

# The Origins of Chancellor Democracy and the Transformation of the German Democratic Paradigm

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The main focus of the articles presented in this special issue is the international dimension of post World War II German politics and the specific role filled by the first West German chancellor, Konrad Adenauer. Adenauer's main goal was the integration of the emerging West German state into the West European community, while the reunification of Germany was postponed. In his view, any restoration of the former German Reich depended upon the creation of a stable democratic order in West Germany. Undoubtedly, Adenauer contributed in many respects to the unexpectedly rapid rise of West Germany towards a stable parliamentary democratic system—even if most of the credit must go to the Western Allies who had introduced democratic structures first on the state level, and later on paved the way to the establishment of the Federal Republic with the fusion of the Western zones and the installment of the Economic Council in 1948.

Besides the “economic miracle,” a fundamental shift within the West German political culture occurred, which gradually overcame the mentalities and prejudices of the late Weimar years that had been reactivated during the immediate aftermath of the war. While the concept of a specific “German path” (*Sonderweg*) had been more or less eroded under the impact of the defeat of the Nazi regime, the inherited apprehensiveness toward Western political traditions, symptomatic of the constitutional concepts of the German bourgeois resistance against Hitler, began to be replaced by an increasingly

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positive acceptance of West European constitutional thought.<sup>1</sup> This basic change in the mentality at least of the political class in West Germany was closely connected with the rise of the “chancellor democracy” after the Federal Republic was founded in 1949. This shift in the political perspective is inseparably bound to the achievements of Konrad Adenauer.

Admittedly, the development of new democratic structures and mentalities was not immediate. Right after the German capitulation in May 1945, the military governments in the Western zones began to reestablish democratic institutions, starting on the municipal level, and later by establishing provisional parliamentary institutions in the *Länder*. While elections were postponed, the new administrative bodies were recruited mainly from former members of the democratic Weimar parties. Everywhere new constitutions were promulgated, with the approval of the regional military governments, which nevertheless followed the pattern of the Weimar constitution and basically copied Weimar’s parliamentary structures.

This return to the Weimar constitutional model, however, did not coincide with mainstream political debates in postwar Germany. In fact, an overwhelming apprehensiveness towards Weimar democracy prevailed, the allegedly “overdemocratic” institutions of which were frequently held responsible for Hitler’s rise to power. National Socialism was regarded to be the fatal result of so-called “mass democracy.” Thus, there emerged an extended public debate of how to avoid the deficiencies of liberal parliamentarism and the influence of party politics. This debate found expression in a series of influential intellectual periodicals like *Die Wandlung*, *Die Gegenwart*, *Frankfurter Hefte* and several other publications (most quickly disappearing in the early 1950s).

This public debate, restricted to the Western zones, in some respects continued the political discourse of the late Weimar years and was guided by the desire to develop alternatives to parliamentary government and strategies to reduce the influence of party government that was blamed for the demagogic and irrational traits of the Weimar political process. In this mainly academic debate only a few defenders of liberal parliamentary government participated. The majority favored more or less authoritarian solutions by limiting parliamentary sovereignty or by proposing corporatist (*berufsständische*) institutions according to Catholic social doctrine (*Soziallehre*).

As a result of the military government's strategy to license political parties first locally and then regionally, they were latecomers in postwar politics. City administrators and regional government elites, although usually being party members, would enter office without being legitimized by popular vote. This constellation supported a political mentality culminating in the belief that in periods of upheaval and mass poverty political parties were a dispensable luxury. The prevailing perspective was characterized by a rather formalist concept of democracy. In this view, the function of parliament was limited above all to controlling the executive and representing the diverse social and economic interests of their membership, not promoting specific legislative issues.<sup>2</sup>

Thus, a general preference emerged for an all-party government on the local and regional levels. This reflected the notion that political parties functioned primarily by representing diverging societal interests and were not really instruments for the mobilization of the electorate and the political integration of voters. The implicit concept was based on the assumption of an antagonistic relationship between parliament and government, coinciding again with mainstream Weimar political thought, which was only interrupted, not destroyed by the experience of dictatorship.

