Westarp, who resisted Hugenberg's radical course. The era of the middle-class bloc governments tending toward the Right which began in 1920 generally was one of minority Cabinets—a problematical situation which, except for brief interludes of either Social Democratic or German National participation in government, set the tone for future policy. No parliamentary government could be formed without the acquiescence of the SPD, yet the logical consequence—Social Democratic participation in government—was not drawn. The parties had only a very limited talent for coalition and compromise, and the inhibitions on both sides were too great, due both to the traditional misgivings of the middle-class parties and to the immutable oppositional tendencies and feeble power drive of the SPD, which lacked full understanding of its role as the strongest party in a parliamentary democracy. The Cabinet crises which plagued the German Republic throughout its life were the direct consequence of the nature of German political parties, their unwillingness to form coalitions and to compromise, their rigid ideological stance, their preoccupation with prestige, and their authoritarian tradition.

This was the price paid for the partly forced, partly voluntary rejection of parliament and parties during the monarchy, a policy whose negative aspects were pinpointed very clearly by Max Weber at the end of World War I. In his 
Parlament und Regierung im neugeordneten Deutschland (Parliament and Government in Reorganized Germany, p. 75), he insisted that the absence of a two-party system was not the main obstacle: “Far more important is another difficulty: parliamentary government is possible only if the largest parties of the parliament are in principle on the whole ready to take over the responsible conduct of the business of state. And that certainly has not been the case up to now.” Now, with the promulgation of a parliamentary constitution, this disinclination to exercise responsibility manifested itself even more strongly, because its political effects were now more immediate. A predisposition toward supraparliamentary, bureaucratic political administration remained the guiding principle of political debate and of criticism directed against the parliamentary multiparty state as well as of the attitude and inner insecurity of the parties. The fateful history of the implementation and misapplication of emergency legislation (Article 48), intended by its drafters to protect the Republic, could not have come about without this basic mood, without this helplessness in the face of a grave crisis of the party state which steadily grew more acute.

The effects of this historically rooted dilemma proved doubly detrimental in the years to come, when vast problems, both domestic and foreign, called for clear, energetic political measures and consequently for a firm, secure majority government. On the foreign front, negotiations over reparations and a possible revision of the Versailles Treaty had gotten under way, and on the domestic front, the growing economic crisis and inflation, the occupation of the Ruhr, and the attend-
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manic, anti-Semitic, somewhat occult theories whose writings presumably also influenced the young Hitler in Vienna. Closely connected with these tendencies was the founding in Leipzig in 1912 of the Germanic (Thule) Order, which was in contact with Fritzsch's anti-Semitic Hammer League (Hammerbund, founded in 1910) as well as with the Pan-German League and the German National Association of Commercial Employees. The members of the Order had to be of "Aryan blood" and pledge themselves to fight against Jews, avenge treason, and eradicate all enemies. The admission procedure involved an absurd ritual: filling out a form indicating the degree of hairiness of various parts of the body and, as proof of "Aryan" descent, putting a footprint on a separate piece of paper. The Order's organization and terminology were reminiscent of the Freemasons, except that the purpose and aims of the Germanic Lodge were diametrically opposed. As in many other groups of this type, Germanic runes and swastikas were used as symbols.

At first the war was somewhat of a deterrent to this type of activity; persons and groupings continued to alternate in confusing success. A turning point was reached around Christmas of 1917, when Sebottendorff took over leadership in Bavaria and unleashed an intensive anti-Semitic and antiliberal propaganda campaign with anti-Jewish leaflets. In August, 1918, the Germanic Order re-formed as the Thule Society at a meeting at the Hotel Vierjahreszeiten, where Sebottendorff had leased the rooms of the Naval Officers' Club; on October 24, 1918, the Society held a joint meeting with the Pan-Germans, at which the possibility of a right-wing coup as proposed by the nationalist publisher J. F. Lehmann was discussed. The Thule Society responded to the revolution and the Bavarian governmental crisis with exhortations against "Jewry" and new plans for a coup; surveillance and arrests temporarily forced them to adopt the cover name "Study Group of German Antiquity," which was entered in the Munich organization register in March, 1919. At the same time, they were engaged in organizing a "combat league" (Kampfbund), which sought to unify the Free Corps for a march on Munich and which participated in an abortive putsch on Palm Sunday (April 13) of 1919; however, the group was very small. While Sebottendorff was courting the Free Corps in Bamberg, the seat of the Bavarian government-in-exile, supporters of the Räterepublik occupied the rooms of the Society in Munich on April 26 and arrested seven of its members, including the secretary, Countess Heila Westarp; they were shot four days later, probably in reprisal for the murder of Communists in nearby Starnberg.

Whatever one's opinion about the questionable details of the executions—and on this matter there was disagreement among the members of the revolutionary government—they stirred up far greater public indignation than all the past murders of Communists and Socialists committed by the Free Corps and combat leagues, beginning with the assassination of Rosa Luxemburg and Karl Liebknecht. The lamentable "hostage murder of Munich," blown up by propaganda and embel-

Räterepublik (accomplished with the help of counterrevolutionary and antidemocratic forces), the political pressures brought to bear by military and paramilitary groups in Munich was greater than anywhere else in Germany. Feeling threatened by the Versailles Treaty provisions for the reduction of the Army, numerous officers and professional soldiers grown accustomed to civilian life turned to what they called "politics." Their service in the transitional forces afforded them leisure for speeches, discussions, and for nationalistic indoctrination; military-political groups formed around Free Corps officers like Colonel Ritter von Epp, who won renown for his crushing of the Räterepublik, and Major Ernst Röhm, who, as chief of staff of the Munich City Commandant, worked for the promotion of "national" associations. Secret weapons caches proliferated, and a far-flung conspiracy of right-wing and militarist extremists came into being. Countless radical groups and Grouplets, in which the military had its liaison men and informers, were organized, flourished, and dissolved again.

The völkisch Pan-German Thule Society mentioned earlier constituted an important focal point. As the front organization of the prewar Germanic Order, it enjoyed a measure of prominence; its contacts reached into broad circles of Munich society, and its club rooms in the fashionable Hotel Vierjahreszeiten served as a gathering place for other "national clubs." The Thule Society had its own paper, the anti-clerical, anti-Semitic Münchener Beobachter (Munich Observer) founded in 1868 (after 1900, it was published by the Franz Eher Verlag). Its leading figure was a nationalist adventurer going by the name of Rudolf Count von Sebottendorff, a man of rather obscure provenance. His reminiscences, with the significant title Bevor Hitler kam (Before Hitler Came; 1933), in which he stresses the role played by the Thule Society in the birth of National Socialism, seem to contradict Hitler's claim to parentage; Hitler had never acknowledged any "precursors," let alone competitors; at best, he tolerated a handful of prominent prophets.

Sebottendorff (whose real name presumably was Rudolf Glauer), the son of a Silesian railway engineer, had apparently been convicted for fraud in 1909; he turned up in 1913 with a newly acquired title of nobility (which he owed to his adoption by an Austrian) as well as a brand-new Turkish passport. After his political venture in Bavaria (1917-19), he disappeared in Istanbul; he then spent some time in Mexico and the United States, only to reappear in Munich in 1933 with the hope of reactivating the Thule Society. His subsequent fate remains unknown; he may possibly have been eliminated by the National Socialists as an embarrassing witness out of the past. According to his own testimony, Sebottendorff was influenced by such völkisch pioneers as Fritzsch, Guido von List, Lanz von Liebenfels, and Baron von Wittgenberg—the same Austro-German sectarian proponents of Germanic...
lished with gruesome details, furnished another effective platform for a radical anti-Semitic campaign which now was assured a sympathetic hearing by the people of Munich. The vicious retaliation of the Free Corps and the reprisals against Communists and left-wing Socialists were followed by a violent anti-Jewish campaign against the deposed "racially alien government," in which portions of the BVP and the Church joined in. The Räterepublik was reviled as a Jewish undertaking, and the fact that the actual terrorists were not Jews, but that one of the victims was, proved of little consequence amid this atmosphere. Leaflets distributed by newly organized propaganda centers of the radical Right, such as the "Committee for Popular Enlightenment" (whose name may have furnished the inspiration for Goebbels' later propaganda ministry), depicted the doubtlessly unpopular short-lived revolutionary government as a pogrom against the German people staged by Jews, a phase in the Jewish conspiracy for world domination. The propaganda resorted to ancient, oft-repeated distibutes, but now there was the added bonus of widespread popular resentment against the Räte experiment and the bloody events surrounding it. It was a climate of opinion favoring the development of National Socialism, and Hitler's career as an agitator may be said to have begun here. In this, too, the Thule Society played a key role. On May 31, 1919, the Münchener Beobachter published the twelve points of Sebottendorff's "political program"; his new task was that typical combination of anti-Semitic and anticapitalist catchwords which was to become the hallmark of the National Socialist program.

