellor's agreement, moreover, it was also felt that the chancellor himself ought to be made directly answerable to the parliament. Similar discussions also took place at a series of cabinet meetings in the days that followed.<sup>70</sup> And at a Reichstag subcommittee meeting on 23 October, representatives of the majority parties put together a comprehensive list of proposals better suited to these ends.<sup>71</sup> But it again fell to the Reich bureaucracy, and to Lewald in particular, to transform these proposals into coherent legislative acts, which was done in the Reich office of the interior on 25 October, one day before they were presented to the Reichstag and became law. Over the course of a single day, Lewald and his team codified legislation that went far beyond what anyone could have

<sup>62</sup> Schreiben des Reichsamts des Innern an den Vizepräsidenten des preußischen Staatsministeriums mit anliegendem Entwurf zur Abänderung der Reichsverfassung und des Gesetzes betr. die Stellvertretung des Reichskanzlers nebst Begründung, reprinted in Erich Matthias and Rudolf Morsey, eds., *Quellen zur Geschichte des Parlamentarismus und der politischen Parteien. Erste Reihe. Von der konstitutionellen Monarchie zur parlamentarischen Republik. Die Regierung des Prinzen Max von Baden* (Düsseldorf: Droste Verlag, 1962), 45–9.

<sup>63</sup> Potthoff, 'Der Parlamentarisierungserlass', 322–3; Christopher Clark, *Kaiser Wilhelm II: A Life in Power* (London: Penguin Books, 2009), 339–40.

<sup>64</sup> Huber, *Deutsche Verfassungsgeschichte. Band V.*, 584.

<sup>65</sup> Minutes of the state secretaries' meeting, 6 Oct. 1918, BArch R 43/2462. The minutes of the state secretaries' meetings contained in this volume are also reprinted in Matthias and Morsey's document collection, *Die Regierung des Prinzen Max von Baden*.

<sup>66</sup> H.E. Goemans, *War and Punishment: The Causes of War Termination and the First World War* (Princeton: Princeton University Press, 2000), 78.

<sup>67</sup> Matthias and Morsey, eds., *Die Regierung des Prinzen Max von Baden*, 89, fn 17.

<sup>68</sup> Minutes of the state secretaries' meeting, 7 Oct. 1918, BArch R 43/2462.

<sup>69</sup> Minutes of the state secretaries' meeting, 10 Oct. 1918, BArch R 43/2462.

<sup>70</sup> Sitzung des Interfraktionellen Ausschusses, 17 Oct. 1918, reprinted in Matthias and Morsey, eds., *Die Regierung des Prinzen Max von Baden*, 253–6; minutes of the state secretaries' meetings, 18 and 21 Oct. 1918, BArch R 43/2462; Huber, *Deutsche Verfassungsgeschichte*, 586.

<sup>71</sup> Vorschläge des Unterausschusses des Interfraktionellen Ausschusses zur verfassungsmäßigen Regelung der Kommandogewalt, Oct. 1918, reprinted in Matthias and Morsey eds., *Die Regierung des Prinzen Max von Baden*, 306–307. Huber, *Deutsche Verfassungsgeschichte*, 587.

conceived only weeks previously, drafting amendments to the Imperial Constitution that involved both the lower and upper chambers in declarations of war and peace; that made the chancellor and his representatives – the cabinet – responsible to both chambers; that necessitated both chambers' support in passing legislation; and that subordinated the military in its entirety to civilian control.<sup>72</sup> It may have only lasted two weeks, but Imperial Germany was now a parliamentary democracy, of sorts, thanks in no small part to the work of the Reich bureaucracy.