This view was challenged by the political parties whose development in the Western zones was handicapped by the restrictions of the Western Allies who did not favor the restoration of central party organizations. When the Allies decided to promote the formation of a West German state through the Frankfurt Documents (1 July 1948), the minister presidents of the Länder and their administrative bodies regarded the formation of the Federal Republic as their specific obligation. The bureaucratic elites on the state level and in the bizonal institutions perceived themselves as the natural leaders in the process of state formation, while representatives of the political parties merely were to play secondary roles. At the preceding conference at Herrenchiemsee that prepared the agenda of the Parliamentary Council, the minister presidents as well as an extended group of legal advisers participated. They expected to exert a predominant influence in the negotiations of the Parliamentary Council assembled in Bonn.

The political climate, however, changed completely when the Parliamentary Council convened. Among its sixty five members, the

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representatives of the political parties took the floor, while the minister presidents and their staff played a rather secondary role. Adenauer, who from the start occupied the influential position of Council President, did everything to minimize the role of the administrative elites and coined the term *Zaunkönige* (wrens)—referring to those sitting on a fence observing events—in order to describe the role of the minister presidents whom he tried to keep out of the constitutional debates.

The Parliamentary Council utilized the provisional constitutional drafts presented by the convent at Herrenchiemsee, but gave them a new interpretation. In many ways, the Herrenchiemsee proposals anticipated the provisions of the Basic Law. Although the distinctively federal propositions pushed by the Bavarian cabinet had been shoved aside, the prerogatives of the Länder versus the central state remained a controversial issue. The emerging conflict only was overcome by the spectacular compromise between Walter Menzel, the Social Democratic expert for constitutional issues, and the Bavarian minister president, Hans Ehard. All deliberations to restrain the sovereignty of the Bundestag either by introducing a temporary government or by adopting a rotating system of leadership according to the Swiss example were put aside.

Even though the Parliamentary Council followed the Allied demand to establish a federal political system and to restrict the prerogatives of the central government versus the competencies of the states, attempts to establish the envisaged second chamber as a counterpart to “party politics” encountered pronounced resistance from the Social Democratic Party (SPD), as well as from northern Länder. In order to strengthen the executive against the parliament and thus to avoid the apparent weaknesses of the Weimar constitution, the Parliamentary Council refrained from providing the state president with actual influence on the formation of the cabinet. Although the president was entitled to nominate a candidate for the chancellorship in the first ballot, his office was not to have any significant influence on the nomination of the chancellor or the formation of the cabinet as a whole. Similarly, early proposals to involve the president of the Bundesrat (the second chamber representing the states) in the procedure for appointing the chancellor were dropped. Only in the specific case where the Bundestag could not form a majority

to back a chancellor, was the president of the Bundesrat given the right to dissolve the Bundestag and call for new elections.

By these constitutional provisions, the Basic Law paved the way for chancellor democracy. First, the parliament received the exclusive right to elect the chancellor, meaning that responsibility lay exclusively with the political parties which, therefore, were obligated to provide the necessary majority. The chancellor's position was strengthened further by the introduction of the so-called constructive vote of nonconfidence. With this provision, the Council wished to prevent a random majority ousting a sitting chancellor without immediately presenting an alternative candidate to replace the incumbent. Moreover, the chancellor was provided with the right to ask parliament for a vote of confidence, meaning in practice that s/he was given an individual right to dissolve the parliament. Finally, cabinet members could not be ousted by a parliamentary majority. All these provisions aimed at stabilizing the chancellor's position versus irresponsible parliamentary obstruction. In addition, through the so-called *Richtlinienkompetenz*, the chancellor got the right to define the general lines of governmental policy, and simultaneously, *Organisationsgewalt* gave him the prerogative to reorganize the executive.

This was the basic structural framework for the development of chancellor democracy. Adenauer did not hesitate to use these instruments with great energy. Although constitutional lawyers differ in interpreting the *Richtlinienkompetenz*, they agree upon the strong personal influence of Adenauer on the extension of this prerogative. In any case, he used this prerogative rather extensively and issued directives even for cabinet ministers. The framework of chancellor democracy was underpinned by the creation of the Chancellor's Office as a comprehensive instrument for governmental coordination, accentuating the chancellor's position versus the departments and their administrative bodies. The chancellor could rely on his own personnel and compete with the institutional resources of the departments, as well as those of the Bundesrat.