As the center of old and new völkisch prophets, the Thule Society gave many of the future ideologists of National Socialism their first public platform. Gathered here were Alfred Rosenberg, Hans Frank, Gottfried Feder, Dietrich Eckart, who in December, 1918, had begun to publish the anti-Semitic journal Auf gut deutsch (In Plain Language), as well as a völkisch Catholic priest, Father Bernhard Stempel, who helped Hitler in the writing of Mein Kampf. (As a reward, he was among those murdered in the purge of June 30, 1934.) The Thule Society's Münchener Beobachter proved of invaluable help by publishing a stream of anti-Semitic "documentary evidence" and acting as a clearing house for the innumerable völkisch-radical Right events in and around Munich. But the Society and the influential tools at its disposal served not only as a platform for numerous nationalist splinter groups, with links to such organizations as the Pan-German völkisch Defense and Offense League (Deutschvölkischer Schutz- und Trutzbund) or the Munich branch of the Ostara League, but also as the organizer of völkisch workers' clubs fighting the Left. One such effort was the Political Workers' Circle founded by the sportswriter Karl Harrer (1890–1926) in the fall of 1918. In December, 1918, Harrer introduced his collaborators, a railroad mechanic in the Munich municipal works, Anton Drexler (1884–1942), and his colleague Michael Lötter to the Thule Society. Drexler in turn, together with twenty-five railroad workers from his shop, founded the new German Workers' Party (DAP) at a conference at the Fürstenfelder Hof on January 2–5, 1919. The party's early history was marked by a nationalism with anti-Semitic and socialist overtones. The DAP thus differed from the Thule Society which, with its racial theories and elitism, continued to be a small, conspiratorial prestige organization. Hitler himself later spoke with derisive scorn of "völkisch sleepwalkers" and "itinerant preachers." This difference in organization and propaganda played an important role from the very outset: The National Socialists, going beyond an exclusive doctrinaire sect without a mass basis and without the prospect of political power, sought to become a strategic, broadly based mass party. But at the same time, the anti-Communist, anti-Semitic excitement stirred up in the aftermath of the Räterepublik offered an opportunity for the full incorporation of the racist arguments into the socialist-nationalist ideology of the party.

Like other groups hatched in the womb of the Thule Society, the DAP enjoyed the benevolent approval of militaristic circles. As a delegate and functionary of the defense and political propaganda program of the Munich Military Group Commando, Adolf Hitler had also come into contact with the new party. He was an avid reader of the Münchener Beobachter, though his offer to become a contributor had been turned down. On September 12, 1919, he, as mentioned earlier, went to one of the weekly DAP meetings in the Sterneckerbräu beer hall; these meetings were generally attended by anywhere from ten to forty followers. Inspired by a speech by Feder about the abolition of capitalism, Hitler apparently effectively rebutted an alleged proponent of Bavarian separatism, and after returning home read a pamphlet entitled Mein politisches Erwachen (My Political Awakening) given him by Drexler. Soon thereafter, he let himself be recruited as "propaganda chairman" (Werbeobmann) of the party. 12 This proved a stroke of luck: before the feared discharge into civilian life in March, 1920, he had managed to find an outlet for his newly discovered agitational talents. It is significant that Hitler had never been a member of any of the numerous völkisch sects. He won his spurs and acquired the propaganda tools for his political rise not among racist theorists but in the concrete situation of local and national issues, particularly in the fight against "Versailles," however deeply rooted the anti-Semitism that ultimately determined his policies.

In line with his unbridled ambition to dominate, Hitler came to believe that by taking this road into politics, he could establish his claim to unlimited power. Having at long last found an outlet for his long-frustrated psychological needs and his aggressive drive, he decided to put his plan into action. Shortly after his third attempt to join the army, Hitler applied for membership in the Thule Society. He was accepted, but not by Harrer, who had been against it. After a period of uncertainty, he was finally allowed to become a member of the Munich branch of the Society in March, 1919. This was the beginning of Hitler's involvement with the National Socialist Movement.
trated giantomania, Hitler, in the narrow circle of this small party, developed organizational and speaking talents which within a short span of time carved out a special place for his party among the radical Right sectarians of Munich. The self-designated "artist" now called himself "writer"; in the unattainable, dreamt-of middle-class scale of values, these two professions ranked equally, regardless of the meagerness of his writings and the inadequacy of his stylistic gifts. But above all he was a speaker: after a brief apprenticeship as propaganda chairman of the party, he became aware of this essential talent. The skills acquired in his debates in the men's home at Vienna and while delivering the patriotic monologues of the war years were now put to the test and perfected in activities which gave him an intoxicating feeling of power.

To be sure, the DAP was a small, pretentious starting point. Yet this very fact made Hitler's position less competitive, and the support given him, a useful and presumably harmless propagandist and "drummer" for the "national" cause, by influential military and social circles was, accordingly, indulgent. His closer collaborators—Ernst Röhm, Alfred Rosenberg, Dietrich Eckart, Rudolf Hess—came from various groups amid the welter of völkisch organizations. But Hitler's primary concern—the reorganization and broadening of the DAP through the recruitment of ex-soldiers and Free Corps members grown unaccustomed to civilian life—soon brought him into conflict with the old leadership. There began the trek from the small political debating society to the political combat organization which came on the scene with noisy mass agitation. A month after joining the party, on October 16, 1919, Hitler was one of the speakers at a meeting in the Hofbräuhaus before an audience of a hundred. Soon he was also invited to speak before völkisch groups outside of Munich, as, for example, in May, 1920, when he addressed a rally of the German Völkischer Defense and Defense League in Stuttgart.

The first real mass meeting, held on February 24, 1920, at Munich's Hofbräuhaus, proved to be a milestone. By then, Hitler had begun to make a name for himself as the party's foremost propaganda speaker.13 The nominal main speaker, a physician, had been furnished by another völkisch group, but it was Hitler who played the leading role in the organization of this meeting and who announced the two major events: the new "25-point" party program, and the change of name to National Socialist German Workers' Party—a name which betrayed the Austrian influence and at the same time was intended to differentiate the German Workers' Party from the socialist parties. Its "socialism" was meant to combat Bolshevism among the working class in an attempt to win the support of the Reichswehr and politically influential social circles. The same holds true for the claim that Hitler was a


"good Catholic"14 acceptable to the traditional establishment of Catholic Bavaria.

The mass meetings were the true beginnings of the "Hitler movement," the consolidation of Hitler's dictatorial position within the party and beyond its confines. Moreover, Drexler, the party's founder and nominal chairman, held an outside job and therefore could not devote as much time either to the party or to his career as propagandist as his indefatigable colleague Hitler, who, as a jobless politician, had nothing to lose and much to gain. Hitler attended almost every important meeting, turned up at the Kapp Putsch in Berlin (together with Eckart), and, in the summer and fall of 1920, went to conferences of the Austrian National Socialists.

The new program, which replaced the guidelines which Drexler had laid down at the DAP's founding in January, 1919, had been compiled by Drexler in December, 1919, from a jumble of völkisch ideological sources and edited by Hitler. Appended to this program was a specific reference to "breaking the shackles of finance capital," Feder's pet theory which had strongly impressed Hitler, though it was an old idea found in the programs of many national-socialist reform movements. The other parts of the program also were hardly new; German, Austrian, and Bohemian proponents of anticapitalist, national-imperialist, anti-Semitic movements were resorted to in its compilation. The individual points were phrased like slogans; they lent themselves to the concise, sensational dissemination of the "anti-"position on which the party thrived, while its positive goals remained as vague as the programs of its precursors. But two of its new and basic features clearly betrayed Hitler's influence: the radical revisionism with its militant stance against Versailles and the outcome of the war in general, and the emphasis on the "unalterable" nature of the program, reminiscent of Hitler's rigid insistence on the "granite foundation" of his youthful "Weltanschauung."

Hitler's address at the Hofbräuhaus meeting was typical of those uninhibited, forceful diatribes against Marxists and democrats, "November criminals" and Jews, Versailles and the "world of enemies" encircling Germany with which the "unknown frontline soldier" was beginning to stir up public enthusiasm and violent hostility in Munich. In addition to its negative slogans, the new program contained a confused collection of high-flown postulates and promises for all. Its quintessence was the unification of the nation under a "national socialism" which, unlike the Marxist class struggle, promised to abolish the injustices of capitalism by uniting the workers and all other classes in one mighty, unified, powerful "people's community." Ideologically speaking, it was a wooly, eclectic mixture of political, social, racial, national-imperialist wishful thinking of the type which after the nine-

14 Thus, in a letter from Rudolf Hess to von Kahr (May 17, 1921), quoted in Maser, op. cit., p. 289.
teenth century, and more particularly since the unexpected catastrophe of the war, had inspired the “national Right,” ranging from disappointed Conservatives and Pan-Germans to the national-revolutionary adventurists of the Free Corps. The Army, which in many parts of the new Republic served only reluctantly, also was in full sympathy, particularly in Bavaria. Thus, the organization’s new star speaker was given a double opportunity to prove his effectiveness and promote his career: he could offer a despairing population torn by war and revolution and victimized economically by mounting inflation a simple explanation for their misery (Jews, Marxists, Versailles, and democrats), and in Munich, a city caught in the ferment of revolution and separatism, reaction and monarchism, he could form a “cell of national order” drawing from all walks of life, thereby attracting notice and gaining the support of Munich’s not overly democratic military guardians of order.