Of course, none of this is to suggest that Lewald or the Reich bureaucracy initiated this development. Whatever their role in facilitating change, the impetus for bureaucratic action came from elsewhere – impending military defeat as well as both domestic and international pressures for governmental reform. Like their successors in 1933, however, a desire to preserve their own status and that of their ministries also likely informed their actions, with fears of the civil service's impending 'democratisation' known to have been widespread among high-ranking public officials.<sup>73</sup> Particularly as the prospect of regime change dawned, working towards rather than against the majority parties could thus be seen by many as an unwelcome but necessary evil. For it cannot be said that civil servants welcomed change in significant numbers. We know that there was considerable hostility towards the reforms and the majority parties within the ministerial bureaucracy, and we saw above how senior civil servants even investigated the constitutional implications of non-cooperation.<sup>74</sup> Lewald himself also resisted some of the parties' demands, such as that seeking an amnesty for the interned Communist Party leader, Karl Liebknecht.<sup>75</sup> But in this instance, too, it would be wrong to view such an act as outright obstruction or resistance. As with Krohn and Schlegleberger's protests in the early months of 1933, it is best understood as part of an ongoing process of adaptation between politics and administration, during which the latter displayed a remarkable ability to adapt to changed political circumstances and enact more substantive changes on behalf of whomever was in power.

For civil servants, by and large, remained in office during the period of revolutionary government – when political power was exercised by both wings of the Social Democratic Party via the Council of People's Deputies – and even played a central role in establishing the Weimar Republic, working together with a mixture of social democratic and left-liberal parties. Unsurprisingly, given their fealty to the old order, there was genuine concern about their readiness to serve a new one. This is why Friedrich Ebert, in one of his first acts as chairman of the Council of the People's Deputies, issued a separate appeal to civil servants alongside his appeal to the German people, imploring them to remain in office and help see the country through the present crisis. Guarantees that civil servants' rights would remain untouched followed soon afterwards, and on 14 November a proclamation was issued by civil servants declaring their readiness to assist the new order.<sup>76</sup> To assist in what, precisely, remained unclear at this early stage. But with the Kaiser soon releasing them of their oath of loyalty to him, there could have been little doubt that something new was in the offing.

The civil servants at the Reich office of the interior were already working on a new constitution as early as December 1918, with Lewald, again, working in close consultation with Hugo Preuß, the new secretary of state for the interior, on the numerous drafts that would eventually become the

<sup>72</sup> Besprechung im Reichsamt des Innern zur Vorbereitung der Änderung der Verfassungsbestimmungen über die Kommandogewalt, 25 Oct. 1919, reprinted in Matthias and Morsey eds., *Die Regierung des Prinzen Max von Baden*, 348–53. See also Huber, *Deutsche Verfassungsgeschichte*, 587–8.

<sup>73</sup> Peter-Christian Witt, 'Konservatismus als "Überparteilichkeit"'. Die Beamten der Reichskanzlei zwischen Kaiserreich und Weimarer Republik 1900–1933', in Dirk Stegmann, ed., *Deutscher Konservatismus im 19. und 20. Jahrhundert. Festschrift für Fritz Fischer zum 75. Geburtstag und zum 50. Doktorjubiläum* (Bonn: Verlag Neue Gesellschaft, 1983), 238.

<sup>74</sup> Besprechung im Reichsamt des Innern zur Vorbereitung der Änderung der Verfassungsbestimmungen über die Kommandogewalt, 25 Oct. 1919, reprinted in Matthias and Morsey eds., *Die Regierung des Prinzen Max von Baden*, 348–53. See also Huber, *Deutsche Verfassungsgeschichte*, 584.

<sup>75</sup> Minutes of the state secretaries' meeting, 16 Oct. 1918, BArch R 43/2462. See also Huber, *Deutsche Verfassungsgeschichte*, 613.

<sup>76</sup> Jörg Grotkopp, *Beamtentum und Staatsformwechsel* (Frankfurt am Main: Peter Lang, 1992), 6–10. Willibalt Apelt, *Geschichte der Weimarer Verfassung* (Munich: Biederstein Verlag, 1946), 42–3.

Constitution of the Weimar Republic.<sup>77</sup> It was also Preuß, Lewald and their team that produced the Law Concerning Provisional Authority in the Reich and the so-called Transition Law, which together transferred legislative power from the Council of the People's Deputies to the newly formed National Assembly, and provided a kind of temporary constitution for the burgeoning Republic.<sup>78</sup> The civil servants in the Reich chancellery, moreover, worked out the complex procedural rules governing how the offices of the executive branch – soon to be called ministries – ought to function,<sup>79</sup> while those in the foreign office, by leading the peace negotiations with the Allies, helped create the foreign policy conditions for domestic reform.<sup>80</sup> Not only did civil servants serve the new republican order, in other words, but in a variety of ways they helped bring it into being.