By providing the chancellor with a strong position against any interference by the Bundesrat as well as by parliamentary opposition, the Parliamentary Council facilitated the emergence of almost unlimited party government. The emerging chancellor democracy

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rested on close relations between the chancellor and the leading coalition parties, giving the system somewhat plebiscitary traits, which otherwise had been eliminated almost completely by the Parliamentary Council. Wilhelm Hennis concluded that never before in German history had a constitution been created as sovereign by an assembly consisting purely of party men. In fact, the antipolitical party bias prevailing in West German public opinion during this period seemed to be pushed away.<sup>3</sup> Surviving members of the Kreisau resistance circle, who filled important positions in the Christian Democratic Union (CDU), complained bitterly to Adenauer that the new constitution provided a reversion to the kind of party government that they vociferously had tried to avoid.<sup>4</sup>

It is still an open question to what extent the members of the Parliamentary Council envisioned the consequences of the Basic Law by providing the political parties with a privileged position. The parties' function of achieving the "politische Mitwirkung" (the active participation of the people in the democratic process), was codified expressly in the document. Moreover, the installment of Adenauer as chancellor paved the way for a new conception of parliamentary democracy similar to the British system of government and opposition. It was a shift from what has been deemed "constitutional democracy" toward "soziale Mehrheitsdemokratie"—i.e., the acceptance of the fundamental function of political parties within parliamentary democracy.<sup>5</sup>

The codification of unrestricted parliamentary sovereignty and the acceptance of the intermediating function of political parties were, however, only initial, although crucial steps on the road to overcome the German constitutionalist tradition and to achieve a modern understanding of parliamentary democracy. While the harmonious concept of all-party government persisted on the municipal and especially the regional level until 1950, it had failed in the bizonie and the Economic Council, since the social democratic demands to get the directorship for economics had been rejected by the CDU and CSU. Kurt Schumacher decided to stay in opposition, expecting improvements of the SPD's tactical position in the near future. But, on the regional level the all-party coalition persisted with the modification that the communists generally were excluded as a result of the emerging Cold War. Even in August

1949 the Conference of Minister Presidents pleaded for a grand coalition in Bonn in order to preserve the coalition governments on the state level.<sup>6</sup>

When Adenauer was elected chancellor after the federal election on 14 August 1949 with the smallest possible majority of 202 votes, the public and considerable parts of the political class expected the formation of a grand coalition in spite of the SPD opposition in the Economic Council. Adenauer was resolute from the very beginning, however, to exclude the SPD from a government coalition, even at the risk of forming a minority cabinet. Recent research shows that Adenauer had pursued this course since 1946 when he was engaged in integrating the different splinter groups of the later CDU into a consolidated party. In the election campaign of August 1949, he supported a confrontation with the Social Democrats and tactical alliance with the right wing bourgeois parties, above all the Free Democratic Party and the Deutsche Partei (German Party). Thus, the course he pursued after the federal elections coincided with his previous strategy to achieve a bourgeois block on the left of the SPD and to isolate the Social Democrats<sup>7</sup>—which was also reflected in pre-existing programmatic documents such as the Ahlen program (April 1947). Adenauer's deliberate rejection of a grand coalition also faced considerable opposition in his own party. As the leader of the CDU in the British zone, he had used to his advantage the lack of a unified party organization in which the strong supporters of cooperation with the SPD, among them Karl Arnold, the minister-president of North Rhine Westphalia, could be overruled easily.

The conference convened by Adenauer in his residence on 21 August 1949 comprised a group of influential supporters, among them Jakob Kaiser, whom Adenauer won for his ticket by offering him a position in the future cabinet. The meeting occurred against the clear-cut opposition of Karl Arnold who had not been invited, but also against the will of a majority of the CDU minister presidents. Arnold in particular advocated a coalition with the Social Democrats. A protocol of the meeting in Rhöndorf shows that Adenauer did not meet much opposition and that finally even the supporters of a grand coalition capitulated. Adenauer argued his position by accentuating the antisocialist character of the CDU election campaign, but his main aim was to integrate the bourgeois right wing parties.<sup>8</sup>

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In his memoirs, Adenauer explained his opposition to a coalition with the SPD by arguing that the lack of a sizable opposition would have strengthened the parties on the Right and Left. He rejected the popular view that in “times of crisis” the “differences among parties would have to be overcome” and denied that “an all-party government was the right solution.” By contrast Adenauer pointed to the weakness of Weimar cabinets. He further stressed his conviction that “the German people have to get used to the fact that the strongest party takes the leadership and the other large party (takes) the role of the opposition.”<sup>9</sup> Of course, tactical considerations played an important part in his thinking, and there is no doubt that he was focused primarily on the further expansion of the CDU. Nonetheless, his criticism of the Weimar coalition tradition hit a neuralgic point and later developments proved him right. He took the British parliamentary tradition as a model, but he was not yet aware of the principal consequence of his decision to exclude the SPD from the coalition.