There can be no doubt that Hitler, unlike many of his gullible cohorts, had little feeling for the program of “national socialism,” except for its intense anti-Semitic nationalism. To him, it was little more than an effective, persuasive propaganda weapon for mobilizing and manipulating the masses. Once it had brought him to power, it became passé decoration; “unalterable,” yet unrealized in its demands for nationalization and expropriation, for land reform and “breaking the shackles of finance capital.” Yet it nonetheless fulfilled its role as backdrop and pseudo-theory, against which the future dictator could unfold his rhetorical and dramatic talents. After only a few months in his new role, Hitler began to be received in the salons of influential members of the völkisch literary, economic, social, and military establishment. Here was manifested for the first time that fatal belief of his intellectual, social, and economic superiors that they could make use of the energies and talents of the “mass drummer” and that, having served their purposes, he could be tamed and fitted into their scheme of things. This delusion figured in the putsch of 1923, in the undertakings of von Papen and Schleicher at the end of the Weimar Republic, in the formation of the Hitler Cabinet in 1933 with Hindenburg, Hugenberg, and heavy industry, and finally, also in the appeasement policies of the Western powers and the Soviet Union (1939); it proved to be the most important pacemaker in Hitler’s forward march, for despite all his energy and luck, he would probably never have crashed the gates of power without outside help; he would have remained a would-be tyrant, just as he always remained a would-be artist.

Even though the NSDAP kept aloof from völkisch sects, it saw itself not merely as just another political party, but as a truly unique “movement” above the usual “political” organizations. “Party politics” was and remained a term of disdain in the National Socialist vocabulary. But it was not only in this respect that the NSDAP was tied to the antidemocratic and antiliberal groups outside the traditional party system; it also developed the structure of a male-oriented revolutionary order and elitist movement seeking mass support yet not considering the masses sufficiently knowledgeable politically to share in the decision-making process. The minor role assigned to women was typical of this, and even more so the resolution adopted by the first general membership meeting, including the handful of women present, in January, 1921: “A woman can never be admitted into the leadership of the party and into the executive committee.” 15

Of greater initial importance than ideology was the development of a strong organizational structure through which the party hoped to be able to extricate itself from the jungle of competing organizations. In this, the introduction of an all-encompassing symbolism proved highly effective. In their appeal to irrational emotions, the völkisch groups had developed a rich store of frequently spurious signs and symbols, and the new party made more definitive, purposeful, and cohesive use of them than its competitors. To begin with, there was the sign of the swastika, which as sun circle or sun wheel was to be found in many ancient cultures (including “non-Aryan” ones in Central America), but which, since the turn of the century, through a characteristic misunderstanding and misapplication of newly developed scientific theories, had been adopted by völkisch sects as the symbol of “Aryan” anti-Semitic revival movements. Thus the literary circle around Stefan George with its elitist ideology contributed to this symbolism, even though well-known Jewish writers and intellectuals belonged to it, is one of the tragedies of the early history of National Socialism. Lanz von Liebenfels, the Germanic Order, and the Thule Society all used the swastika as a symbol. One of the party’s members, a dentist by the name of Friedrich Krohn, in May, 1919, wrote a memorandum about the swastika as the symbol of national-socialist groups. And he was probably the first to use it in its later form—against a black-white-and-red background—at the founding meeting of the Starnberg party local, where it was draped around the speaker’s lectern. In Mein Kampf, Hitler inaccurately claims the invention for himself, though doubtlessly he was instrumental in the decision to make the swastika the official party emblem. He obviously recognized quite early the importance of symbolism and its unifying potential force for a young, aggressive party as well as for a future mass party, and then systematically nurtured and exploited it.

No other party was so astutely aware of the unifying force of symbols in mass demonstrations and as an expression of solidarity. In the early years there was a confusion of symbols. The brown shirt did not come into general use until 1924, via Rossbach’s Free Corps; before that time the party units wore windbreakers and ski caps. The use of a ceremonial standard in 1922–23 obviously was taken from the Italian Fascists. But the Heil salute, then of course still without the attribute “Hitler,” already came into use in 1920, having originated with Austrian völkisch groups. And the mandatory wearing of badges and uni-

forms, as well as the glittering abundance of symbols at meetings, undeniably added to the "movement's" appeal and its much-touted feeling of community, even though the pseudo-military trappings and pseudo-religious idolization of symbols more and more repelled its opponents.

The earliest collaborators of Hitler contributed materially to this rapid transformation of the insignificant Drexler group into an organizationally and ideologically taut party, which as early as 1920 stood out among the groups of the radical Right and by the end of that year boasted a membership of 3,000.\(^\text{16}\) Ernst Röhm (1887–1934), who joined the DAP in November, 1919, at the latest, is first among these.

The son of a railroad employee and himself an active officer, Röhm told the story of his life as a völkisch monarchist and mercenary soldier in his autobiography, eloquently entitled Die Geschichte eines Hochverraters (The Story of a Traitor; 1928). To commit "treason" against a despised Republic that also threatened his military career seemed to him a self-evident duty. He played a most important role as the right hand of the Free Corps General von Epp and as the first promoter of the political career of Corporal Hitler. By introducing the unknown Hitler, a man without a past and without contacts, to "patriotic" officers and politicians, Röhm furnished the springboard for Hitler's entry into politics. He lent active support to radical right-wing armed organizations (Wehrverbände), giving fully of his talents as a military organizer, adventurer, and conspirator, and it was he who built the party troops, the Sturmabteilung (SA), into an instrument of fear and terror. Yet for these very reasons, he again and again came into conflict with Hitler, a conflict which in 1925 resulted in a five-year-long estrangement, some of which Röhm spent as a military instructor in Bolivia. After being called back in 1930 to head the SA, new conflicts arose, ending with his execution in 1934. In fact, Röhm was the only one Hitler truly respected, the only one with whom he was on familiar "du" terms; but he also was a rival whose idea of a powerful fighting organization parallel to the party again and again ran up against Hitler's idea of total party control.

Hitler's early encounter with Dietrich Eckart (1868–1923) was equally important. A lawyer's son from Neumarkt in Bavaria, Eckart had tried his hand at writing in Berlin where, apparently out of pique over his literary failure, he became an anti-Semite and finally landed in the DAP via the Thule Society. His intellectual influence on Hitler (he was Hitler's first educated and socially adept acquaintance) apparently was quite considerable, even given the assumption that Hitler came out of the war with firm basic ideas. It was due to Eckart's military and social connections that the NSDAP was able to acquire the Münchener Beobachter in December, 1920, which, renamed Völkischer Beobachter, became the official party paper. Eckart was its first publisher until his premature death, doubtless hastened by his im-

\(^{16}\) Wolfgang Schäfer, NSDAP (Hanover, 1956), p. 7.

moderate drinking. As the author of the National Socialist slogan "Deutschland erwache" ("Germany, Awaken"), which he immortalized in a bloodthirsty civil war song, he entered into National Socialist heroic literature. Hitler acknowledged Eckart (who, incidentally, introduced him to his favorite retreat, Berchtesgaden) as the spiritual cofounder of National Socialism. Given Hitler's blatant egocentricity, his dedication of Mein Kampf to Eckart must be seen as an extraordinary recognition of this influence, even though he does not spell it out in any detail. One might say that Röhm and Eckart "made" Hitler. At any rate, Hitler's political career is unthinkable without these two midwives.

Hitler was provided with the economic formula for the anticapitalist and anti-Semitic explanation of the world by the speaker of the first DAP meeting he attended, the engineer Gottfried Feder (1883–1941). This son of a civil servant from Würzburg had dabbled in the study of fiscal affairs; now he simplified the sweeping polemic against finance capital by reducing it to the monocausal assertion that the working class was kept in bondage by a class of financial speculators, who in turn were dominated by Jews. It was an essentially reactionary idea directed against all of modern economic development, harking back to almost medieval social and economic theories. Its slogan was "Break the shackles of finance capital," the root, so Feder believed, of all evil, all economic and social crises of our times. That National Socialism succeeded in incorporating into itself a petty-bourgeois movement fighting modern economic and social development was in no small measure possible because of slogans such as these. In 1918, Feder had unsuccessfully approached the Bavarian revolutionary government with his reform ideas, which simultaneously he had sought to spread in pamphlets. He then found a haven in the DAP and the program of the NSDAP, which he reached via the Thule Society and the Indoctrination program of the Army, where Hitler first heard and was impressed by him. He founded a sect to propagate his idée fixe, the League for Breaking the Shackles of High Finance. But Feder also played a rather significant role in the early days of the party as a liaison man to certain economic groups, particularly to the threatened middle class, which was receptive to his ideas. To be sure, his sectarian notions influenced neither the planning nor the practice of National Socialist policy. The implementation of Feder's ideas, to which he devoted himself briefly as State Secretary in 1933, was of course out of the question. They remained nothing more than a propaganda weapon, a reform façade of a government which considered and used economic policy only as a means for accruing power and for aggressive expansion. In 1934, Feder was sent off to the Technological Institute of Berlin, a harmless professor.