Some contemporary sources suggest that it was a fear of civil war and societal collapse that motivated them to do so, with the Reich chancellery's Erhard Deutelmoser confiding in his diary that he was not prepared to finish the Allies' work for them.<sup>81</sup> But others justified it explicitly in terms of preventing the complete collapse of the state administration. According to Walter Simons, in fact, who had just transferred from the foreign office to the chancellery, this was to be expected should the Spartacists seize power, which helps explain why he put his faith in the Social Democrats' Friedrich Ebert. He even wrote the above-mentioned appeal to civil servants, asking them to remain in office despite the Kaiser's abdication.<sup>82</sup>

The generally dated literature tells us that the majority of civil servants heeded this call reluctantly, with most remaining hostile to the Republic for as long as it existed.<sup>83</sup> It is telling, however, that the Reich bureaucracy helped successive Weimar governments overcome a series of international and domestic crises, such as the hyper-inflation of 1923 or the Kapp Putsch three years earlier, when senior civil servants in effect saved the Republic by refusing to cooperate with the putschists, despite their promise to restore the monarchical-authoritarian government most civil servants apparently craved.<sup>84</sup> In stark comparison to the literature on the Third Reich, therefore, that covering the Weimar Republic largely sidesteps the question: why did civil servants help introduce and continue to serve it? In the absence of even a basic ideological consensus between politics and administration, bureaucratic action before 1933 is generally explained in terms of civil servants being 'republicans by necessity' – that is, they served it because they had to.<sup>85</sup> Their conduct afterwards, by contrast, is said to have been a function of conviction.

But what if civil servants helped implement regime change in 1933 for much the same reason as they had in 1918/19? That they did so twice in fifteen years, serving under radically different political systems, suggests that politics or ideology was not the only factor that informed their actions.

<sup>77</sup> Walter Jellinek, 'Entstehung und Ausbau der Weimarer Reichsverfassung', Gerhard Anschütz and Richard Thoma, eds., *Das Öffentliche Recht der Gegenwart. Band 28. Handbuch des Deutschen Staatsrechts* (Tübingen: Verlag von J.C.B. Mohr (Paul Siebeck), 1930), 128–9.; Wolfgang Mommsen, *Max Weber und die deutsche Politik, 1890–1920* (Tübingen: Verlag von J.C.B. Mohr (Paul Siebeck), 1974), 380–1; Huber, *Deutsche Verfassungsgeschichte. Band V.*, 750, 1179–81.

<sup>78</sup> *Ibid.*, 1077; Heiko Bollmeyer, *Der steinige Weg zur Demokratie. Die Weimarer Nationalversammlung zwischen Kaiserreich und Republik* (Frankfurt am Main: Campus Verlag, 2007), 56–7.

<sup>79</sup> Denkschrift des Ministerialdirektors Meyer-Gerhard über die Geschäftsordnung des Reichsministeriums. 20 Feb. 1919, BArch B R 43-I/1488, reprinted in Hagen Schulze, ed., *Akten der Reichskanzlei. Weimarer Republik. Das Kabinett Scheidemann. 13. Februar bis 20. Juni 1919* (Boppard am Rhein: Harald Boldt Verlag, 1971), 1–4.

<sup>80</sup> Peter Grupp and Pierre Jardin, 'Das Auswärtige Amt und die Entstehung der Weimarer Verfassung', *Francia. Forschungen zur westeuropäischen Geschichte*, 9 (1981), 474.

<sup>81</sup> Kurt Koszyk, 'Erhard Deutelmoser – Offizier und Pressechef (1874–1956)', *Publizistik. Vierteljahreshefte für Kommunikationsforschung*, 30, 4 (1985), 525–6.

