

"From courtroom to revolutionary stage": Party Lawyers and Political Justice in the Weimar Republic

Ever since Karl Dietrich Bracher labeled Weimar courts a 'wellspring of the Third Reich', scholars have highlighted the ingrained conservatism of the judiciary: 'blind on the right eye', judges in the Weimar Republic discriminated against the left in their preference for the nationalist right. This paper eschews this well entrenched emphasis on judges and their verdicts in favor of the trial lawyers. It focuses upon a group of highly specialized, ideologically committed lawyers who represented political offenders in the interest (and on the payroll) of the extremist parties (KPD and NSDAP). Viewed from this perspective, Weimar political trials emerge as elaborately staged, dynamic and highly popular, ideologically driven performances, in which much of the initiative and nearly all of the propagandistic credit came to rest on the side of the accused, rather than the accusers. In fact, both National Socialist and Communist lawyers proved particularly adept at exploiting judicial procedure to discredit the Weimar 'system', even if this meant turning their individual clients into sacrificial scapegoats on the altar of party interest. This, the paper argues, is where the real significance of Weimar political justice is to be found.

The paper draws on original sources from the party legal offices of various Weimar political groups, on the private archives of some of the most high profile of political lawyers and on pamphlets and newspaper coverage of specific trials. Methodologically, it combines cultural and political history with studies in the sociology of the professions and some recent approaches to the

study of law developed within performance studies
(Theaterwissenschaft).