The picture of the role played by Alfred Rosenberg (1893–1946) is also inconsistent. The first in a long series of ethnic German (Ausbünderdeutsche) party officials, he was born in the then Russian city of Riga. War and revolution interrupted his architectural studies; he came
to Munich, where he met Eckart, and through him found his way into the DAP. In 1921, the *Völkische Beobachter* offered him the platform from which to proclaim a Weltanschauung pieced together out of personal resentments and pseudo-scientific readings—a mixture of Chamberlain, Langbein, Lagarde, and others, its edge sharpened by an ethnic German, Baltic brand of völkisch anti-Semitism, anti-Slavism, and radical anti-Communism, paired for the first time with an anti-Christian concept of history. Although his major work, *Der Mythus des 20. Jahrhunderts* (*The Myth of the Twentieth Century*) was not published until 1930, Rosenberg was the only leading National Socialist who, from the very beginning, sought to systematize the National Socialist "Weltanschauung." His actual influence on the course of the party, however, remained slight. Hitler was not really influenced by Rosenberg's writings; he himself said that he had not even read the *Mythus*. Throughout his life, Rosenberg remained a subservient acolyte of Hitler's, even though the unscrupulous utilization and violation of his "idea" distressed him, particularly the Hitler-Stalin Pact of 1939 and the party's Russian policy. But it suited Hitler's tactics, as the situation demanded, either to invoke Rosenberg and make him into the ideological high priest of the party, or to keep him at a distance and dismiss his theories as expressions of personal opinion, as he did specifically in his dispute with the Catholic Church.

Another Baltic German, Max Erwin von Scheubner-Richter (1884–1928), attracted attention in the early days as an astute contact man. He was brought into the party in 1920 by Rosenberg, who knew him from Riga. Scheubner-Richter was widely traveled, spoke many languages, and had served in various diplomatic posts during the war. A participant in the Kapp Putsch, he established the important contact between the Hitler movement and Ludendorff, and was also invaluable in opening doors to industry, monarchist circles, and the Church. An unusual man in the circle of limited, radical right-wing fanatics around Hitler, Scheubner-Richter, of all people, was the only leading National Socialist killed during the abortive putch at the Feldherrnhalle.

The youngest of the founding fathers, Hermann Esser (b. 1900), Hitler's devoted propaganda planner, was a highly controversial figure even within the party. The son of a railway official, Esser had joined the SPD in 1919 but at the same time handled press relations for the "education" department of the Army's Munich sector, where he met Hitler and Feder. He became an effective propaganda speaker at party meetings and rose rapidly to the editorship of the *Völkische Beobachter*. He made up for his instability and questionable character by his unconditional loyalty to Hitler, who, after gaining control of the party, made him propaganda chief. Long before Goebbels came on the scene, this unscrupulous fanatic found the lowest common denominator in anti-Semitic, antidemocratic propaganda. Only a man like Streicher, who at the time still headed his own anti-Semitic outfit in Nuremberg, was comparable to Esser in this respect.

Even so meager a survey as this gives a hint about the personalities of the earliest leaders around Hitler. They were a mixture of Bavarian and ethnic German radicals, mostly the sons of the lower middle class, between the ages of twenty and thirty-five. As to the general membership, ex-soldiers and Free Corps members joined at an increasing rate, while the working-class element diminished. At the same time, many unemployed found their way into the party, which either made them paid propagandists or fighting troops or got them jobs through its network of völkisch contacts. This membership composition explains the drive for revolutionary action which exploded in 1923. But equally important is the fact that Hitler, within a remarkably short span of time, was able to gain control of the party apparatus and also outmaneuver the rival groups of the radical Right.

**The Rise of Hitler**

Despite his extraordinary drive, Hitler in 1920 had not yet gained complete control of the expanding party. Though as an indispensable propagandist he enjoyed great prestige and was able to influence the structure and activities of the party, he still had not penetrated into its innermost councils when, in the summer of 1921, he prepared for his grand coup, by ousting Drexler as chairman, assuming near-dictatorial power, and making himself largely independent of the executive committee. This turn of events becomes comprehensible if one studies the tactics he employed. He was determined to outdo all rival parties in activity and forcefulness. By turning sharply against bourgeois-romantic sectarian groups and their pseudo-democratic organizational tactics, he sought to cash in on the trend of the times toward a "strong man," toward the remaking of the shattered postwar world by a "dictatorship of order." More than any of the other party functionaries, Hitler knew how to make himself indispensable by working without letup, pushing the more sedate Drexler, hobbled by his job, into the background. When it came to a test of strength, it became obvious that most of the party executives, though sympathetic to Drexler—and even Drexler himself—felt that that they could not dispense with the driving force of Hitler. It was a demonstration of the tactics which Hitler was to apply successfully again and again, as for example during the final party dispute with Gregor Strasser in December, 1922.

On July 11, 1921, Hitler in a dramatic gesture announced his resignation from the NSDAP, and at the same time as dramatically made known his conditions for rejoining: absolute primacy for the Munich party local and its program over all other National Socialist local groups which had sprung up in and outside Bavaria; the expulsion of a number of undesirable individuals and groups, particularly one local in Augsburg which was critical of his power aspirations and had proposed fusion with the German Socialist Party (Deutschsozialistische Partei, or DSP), a similarly oriented party, with future headquarters in Berlin. Hitler called for pursuing a radical course and
keeping aloof from any nationalist groups inclining toward compromise. The ultimatum he laid down for his leadership gave unmistakable hints of what the future held in store. Among his specific demands were the election of a new executive committee within a week, the con-
feral on him of the "post of first chairman with dictatorial powers," and the continuance in perpetuity of Munich as the "seat of the move-
mant." He furthermore insisted on the expulsion of any member who attempted to change the name of the party or its program. Also, he ruled out union with rival groups; only unconditional affiliation on their part was acceptable, and any negotiations on that to be conducted by him "exclusively." 17

It soon became apparent that this strategy was bound to be successful, for Hitler had made himself indispensable to the life and work of the party. Again Eckart became the liaison man who persuaded the party leadership, including Drexler, to capitulate to Hitler's demands with some minor reservations. However, in the next few days new problems arose which almost led to a split, when the Hitler wing, acting on its own, called a special membership meeting to seal its victory. A countercampaign was launched within the party, and handbills were distributed casting doubt on Hitler's and his friend Esser's integrity, asking embarrassing questions about the source of their "income," castigating the maintenance of a private Hitler army (made up of un-
employed), and calling for the founding of a National Socialist organiza-
tion without Hitler. But once again Drexler, at the urging of Eckart, gave in at the last moment. The extraordinary membership meeting of July 29, 1921, attended by only 550 members, and chaired by Esser, ended in a rhetorical victory for Hitler. The assemblage voted to make Drexler honorary chairman and to revise the statutes so as to reorganize the party, involving pseudo-elections to the executive council but in fact instituting dictatorial leadership with an "action committee" under Hitler. Hitler's men moved into the key positions. This was the beginning of the myth of the "Leader" Hitler, at first consciously promoted by Eckart in the Völksiche Beobachter and already hinting at the mythical idealization typical of the future. Rudolf Hess, a student of the Munich geopolitician Karl Haushofer, furnished the first example of these panegyrics. Hitler's proud assertion that he had won the "position of first chairman with dictatorial powers" made the "leader principle" into the central organizational principle of the party. As the "leader of the NSDAP," as he now called himself, Hitler demanded not only unlimited control over the party hierarchy but increasingly also the unconditional loyalty and almost pseudo-religious allegiance of the membership. This type of leader principle was in line with the widespread craving for security, order, authority, and hero worship unfulfilled since the overthrow of the monarch.


The victory of the Hitler wing brought immediate major changes in the leadership and structure of the party. Max Amann, Hitler's former secretary, became its new secretary general; the number of secretariat employees was increased to thirteen. This was the beginning of Amann's career as the party's press secretary who ultimately administered the far-flung newspaper empire of the Third Reich.18 Eckart's position as editor in chief of the Völksiche Beobachter also took on new importance, and the propaganda and recruitment sections of the party were expanded. But most important of all, Hitler was successful in forming a party troop—the SA—organized along military lines; initially appearing in the guise of a sports group, it soon emerged as a powerful party army in street and indoor brawls. Hitler, in the stilted, bureaucratic prose of Mein Kampf (pp. 658 f.), oversimplifies his first major triumph, of course without detailing the problems that accompanied his rise to party dictator or the vital role played by Eckart. He writes: "The attempt of a group of völkisch dreamers supported by the then chairman of the party to take over the leadership led to the collapse of this minor intrigue, and a general membership meeting unanimously handed over the entire leadership of the movement to me. At the same time new statutes were adopted giving the first chairman of the movement full responsibility, wiping out the decisions of the executive, and in their place introducing a system of a division of tasks which has proved to be most beneficial. On August 1, 1921, I took over this internal reorganization of the movement."

Thus the party formally became the instrument of Hitler's policies. But the setting up of a party army, the greater role of propaganda, the expansion of the party organization, and the coordination of its work through dictatorial "bulletins" were not the only factors res-
ponsible for the new almost total leadership position of Hitler. Equally significant was the fact that in this period in 1921--22, he succeeded in inducing other radical-Right groups to submit to or be-
come part of his Munich party local. Among the most important of these was the German Socialist Party (DSP), founded in Hanover in 1919. Unlike the DAP-NSDAP, the DSP had locals throughout most of Germany. But it also had an active membership in Munich with the Thule Society and the Münchener Beobachter initially had supported as strongly as they did the DAP. Its socialist-reformist character was well-defined; the land-reform program developed by the agricultural expert Adolf Dassachke at the beginning of the century formed a vital part of its political propaganda. And later the "German Socialist" wing, particularly the group around the Brasser brothers, Otto and Gregor, which took the "socialist" aspect of the movement rather more seriously than Hitler, played a role in the NSDAP, until

the defection of Otto Strasser (1930) and the submission (1932) and, finally, the murder of Gregor (1934) sealed the victory of the opportunists around Hitler.