<sup>82</sup> See Max von Baden, *Erinnerungen und Dokumente II* (Hamburg: Servus, 2011), 363, 373.

<sup>83</sup> For just two examples see Fenske, 'Monarchisches Beamtentum', 117–36, 199–203; and Anthony J. Nicholls, 'Die höhere Beamtenschaft in der Weimarer Zeit. Betrachtungen zu Problemen ihrer Haltung und ihrer Fortbildung', in Lothar Albertin and Werner Link, eds., *Politische Parteien auf dem Weg zur parlamentarischen Demokratie in Deutschland* (Düsseldorf: Droste Verlag, 1981), 199–203.

<sup>84</sup> O'Byrne, 'Political Civil Servants', 90–157.

<sup>85</sup> Carl-Ludwig Holtfrerich, 'Einleitung', in Carl-Ludwig Holtfrerich, ed., *Das Reichswirtschaftsministerium der Weimarer Republik und seiner Vorläufer* (Berlin: Degruyter, 2016), 12.

Indeed, given their known hostility to the parliament and the Republic, this was a question that occupied even contemporary observers, many of whom believed civil servants had 'two souls', one that affirmed the state as such and another that simultaneously rejected, or supported, the government of the day.<sup>86</sup> And according to this logic, it was civil servants' commitment to the state, as opposed to the government, that explains their readiness to work towards regime change. They served the latter to preserve the former, in other words. We saw earlier how both Weimar and Nazi era civil servants later justified their actions in such terms, and similar arguments have also been made in the literature.<sup>87</sup> The main problem with this approach, however, is that, much the same as those that lean on ideology, it explains civil servants' actions primarily as a function of their personal dispositions, with little attention being paid to how bureaucratic organisations like government ministries function, or to how civil servants function within them. For bureaucracies operate according to a distinct logic; and that logic, in turn, shapes the behaviour of individual bureaucrats in important ways.

In short, it can be helpful to view bureaucratic organisations as many political scientists and sociologists do: as self-perpetuating entities whose continued existence is dependent on their members – in this case civil servants – behaving in ways that facilitate that end.<sup>88</sup> A construction company, for example, exists to build houses, while a given country's health ministry will pass pertinent health legislation, and it would actually impede these organisations' self-perpetuation were their members *not* to carry out such tasks. Organisations exist, in other words, to continue existing, and it is inevitable that they will set their members tasks to help ensure they do so.<sup>89</sup>

The organisational sociologist Stefan Kühl tells us how, exactly, organisations induce such pro-organisational behaviour from their members. Based largely on the work of theorists like Niklas Luhmann and Herbert Simon, his widely discussed reinterpretation of the infamous Police Battalion 101, *Ordinary Organisations (Ganz normale Organisationen)*, tells us how routine factors such as salary, job satisfaction, status and official prestige brought police officers to participate in murdering Jewish people – something they were highly unlikely to have done outside an organisational setting.<sup>90</sup> Indeed, these are the basic stimuli for behaviour in almost any organisation. Of course, some battalion members identified wholly with the task itself, murder – just as some civil servants identified with the agendas of the governments on whose behalf they facilitated regime change. Such a consensus is incidental from an organisational perspective, however. The organisation's main concern is ensuring that their members do what is expected of them, and factors such as salary and prestige are their principal means of ensuring that they do so. This, for Kühl, is what made Police Battalion 101 truly 'ordinary'; for the strategies organisations used to bring people to participate in mass killing were and are essentially the same as those that bring people to 'care for the sick, to advertise ice-cream, to teach students, to build cars' or, for that matter, to facilitate regime change.<sup>91</sup>

Thus, in an organisational setting individual action is to a large degree determined by the organisation. The former, in effect, writes the latter 'a blank cheque' for the use of their labour,<sup>92</sup> and that labour, as we know, will take the form of tasks that facilitate the organisation's self-perpetuation. This is even true of those who lead organisations, as the civil servants examined in this paper did, and who

<sup>86</sup> Rudolf Morsey, 'Beamtenschaft und Verwaltung zwischen Republik und "Neuem Staat"', in Karl Dietrich Erdmann and Hagen Schulze, eds., *Weimar: Selbstpreisgabe einer Demokratie: Eine Bilanz heute* (Düsseldorf: Droste Verlag, 1980), 154.