Certainly, Adenauer’s coalition strategy was supported indirectly by Kurt Schumacher, the unchallenged leader of the SPD and his main opponent, who, in spite of some opposition among his rank-and-file, categorically ruled out any government participation by his party. This constellation—both prominent party chieftains opposing the inherited trend toward all-party governments—alleviated the shift from the hitherto prevailing preference for consensual policy towards a more Anglo-Saxon model of clearly defined roles for government and opposition, as well as replacing the Weimar tendency to consider the parliament as an antagonist to the government.

The principal component of this caesura in the German parliamentary tradition—the formation of chancellor democracy under Adenauer’s resolute political leadership—cannot be underestimated, although contemporaries did not realize the impact it had for the long-term stabilization of the democratic parliamentary system in the Federal Republic. Political parties from then on took as their primary function the creation of parliamentary majorities necessary to support the chancellor and cabinet. Hence, they tended to become catch-all parties and to bridge the interest conflicts among their followers, rather than accentuating them. Gerhard Lehmbuch rightly identified this fundamental political cultural change and the parliamentary process as the precondition for the unexpected



accomplishments of the West German democratic system throughout the Adenauer era.<sup>10</sup>

The development of a two-and-a-half party system, which led to the absorption of most splinter parties, worked in the same direction and made the CDU/CSU and the SPD the two leading actors. Adenauer emphatically supported such a development by pushing for a polarization between government and opposition. Nevertheless, both parties did not restrain from populist agitation. Adenauer deliberately attacked the SPD, asserting that its victory in the election would result in a “downfall of Germany;” while Schumacher during a famous night session of the parliament called Adenauer the “chancellor of the Allies.” In addition to this domestic political polarization, the personalization of politics increasingly took place as a side effect of chancellor democracy. Even though in the run-up to an election the chancellor candidates were not prominently placed, in practice, chancellors were elected during federal election campaigns, rather than in parliament.

When looking at the extraordinarily sharp criticism from considerable segments of public opinion as well from conservative intellectuals in the late 1940s, the change that occurred during the Adenauer era is remarkable. Still, an 1948 article by Karl Wilhelm Böttcher in the *Frankfurter Hefte* came to the conclusion: “Parties together with their ‘old men,’ resuscitated from the bankrupt assets of the Weimar Republic and its failed elites, constitute an anachronism.”<sup>11</sup> Similarly, the *Group 47* around Hans Werner Richter critically noted that the young generation once again did not get any real chances.<sup>12</sup> Even a highly competent publisher like Walter Dirks warned in the early postwar period against going back to “centralized mass democracy” and against the formation of mass parties which in his mind were inclined to the “dictatorial use of power.” The catchphrase of “party absolutism” was even familiar among governing elites.<sup>13</sup>

As one of the few constitutional lawyers not belonging to the conservative camp Adolf Arndt emphatically rejected the mantra of the alleged necessity of “taming parties” and insisted that these were irreplaceable instruments to articulate the will of the people in modern democratic societies.<sup>14</sup> Indeed, aversion to the role of political parties only slowly was replaced by a willingness to identify with

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them. At the least, the trend to reduce their influence on the political affairs that prevailed in the early postwar period disappeared. Thus, tendencies to use the Bundesrat as a counterweight against the influence of political parties—a so-called *Legalitätsreserve*—did not survive. Proposals to create a directly elected senate instead of the Bundesrat whose members were representatives of the state governments, however, were not put into practice. Instead, the SPD agreed to the compromise negotiated by Walter Menzel, the leading expert of the party in constitutional matters, and Hans Ehard, the Bavarian minister president, who was in favor of the Bundesrat solution. The compromise stipulated that the Länder would have only a provisional vote against laws decided upon by the Bundestag. Over time, however, this solution was stretched to the limit with a continuous growth in the number of laws that needed approval of the Bundesrat, eventually creating a veritable blockade of the legislative powers of the Bundestag. Recently, Angela Merkel's grand coalition agreed to change these provisions of the Basic Law, thereby reducing the intervention of the Bundesrat.