The North German DSP leader, Alfred Brunner (1871–1936), fought against Hitler's claim to undisputed leadership of the radical Right, and in 1921 sought to gain control of the NSDAP via its Augsburg local; Brunner in no uncertain terms criticized the "party papacy" of the self-styled "leader" in Munich. But the great weakness of the DSP lay in its loose organization throughout Germany, which in the long run was no match for the tightly organized, dictatorially controlled Munich NSDAP. During 1922, the DSP capitulated, and in December it dissolved and voted to join the NSDAP. This development was given a major boost by the fact that the DSP's Nuremberg group, led by the radical anti-Semitic elementary school teacher Streicher, after some bitter battles went over to Hitler. The Streicher group with its paper, Der Deutschsozialist, formed a particularly important part of the DSP. Streicher's going over to the rising Hitler party put an end to the long-drawn-out dispute over the highly criticized Hitler cult of the Munich National Socialists. Hitler valued Streicher's role so highly that he supported this extraordinarily vulgar anti-Semitic agitator against all attacks and, by appointing him Gauleiter (district leader) of Nuremberg-Franconia, ultimately made him the official host of the Nuremberg party congresses.

During this period Hitler also consolidated his undisputed leadership in Austria. As mentioned earlier, Hitler was one of the main speakers at the Salzburg congress, a subcommittee of the "National Socialist Parties of Greater Germany." The practical work of this committee included a speaker exchange, which in 1921 brought Hitler back to Linz, Drexler to Czechoslovakia, and Riehl, Jung, and Knirsch to Munich. By June, 1922, when another German-Austrian party congress was convened in Vienna, Hitler's control of the strongest party local was firmly established. He appeared at the head of a large delegation and delivered the warmly applauded keynote address. It was his first return to Vienna; the second, sixteen years later, sealed the Anschluss and the "coordination" (Gleichschaltung) of his homeland.

Munich remained the power center of the party, but the "movement" spread; its impressive symbols—swastika, Heil salutes, and fantastic uniforms—were seen throughout Germany and Austria. In addition to the Army, influential economic and social circles lent Hitler a helping hand. General Hans von Seeckt and Hugo Stinnes showed an interest in Hitler. Contributions by big industrialists—Thyssen, Kirdorf, Brosig—began to pour in, and Mrs. Bruckmann, the wife of a publisher, and the piano builder Bechstein opened their salons to Hitler. The niche which Hitler had carved out for himself with his drive could of course not alter the fact of his being the leader of a comparatively small radical Munich-based party, even though his hectic campaign, featuring rallies in beer halls, circuses, tents, and public squares, was obviously highly successful. But the breakthrough to a mass movement was not made until a new wave of domestic unrest broke out in the wake of the Ruhr occupation and the 1923 inflation. The main strength of the NSDAP, unlike the other parties—except those of the Left—lay in its organizational structure, which had grown more elaborate and concentrated. This held true particularly for the growing SA, which, though posing as the athletic and defense arm of the party, had from the very outset sported a military air. Hitler himself had filled it with ex-soldiers, and even more came in from the Free Corps, which were in the process of dissolution, particularly the Oberland and Epp Corps and the Ehrhardt Brigade. It was no mere coincidence that in the early days meetings frequently were held in the vicinity of military barracks. These "political soldiers" acted as guards at meetings and simultaneously as body guards. Hitler justified the building of a party army by saying that "terror can be broken only by terror." By applying military civil-war tactics in the political sphere, he made the use of force an important component of his strategy. It is true that National Socialist meetings were often disrupted by the Left, but in view of the aggressive National Socialist propaganda, this was not surprising.

Gradually, the improvised defense troops turned into a more cohesive organization. The pseudo-military cast the party had assumed with Hitler's emergence appealed to the young people of military age who could not be absorbed by the new 100,000-man army. In August, 1921, when the new era of the leader principle began, the Gymnastics and Sports Division of the NSDAP became a formal entity under the command of the Free Corps naval officer Lieutenant Johann Ulrich Klintzsche of the Ehrhardt Brigade. The August 14, 1921, issue of the Volkische Beobachter appealed to "our German youth" to bring together our young party members into an iron organization whose strength would be available to the entire movement as a battering ram. It should be the bearer of the military ideals of a free people. It should furnish protection for the work to be done by the leaders."

This set forth a dual and at the same time conflicting purpose, carrying within itself the seeds of the recurrent differences within the SA and between the SA and the party hierarchy. To what extent was the SA simply an instrument of the party, to what extent was it an avant garde, and to what extent was it an independent combat group, a political free corps with sovereign powers? These questions were not resolved by Hitler, who, although he considered the SA subordinate to the party, also needed it; he avoided taking a stand until after the takeover, in the murders of June 30, 1934. The dichotomous position of the SA was probably unavoidable. It was rooted in the nece-
sity to win and hold the support of the military, which saw its role largely as self-sufficient. This was the position of Röhm as well of the famous Free Corps officer Captain Ehrhardt, whose brigade did in fact furnish many of the training officers and recruits of the new organization; and the Reichswehr, particularly in the crisis-ridden year of 1923, was more interested in the military-political aspects of that enterprise than in its party-political role. After a series of victorious brawls at indoor meetings, Hitler in November, 1921, officially conferred the honorary designation "Sturmbteilung" on the troops.21

The alarming growth of the SA was due not only to the recruitment of stranded soldiers and unemployed workers. Young people in particular found it seductively adventurous to court danger by plastering stickers and painting slogans on buildings, to fight with opponents, to hold noisy parades and go on exciting cross-country van trips, to conduct membership drives, and to experience the intoxication of attending conspiratorial secret meetings and planning attacks. The Munich police, presided over by Ernst Pöhner, who played an equivocal role and finally openly sympathized with the National Socialists, acted only reluctantly. Generally speaking, the recruitment drives of the National Socialists were aimed at the youth. As early as February, 1921, Hess founded a National Socialist student organization at the University of Munich with its own SA troop. A year later, in May, 1922, Hitler ceremoniously baptized the "Youth League of the NSDAP" at the Bürgerbräu cellar. At the same time, the influx from the Free Corps continued; in December, 1922, the former Free Corps Rossbach, under the command of Lieutenant Edmund Heines, who later earned dubious fame as a particularly brutal SA group leader, joined the SA as a unit. Rossbach himself cooperated in this course.

The effectiveness of all this activity, which enabled Hitler's party to outstrip all other right-wing extremist groups, was further enhanced by Hitler's receptivity toward modern propaganda techniques. In his meetings and propaganda work, Hitler, discarding the traditional methods of the conservative, völkisch antidemocratic forces, utilized the new techniques to "absorb" large numbers of people. For example, he made the greatest possible use of motor vehicles. The SA, supplemented by special divisions, formed its own motorized unit, which, under the leadership of Major Adolf Hühnlein, formed the nucleus of the future National Socialist Motor Corps (Nationalsozialistisches Kraftfahrkorps, or NSKK); furthermore, "technical," "artillery," and "bicycle" squads were organized, as well as "equestrian" and "music" corps—a symbol of the blend of tradition and modernity. Initially organized in groups of one hundred, the SA later was divided into military companies. Most of these were under the Munich SA regimental commander Heinrich Bennecke, a history student who had come from the Ehrhardt Brigade. But at the same time, all com-


companies were personally responsible to Hitler. It was a private army of the total "leader" who demanded unconditional loyalty, including the readiness to die.

Agitation and Organization

Everything Hitler said made it clear that to him, mass psychological propaganda and a taut organization were the most vital presuppositions for political success. Intellectual and economic considerations ranked second. The central portions of Mein Kampf, and obviously those which interested Hitler most, are devoted to propaganda techniques and mass persuasion; compared to them, the political and ideological portions are nothing but a collection of clichés and catchwords. Hitler doubtlessly owed his rise and the growth of the party to this preoccupation and to his unquestionable genius for mass persuasion. Later, he was to find a most able assistant in Joseph Goebbels. But in the beginning, he was pre-eminent in this area in his own party as well as among other groups of the radical Right. It will not do, however, to stress only his innate oratorical and propaganda talents, to imbue them with an almost demigod-like quality, as some are wont to do. Hitler himself made a point of saying how great a debt he owed to the lessons he learned from the propaganda of World War I. He maintained that the Allies, particularly the British, were far superior to the Central Powers in this respect, and that their victory was due largely to that superiority.

Questionable though this assertion may appear to a serious student of the nationalistic mobilization of German public opinion in 1914–18, it lends effective support to the stab-in-the-back myth and the wish for a nonmilitary explanation for the defeat. As a matter of fact, exactly the opposite is true: against a background of crisis and civil war, of the psychosis of defeat, of revisionism, National Socialist propaganda was effective precisely because it was a radical continuation and an even more imbalanced exaggeration of the wartime propaganda. Its arguments, insofar as they did not derive from prewar radicalism, drew largely on the arsenal of war and enemy propaganda. At the same time, Hitler's typical method—to reduce aggressive, emotional, fragmentary ideas to simple slogans and catchwords, thereby ensuring the widest possible dissemination and forcefulness—presupposed the mass-propaganda technique in which lay the real strength of the National Socialists.