<sup>87</sup> Evans, *The Coming*, 271.

<sup>88</sup> Peter A. Hall and Rosemary C.R. Taylor, 'Political Science and the Three New Institutionalisms', *Political Studies*, 44, 5 (1996), 14, fn 14.

<sup>89</sup> Herbert A. Simon, *Administrative Behaviour: A Study of Decision-Making in Administrative Organisations*, 4th edn. (New York: Free Press, 1997), 10, 278.

<sup>90</sup> Stefan Kühl, *Ganz normale Organisationen. Zur Soziologie des Holocaust* (Berlin: Suhrkamp Verlag, 2014), 86–92, 299. For a broader introduction to Kühl's organisational sociology, see Stefan Kühl, *Organisationen. Eine sehr kurze Einführung* (Wiesbaden: VS Verlag, 2011).

<sup>91</sup> *Ibid.*, 91, 326.

<sup>92</sup> *Ibid.*, 92.

are said to enjoy greater degrees of agency than their subordinates.<sup>93</sup> And we know there existed the additional incentive to work towards this end in both 1918/19 and 1933, especially given the widespread fears of the civil service's impending 'democratisation', or the very real efforts by Nazi Party organisations to usurp mandates traditionally held by state ministries. Viewed as organisational actors, therefore, there is little to suggest that civil servants' readiness to 'self-coordinate' was a function of ideology. Many may have identified politically with the order they helped usher in, but this is not what brought them to do so. For organisations are areas of human activity in which factors other than politics or ideology determine people's actions, and it is precisely this ability to separate their goals from the motives of their members that allow organisations to adapt to changed circumstances – like regime change.<sup>94</sup> Indeed, if ministries were expressions of their civil servants' motives, then each change of government would require significant upheavals of personnel. If modern German history tells us anything, however, it is that this is rarely necessary.

'Self-coordination', then, was neither limited to the period of National Socialism nor solely a function of ideology. As I have argued here, it actually predated 1933 and can be explained by looking at how bureaucratic organisations function and how individuals function within them. Indeed, despite the empirical examples in this essay being limited to a specific time and place, the organisational sociology that underpins its core argument helps explain civil servants' propensity to facilitate changes of government generally, independently of a discussion of their political beliefs. For the most part, recent histories of German state institutions under Nazism have chosen a different approach, repeating instead the idea that 'self-coordination', the readiness to implement regime change, was the work of radical Nazis and staunch conservatives. And indeed it was. But it was not necessarily such beliefs that brought them to do so. For organisations do not need radical Nazis or staunch conservatives to adapt.<sup>95</sup> All they need are members who are committed to the organisation, and they have a range of strategies at their disposal to help ensure that they are.

**Acknowledgements.** Many thanks to Richard Evans for helping me develop the essay's central argument, to Marcus Colla and Thomas Clausen for debating it with me, and to the three anonymous reviewers for their valuable comments.

<sup>93</sup> Ibid., 204–307; Simon, *Administrative Behaviour*, 217–19; Michael E. Dimock, 'Bureaucracy Self-Examined', in Robert K. Merton, Ailsa Gray, Barbara Hockey and Hanan C. Selvin, eds., *Reader in Bureaucracy* (New York: The Free Press, 1952), 403–5.

<sup>94</sup> Kühl, *Ganz normale Organisationen*, 233–4.

<sup>95</sup> Henry Marx, *Die Verwaltung des Ausnahmezustands. Wissensgenerierung und Arbeitskräfte lenkung im Nationalsozialismus* (Göttingen: Wallstein, 2018), 408–9.

**Cite this article:** O'Byrne DM (2024). 'Self-Coordination' and Its Origins: Civil Servants and Regime Change in 1933 and 1918/19. *Contemporary European History* 33, 70–83. <https://doi.org/10.1017/S0960777321000588>