## Conclusion

As first chancellor of the Federal Republic, Konrad Adenauer was involved actively with the fundamental change in perception of parliamentary democracy. The inherited pattern of constitutionalist democracy was replaced by a system of government and opposition in which the political parties had the primary function of securing majorities for stable cabinets. This basic change was due partly to constitutional innovations, mainly consisting of strengthened cabinets versus the parliament and chancellor versus cabinet. Under the impact of the representatives of the political parties, deliberations to restrain the sovereignty of the parliament were dropped—with the partial exception of the Bundesrat that has been able to interfere with the Bundestag's legislative prerogatives. This new structure, however, would not have been transformed into a living constitution without the resolved political leadership of Konrad Adenauer, who in many respects put his personal imprint on political decision making. He actively used the powers the new constitution had in store

to enable the chancellor to pursue a consistent political course. Unquestionably, Adenauer's personality supported the development towards a governmental system whose stability and continuity differed so impressively from the Weimar Republic.<sup>15</sup> This certainly led to an increasing consensus among the West Germans regarding the success of their political system, although the last political reservations, especially amongst the younger generation, were only removed during the chancellorship of Willy Brandt.

The scholarly and political debates over the advantages and shortcomings of Adenauer's chancellor democracy have produced an increasing literature. Certainly, there are still many open questions that should be filled by future research. To debate these issues, however, is not the intent of this article. Rather, it is guided by the intention to shine more light on the fundamental shift in the West German concept of parliamentary democracy thanks to the decisions of the Parliamentary Council and to the leadership of the first federal chancellor.

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und seine Arbeiter im Dritten Reich with Manfred Grieger (Berlin, 1996), and two collections of articles *Von Weimar to Auschwitz. Zur Geschichte Deutschlands in der Weltkriegsepoche* (Stuttgart, 1999) and *Alternative zu Hitler. Studien zur Geschichte des deutschen Widerstandes* (Munich, 2000).

## Notes

1. See Hans Mommsen, "Der lange Schatten der untergehenden Republik," in *Der Nationalsozialismus und die deutsche Gesellschaft*, eds., H. Mommsen and L. Niethammer (Reinbek, 1991), 362-404.
2. See the analysis by Gerhard Lehbruch, *Parteienwettbewerb im Bundesstaat* (Stuttgart, 1976), 69.
3. Wilhelm Hennis, "Die Rolle des Parlaments und die Parteiendemokratie," *Die zweite Republik: 25 Jahre Bundesrepublik Deutschland—eine Bilanz*, eds., R. Löwenthal and H-P. Schwarz (Stuttgart, 1979), 203-243, quoted here 212.
4. Theodor Steltzer, "Diskussionsbeitrag zum deutschen Verfassungsproblem 1948," in *Bewegt von der Hoffnung aller Deutschen: Zur Geschichte des Grundgesetzes 1941-1949*, ed. W. Benz (Munich, 1979), 194-207.
5. See Karlheinz Nieclauß, *Demokratiegründung in Westdeutschland: Die Entstehung der Bundesrepublik von 1945-1949* (Munich, 1974), 89, 242.
6. Lehbruch (see note 2), 29.
7. See Frank Bösch, *Die Adenauer-CDU: Gründung, Aufstieg und Krise einer Erfolgspartei 1945-1969* (Munich, 2001), 84-89.
8. Ibid., 9. See also Rudolf Morsey, "Die Rhöndorfer Weichenstellung vom 21. August 1949," *Vierteljahreshefte für Zeitgeschichte*, 28 (1980): 508-542. The notes had been written by Gebhard Müller, then minister president of Württemberg-Hohenzollern.
9. Konrad Adenauer, *Erinnerungen 1945-1953* (Stuttgart, 1965), 226.
10. Lehbruch (see note 2).
11. Karl Wilhelm Böttcher, "Die junge Generation über die Parteien," *Frankfurter Hefte*, 3, no.8 (1948): 757.
12. Mommsen (see note 1), 391.
13. See Walter Dirks, "Die neuen Verfassungen," *Frankfurter Hefte*, 1, no. 5 (1946): 3, 390, 394.
14. Adolf Arndt, "Die Bändigung der politischen Parteien," *Die Wandlung*, 3, no.7 (1948): 630.
15. Karl Dietrich Bracher, "Die Kanzlerdemokratie," in Löwenthal and Schwarz (see note 3), 179-202, quoted here 181.