The most effective tool was the elaborate rite of the mass meeting, with all its emotional trappings, into which the major speech was cleverly incorporated: high point and release from tension built up almost to the breaking point by means of martial music and songs, mass demonstrations and flags, radical slogans and the belated arrival of the "leader." The feverish propaganda campaign with leaflets and posters was not nearly so effective. Its purpose was to support the oratorical demagoguery let loose by Hitler in meeting upon meeting.
after October, 1919, and which, after 1920, became an accepted part of life in Munich. The main themes rolled forth in almost monotonous repetition: the fight against the peace treaties, Marxism, separatism, international capitalism, and the “November democracy,” against the profiteers of the lost war and the “Jewish conspiracy” backing them. Anti-Semitism was an active ingredient from the very outset: propaganda posters invariably bore the legend “Jews not admitted.” After 1921, the SA was the embodiment of the pseudo-military framework and the constant threat of terror; through it, the party was visible everywhere; even before the adoption of the official uniform in 1923, its parades, posters and leaflets, flags and armbands, were part of the daily life of Munich, giving an exaggerated picture of the movement’s size.

Although the NSDAP of 1920, in its agitational fervor and in the resultant public notice it attracted, soon overtook the larger parties, it did not yet venture into electoral politics; all of its efforts were concentrated on agitation and organization. A popular election was too great a risk, and until the electoral success of 1930, this aspect of political work was minimized and stress laid on antiparliamentary methods and aims. The mass-meeting campaign was astonishingly effective; the meetings frequently drew audiences of more than a thousand, although many curious citizens of Munich came only because of the spectacle: the brutal “fun” and the brawls. Thus, on February 3, 1921, about sixty-five hundred people came to the Krone Circus to hear Hitler castigate the reparations conference, a surefire topic in vogue for the support of “nationally thinking” persons, even those who might otherwise be put off by the radical slogans of the National Socialists.

The critical attention the opposition press showered on the National Socialists only added to the effectiveness of their campaigns. Hitler consciously tried to get into the papers day after day through aggressive, provocative tactics which did not shy away from making propaganda capital out of arrests and court trials. As early as 1920, the Munich-based party expanded its activities far beyond the borders of Bavaria. Local groups were formed in Stuttgart, Pforzheim, Hanover, and Halle. Borrowing a page from the Socialists, they tried to tie members to the party in their personal lives as well. Each member had to attend at least one of the weekly “conferences” a month. Outings and Wagner concerts, solstice and Christmas festivals, with their ideologically tinged Germanic rites, served to strengthen the bonds between the members, who regarded the party as their homeland and their surrogate religion. Here, too, anti-Semitism as the all-inclusive unifying, and interpretative principle took center stage.

The increasing political weight of the party became apparent in the course of 1922, when its propaganda openly threatened a coup in case the vacillating government and courts moved to outlaw the party and deport Hitler to Austria. The semimilitary displays staged at the party congresses, which also served to demonstrate the NSDAP’s pre-emi-
ruthlessly. Membership applications specifically stated that they were intended only for "German comrades"; they asked for a statement of "German (Aryan) descent," and only persons "without racially alien ancestors" were eligible.

After Hitler's usurpation of the dictatorial party leadership in July, 1921, the organizational structure became thoroughly authoritarian. Though the first edition of Mein Kampf still spoke of the "election of the leadership," it did lay stress on the "unconditional authority" and complete and sole responsibility of the top leadership. In later editions even this last concession to democratic procedure, at best nothing more than a tactical concession, was replaced by total dictatorial control. The leader principle and the military command structure did in fact form the essence of the National Socialist party organization. All attempts to change this, before and after the putsch of 1923, were systematically quashed by Hitler—even more systematically than similar moves were put down by Mussolini, who in 1943 did bow to his "Fascist Council." Characteristically, in the early days local groups were formed only if, aside from the requisite solvency, they had an acceptable leader willing to submit without qualms to the command structure of the party. Hitler was wary of fusion or genuine compromise with other groups, including the existing völkisch "working committees"; he invariably rejected them. Not growth at any price, but cohesion and subordination marked Hitler's ideal organization.

In fact, in early 1922, the party had only about 6,000 members, many fewer than its political activities and effectiveness would have led one to believe. There was a sizable influx of new members after each member was exhorted to recruit three new ones and one subscriber to the Völkische Beobachter every three months. Hitler devoted himself to developing public speakers and refining meeting techniques, the basic principle being that meetings were to be held in halls too small for the audience and that one-third were to be supporters. The remnants of the DSP gradually helped to swell the number of local groups in northern Germany, until at the first wave of prohibitions in November, 1922, in Prussia and up to September, 1923, in Saxony, Thuringia, Hamburg, Hesse, and Brunswick put a stop to the party's growth. The fact that its membership multiplied almost tenfold (ca. 55,000) before the party was outlawed altogether in November, 1923, may be attributed to the profoundly disturbing events of 1923 which made possible Hitler's attempted takeover.

An important question remains: which social and economic forces were behind the young "movement," and how were its hectic activities and expanding organization financed? Initially, the movement suffered from a chronic shortage of funds. And its membership was so small and the resources of its leaders were so puny compared to the noise it made that, granting the much-vaulted "idealism" of its fanatical adherents, the question of outside financing remains a valid issue. A thesis advanced by Marxist polemicians in particular, namely that National Socialism was in fact the invention and creation of monopoly capitalism, is a gross oversimplification of its background and early history. The anticapitalist impulse was more than a mere pretext, and it took the militant fanaticism of the Hitler group to give the party the importance to attract wealthy backers. The smaller contributions of middle-class followers, admission charged at gatherings, collections, and membership dues paid rental and printing costs; the financial situation of the early leadership, including Hitler's, was modest.

On the other hand, it is clear that without the financial assistance first of the Thule Society and then of the Munich army and portions of the Free Corps, the rapid transition of the DAP into the Hitler party could not have taken place, nor could the new party have acquired the Völkische Beobachter, despite membership assessments and compulsory subscriptions. With the upsing in party activity after Hitler's "takeover" in the summer of 1921, outside contributions also increased considerably. As mentioned earlier, Eckart in particular had contacts with socially prominent and moneymed circles. One of his Berlin friends, Dr. Emil Ganasser, established connections with the influential National Club of Berlin. As early as 1922, Hitler addressed this club composed of respectable industrialists, landowners, bankers, high-ranking officers, and university professors. The Pan-German League, presided over by Court Councillor Heimrich Class, a radical proponent of expansionism, was among the influential organizations that were beginning to open their doors to the successful demagogue. Römh had contacts in the legal and also the illegal (Black) Reichswehr, and they proved a source of vehicles and weapons. Most of these were the same groups which all along had supported and sought to use the National Socialists. But now the National Socialists were much stronger and more effective; Drexler's party of railroad workers had become a party of the uprooted lower-middle and middle class and simultaneously a military organization of ideological fanatics and ex-soldiers.

As to the amount of the contributions from German and foreign sources—particularly from Switzerland, which Hitler himself visited—exact information is still difficult to come by. But these contributions were fairly sizable, particularly in 1923, after Scheuener-Richter and (through him) Ludendorff had called the attention of prominent monarchist and reactionary circles to Hitler's able opposition to the Left, Versailles, and the Republic. Wealthy Russian émigrés also seemed to have played a part in this. But the best-known examples of help extended are the financial assistance of industrialist Fritz Thyssen, and Hitler's social grooming by Mmes. Bechstein and Bruckmann. In addition to Bruckmann, the notorious right-wing Lehmann Verlag, Borsig-Berlin, Daimler, and the Bavarian Industrial League all rendered financial and organizational help at one time or another. The reasons for this early support varied from case to case, but Hitler's sensational ventures of 1922 and 1923 could not have been undertaken
without it, despite the stress put on the early "socialist" history of National Socialism.

THE CRISIS OF BAVARIA AND THE REICH

Even after three years of arduous work, Hitler still was the leader of only one right-wing group among many, though his, because of the beer-hall and circus-tent meetings, the demonstrations and parades, was attracting more and more public notice and adherents. But Hitler's breakthrough into politics was possible only amid the confused and alarming events of 1923—the Ruhr occupation and abortive coups, economic crisis and inflation, governmental crises and conflicts between Bavaria and the Reich.

The assassination of Reich Ministers Erzberger (August 26, 1921) and Rathenau (June 22, 1922) added to the conspiratorial and hostile atmosphere in which the forces of the antidemocratic Right thrived. Countermeasures and a Presidential decree for the safeguarding of the Republic (August 29, 1921) were of little avail; a condition of latent civil war remained the hallmark of Germany's domestic scene even after the failure of the counterrevolutionary Kapp Putsch. The political and anti-Semitic threats that marked the hate campaigns of the extreme Right found their most visible fulfillment in the murder of Rathenau. The assassins, among them a twenty-five-year-old naval officer named Erwin Kern, were, like the murderers of Erzberger, members of Consul, a secret organization headed by Captain Ehrhardt. They were quickly traced to their hideout, Castle Saaleck near Kosen, where Kern was killed in a battle with the police while one of his accomplices, Hermann Fischer, committed suicide. The Nazis later erected a memorial at the site. From the testimony of the captured driver of the murder vehicle, the twenty-year-old Ernst Techow, and other participants during their trial at Leipzig, there emerged a picture of the nationalistic atmosphere of murder which has been described so cynically by Ernst von Salomon, one of the conspirators, in his postwar book Der Fragebogen (The Questionnaire; 1950).

The political motives behind these deeds were an expression of the demagogic indoctrination of the younger generation in particular, which equated Bolshevism, democracy, and Jewish world domination, and consequently believed that loyalty to the Weimar Republic was treason and opposition to it true patriotism. The murder of Rathenau on the heels of Erzberger's assassination created a great stir. There were protest demonstrations against the antirepublican Right and the defamatory propaganda campaigns responsible for the atmosphere in which these assassinations could take place. The Reichstag was the scene of violent attacks on the German National Party, and mass demonstrations were held in the streets; a twenty-four-hour general strike was followed by a demand for sterner measures against the enemies of the Republic. A formal law for the protection of the Republic was adopted on July 21, 1922, making the extolling or condoning of acts of violence and antirepublican activities a punishable offense, prohibiting meetings promoting such practices, and setting up a special State Court for the Protection of the Republic.

Three days after Rathenau's murder (June 25, 1922), there was a heated Reichstag debate in the course of which Chancellor Joseph Wirth ended his indictment with the words: "The enemy stands on the Right." The Law for the Protection of the Republic provided a tool against the crudest antirepublican excesses, though events the following year, and even more so post-1929 developments, proved how ineffective even such laws were in getting at the root of the evil when the judiciary, civil service, and Army, the country's most important executive agencies, did not pledge their loyalty to the Republic. 23

In addition, Bavaria, a hotbed of right-wing extremism, again went on its own way and refused to recognize the Law for the Protection of the Republic, which had been passed over the objections of the German National and Bavarian People's Parties. Bavaria, in violation of the Weimar Constitution, issued an edict limiting the jurisdiction of the Protective Law and asserting the authority of the Bavarian Special Courts, which even since the demise of the Bavarian republican had been convened almost exclusively against the Left, not against Bavaria's flourishing radical Right. The trial in October, 1922, of Felix Fehnenbach constituted a frightening example of this policy. Fehnenbach, the secretary of Kurt Eisner, the assassinated Minister President of the Bavarian revolutionary government, was tried allegedly for high treason, but in fact for a violation of a press law. His sentence to eleven years in prison—a naked act of political revenge completely devoid of justice—testifies to the partiality of these Special Courts. Shortly thereafter, the participants in the Hitler Putsch either were freed or given ridiculously lenient sentences and soon pardoned. But it took four years of effort to have Fehnenbach's sentence reviewed by a higher federal court; in 1933, a Nazi murder squad passed the final sentence in this case.

The confusion of the early days of the Weimar Republic reached a climax in 1923, when outside military and economic intervention coincided with serious and dangerous internal conflicts. It began with the French occupation of the Ruhr, followed by a Communist uprising in central Germany and attempted nationalist coups in northern Germany and Munich. Added to this there was the run away inflation, which was rapidly reaching catastrophic proportions. The shaky edifice of the Weimar Republic, erected in three years of laborious work, seemed near collapse. The restoration of the monarchy was being openly discussed, and there also loomed the possibility of either a military or Communist dictatorship. It is to the credit of the Reichswehr, and

23 Basic to this, Gotthard Jasper, Der Schutz der Republik (Tübingen, 1963).
The rapidity with which the political Left was overwhelmed, to the astonishment even of the new rulers, also was connected with deception and self-delusion. The reasons were manifold. Because of their refusal to take hold of the reins of government in 1930 and their capitulation before Papen’s coup in Prussia, the Social Democrats found themselves excluded from the political arena even before 1933. And the Communists had not passed up any opportunity to stir up civil strife and weaken the democratic defenses. Contrary to the claims of present-day East German historians, it is an indisputable fact that the KPD’s main attack was directed against “social fascist” Social Democracy. The Communist leadership, despite the antifascist propaganda campaigns, cooperated in the overthrow of the Social Democratic Government of Prussia, and on many occasions made common cause with the National Socialists against the Republic: in parliamentary votes of no confidence, in the Prussian plebiscite of 1931, during the Berlin transport workers’ strike of November, 1932. This incongruous yet typical cooperation was based on the calculation that with the overthrow of the Republic, Germany would become ripe for a Communist revolution. Moscow, which sanctioned this policy, obviously did not count on the survival of the National Socialist dictatorship, but saw it merely as the executor of a preparatory function. This explains why Stalin immediately initiated efforts to establish friendly relations with Hitler, and even to continue the cooperation between the Reichshehr and the Red Army. In return, he was willing to accept without protest the persecution of Communists; one of the first international acts of recognition of the Third Reich (in April, 1933) was the renewal of a German-Russian trade agreement that had expired in 1921.

Moscow’s strategy was based on a monumental misjudgment of the nature of the National Socialist takeover. By denying it the character of a true revolution and maintaining that it was simply a manifestation of the final crisis of monopoly capitalism, it served to paralyze and fragment the forces of resistance and steer them onto a false course. This held true particularly for the SPD, which in March, 1933, still had a large following and a strong organization. Hitler feared a general strike, but the SPD and the unions showed a touching faith in legality; their primary task, they thought, was to keep their organizations from being outlawed; to keep them intact for the moment when the new regime would collapse (a matter of months!). Contrary to all expectations, the SPD confined itself to legal opposition, and thus it, too, fell victim to the legality strategy. This miscalculation was intensified by yet another move of the Socialist leadership. Immediately after January 30, 1933, they announced that the fight against the reactionary capitalists, that is, against the Hugenberg camp, was the paramount issue. Apparently, Hitler’s accomplices were held to be more powerful and dangerous. Thus, in its own way, the Left became the victim of the Marxist thesis of Nazism as mere counterrevolution and of the deceptive slogan of a national revolution. Real resistance began to form only after it was too late.

The Steps to Dictatorship

The confusion of specific events and motives that paved the way for the NSDAP and made possible the rapid transformation of Hitler’s Presidential Cabinet into a one-party, one-man dictatorship is not easily unraveled even today. Some explanations tend to underestimate the complexity and multiplicity of causes as well as the role of accident and improvisation, and to see the establishment of the Hitler regime as the result of superior planning. On the other hand, explanations—which many look on as an apology—that fail to take seriously the stated goals of Hitler and his colleagues and that interpret National Socialist policy as mere reactions to chance and the challenge of the times (as is done by A. J. P. Taylor in his controversy with Trevor-Roper) are also misleading. Such interpretations contradict the terrible realization that National Socialist ideology and doctrine of government achieved in the Third Reich—on both the domestic and foreign fronts. This had been the basic and fatal error of the non-National Socialists in Germany, and it was repeated after 1933 by the appeasement of the outside world. In this sense, the history of National Socialism from beginning to end is the history of its underestimation.

The dramatic events of the weeks leading up to January 30, 1933, were the result of individual decisions. Of course, the decisions reached were the product of and determined by the existing political situation, by a body of problems encompassing the entire history and prehistory of the Weimar Republic. Yet at this juncture, events still were not governed by any imperative necessity but rather were dependent more than ever before on the actions of a small group of men. In line with constitutional reality as well as the general trend toward an authoritarian state, the power of decision rested with Hindenburg. As matters stood, a decision could be made only by persons belonging to the inner circle around a President who for years had been preoccupied with authoritarian solutions. Schleicher was one of the important members of the clique around Hindenburg that also included ex-Chancellor von Papen, Hindenburg’s son and adjutant, Oskar, and the President’s State Secretary, Meissner. After becoming Chancellor and emerging from the shadows of planning and intrigue into the glare of publicity, Schleicher attempted to broaden the base of the Government. But the democratic parties distrusted Schleicher’s abrupt change from authoritarianism to cooperation; the Socialist trade unions, which

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initially had reacted favorably to Schleicher's advances, had to deal with the skepticism of the Social Democratic leadership. On the opposite side, Schleicher succeeded in winning over Gregor Strasser, still the most important man in the National Socialist party structure, to the idea of cooperation, but his hopes for splitting the NSDAP were dashed.

The start of the Schleicher Government had been quite auspicious. The new Reichstag (December 4, 1932), including the shrunken National Socialist delegation, refrained from a vote of no confidence; a return to Brüning's tolerative legislature seemed a possibility. But Schleicher's efforts to overcome Papen's heritage of isolation met with little success in the face of Strasser's indecisiveness and the paralysis of the democratic parties. On December 8, 1932, Strasser resigned from all his National Socialist positions; it was not a revolt against Hitler but an act of sheer frustration. In Hitler's monomaniacal view, however, it was a stab in the back for which he ultimately took bloody revenge—on Schleicher as well as on Strasser.

It soon became apparent that Schleicher's enemies had not been idle; through the initiative of a handful of key persons, new alternatives opened up which brought down Schleicher and with him the last hopes for preventing a Nazi takeover. To be sure, Hindenburg had resisted the appointment of Hitler to the Chancellory almost to the very last. But apparently he was disappointed and disturbed about the seeming lack of success of Schleicher's efforts, and this is where Papen came in. The motives of the ex-Chancellor, whom Hindenburg now called his homo regius, were of a personal as well as a practical nature. Annoyance with and envy of his former friend and patron Schleicher combined with the ambition once more to play a role and with his unaltered vision of the authoritarian state, which, after Schleicher's refusal of support, he hoped to realize through an alliance with the NSDAP. This was the background of the historically decisive weeks of Papen's secret negotiations with Hindenburg and Hitler, beginning with the meeting with Hitler on January 4, 1933, in the home of the Cologne banker Kurt von Schröder. These negotiations were initiated by Papen with the support of heavy industry; later they received the support of Ribbentrop and Oskar von Hindenburg, and finally they were helped by Hugenberg, by agrarian interests, and by the Stahhelm.

The resurgence of the Harzburg Front was primarily a consequence of Papen's efforts; all available proof overwhelmingly contradicts the self-seeking apologia of the Papen memoirs on this point as well. The fact is that the NSDAP, paralyzed by the dilemma created by the power vacuum and by its election losses, and weakened by internal conflicts and financial problems, suddenly and to its own surprise was boosted to the highest level of political activity, removed from the threat posed by Schleicher's opposing plans, and given a power role—and this at the very moment when the economic crisis was beginning to abate. Having come to power, the party on the decline now was bound to profit from the new world-wide economic recovery, while in the past it had profited from the worsening of the general situation. This may be seen as a fateful chain of circumstances, but it was a direct result of Papen's manipulations and of the plans for an authoritarian reorganization of the Government that he hoped to realize with Nazi help but under his aegis.

Contrary to the fears of the new alliance, Schleicher's defenses had become weak, partly because of the understandable hesitancy of democratic parties weakened internally and grown unaccustomed to the exercise of parliamentary and governmental power. They responded to the approaches of the agile General with deepest mistrust. They recalled his liking for intrigue and thought him incapable of a true return to regular government, a genuine disavowal of authoritarian experiments, and a determined defense against the National Socialist power claims. A second reason for Schleicher's weakness was the knowledge that despite the ready support given the Chancellor by General von Hammerstein (the chief of the Army command), the Reichswehr would never be called out against Papen's plans, and thereby against Hindenburg. That, however, did not prevent the circulation as late as January 29 of rumors of an imminent Reichswehr putsch, rumors finally used by the men around Hindenburg to accelerate the final negotiations with Hitler and the reorganization of the Government. A third reason was the lack of accurate information available to Schleicher, despite the many known details, about the scope and true direction of opposing plans. Up to the very last, he held the type of alliance that actually came into being impossible, relied on Hindenburg's dislike of Hitler, and devoted his attention to the threat of a new Papen Cabinet. But above all, he never expected to be replaced as Minister of Defense by General von Blomberg, a man susceptible to National Socialist ideas, and robbed of all control over and influence on the future Government.

These were the immediate stages by which Hitler came to power. In these first months of the Republic, personal moves took on historical importance. They determined the outcome of the conflict over the ban of the SA, the overthrow of Brüning, Hindenburg's turning his back on the democratic version of Presidential rule, Papen's coup in Prussia and his frivolous dictatorial experiments, and finally Hitler's unexpected summons to the Chancellory at a time when the economic crisis had passed its nadir and the NSDAP was beginning to sustain tangible losses. Any attempt to reduce the dramatic interplay of events and developments between June, 1932, and January, 1933, to one common denominator would be an irrelevant oversimplification. There can be no doubt that the intensification of the organizational problems of the Republic in the seemingly insurmountable power vacuum of 1932—involving as it did the mutual blocking of the democratic parties, totalitarian attempts at overthrow, and authoritarian rule—made possible the rise of National Socialism. But against this historic-political background, the ultimately decisive importance of the autocratic intrigues of a minute minority around the one remain-
ing power pillar, Hindenburg—a man devoid of all understanding—remains an indisputable fact. That this could happen at all and meet with so little active resistance seems to confirm that the parliamentary Republic, after being overwhelmed by authoritarian experiments, was no longer able to function. Yet this very fact was the fatal reverse side of Presidential rule.

Mishaps and errors, consequence and accident, became an almost inextricable mass of causes of the National Socialist seizure of power. It was not a “necessary” development; even at the very end, there still remained a freedom of choice, but one which the political and intellectual elite relinquished, partly in tired resignation, partly frivolously, and partly maliciously. The early trend toward authoritarian solutions outside the framework of a still strange democracy undoubtedly stimulated the growth of a variety of factors that helped bring about the events of January 30, 1933, and their aftereffects. Nonetheless, up to the very last moment there existed alternatives which are historically equally well-founded. The final blow was dealt by the irresponsible activities of the Papen-Hugenberg-Hindenburg camp. This tiny minority, through its ambitious, overweening alliance with the totalitarian mass movement, helped the National Socialists into those positions of power which Hitler could never have captured on his own. Instead of the hoped-for restoration of authoritarian rule, there came a totalitarian dictatorship that overshadowed not only the Weimar Republic, but also the proponents of a so-called third solution between democracy and dictatorship.

The subsequent road to a totalitarian one-party state was covered in three stages. The first was marked by a massive intensification of executive power by means of Presidential rule, followed by the liquidation of the constitutional pluralistic state by the one-party regime, and finally by the institutionalization of the total leader dictatorship.

Immediately upon his appointment on February 1, Hitler persuaded Hindenburg to dissolve parliament once again. A recalcitrant parliament was suspended for seven decisive weeks and the stage was set for rule via emergency decree. On this pseudo-legal basis, freedom of the press and opinion were sharply curtailed (February 4), Prussia was brought in line (February 6), basic rights were repealed (February 28), and the states that still resisted National Socialism after the elections of March 5 were subjugated. In each instance, political pressure and terror were used in combination with the dicta of Presidential emergency decrees. This method served not only to legalize the dictatorship of the Government, but at the same time opened up more room for the advancing forces of the party and its manifold organizations, headed by the rapidly growing civil-war army of the SA.

Administrative leveling and National Socialist penetration of society were the methods by which this first stage in the power seizure was carried out. The typical and highly successful method consisted of a mixture of pseudo-legal official decrees, threats of revolution, and terrorist pressure. This approach also marked the Reichstag elections of March 5, 1933, which were held against the background of the state of emergency declared on February 28, and were marked by intimidation and an overpowering propaganda campaign. In view of this, the election results are rather astonishing. Even at this stage, the NSDAP still failed to garner a majority of the votes (43.9 per cent). Its Government was able to claim a narrow majority only because of the fatal alliance with the DNVP (8 per cent). The middle parties (Center and Liberals) maintained their 1932 strength (18 per cent), and the Left managed to get more than 30 per cent of the votes, despite persecution, suppression, and mass arrests of its candidates. The National Socialists gained primarily from the recruitment of former nonvoters and new voters and the larger voter turnout (89 per cent), not at all a sign of political maturity but the result of the hectic propaganda efforts of the NSDAP. In numerous Catholic and working-class strongholds, the National Socialists suffered clear-cut defeats; in many places, they polled less than 20 per cent, and in some less than 10 per cent, of the votes. Agrarian Protestant regions, small towns, and the lower middle class continued to furnish the majority of NSDAP votes.15

The ensuing Gleichschaltung * of the states also reflected the interplay of the “upper” and “lower” echelons. The “electoral victory” was said to justify the political “coordination.” But this was in accord neither with the results of the election nor with the federalist constitutional structure. Rather, it reflected the embarrassment of the rulers toward the states in which the party had not gained a majority: Bavaria, Württemberg, Baden, Hesse, Saxony, and the city states. The Government proceeded according to the recipe of the pseudo-legal coordination of Prussia, and by resorting to pseudo-revolutionary methods: mobilization of the SA, ultimatums to state governments, terror, and blackmail.

It soon became apparent that whatever resistance existed was weak, scattered, and without any real hope of success. Only in Bavaria, the largest German state after Prussia, were serious countermoves attempted. These were supported by old conservative-monarchist restoration tendencies which, in union with Bavaria's strong federalist traditions, resulted in an effort to prevent the imminent National Socialist regime by establishing a constitutional monarchy under the popular Crown Prince, Ruprecht. The reasons for this move were two-fold: first, to utilize the defeat of the Weimar Republic to restore the monarchy, and thereby also emphasize Bavaria's independence of Prussia and the centralizing tendencies of the Central Government; and second, this move seemed the only possible basis for resisting the threatened subjugation of all states under National Socialist centralization. The programmatic statements on federal reform in the party

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* The term used by the Nazis for the leveling of state and society.—**Translator’s Note.**
program and in Hitler's Mein Kampf were ambiguous; they did not go beyond vague promises for a 'strong central power.' This was another issue on which differences with a diversified membership were best avoided. But after the "coordination" of Prussia on February 6 by the deposition of its government, Bavaria began to feel threatened. In view of the existing power relationships, Munich shied away from an open conflict; it confined itself to legal depositions, and despite all negative experience hoped for a constitutional ruling by the State Court. But, in the swiftly moving course of events, the court never ruled. By the middle of February, a number of smaller states—Thuringia, Mecklenburg-Schwerin, Oldenburg, Brunswick, Anhalt, Lippe, and Mecklenburg-Strelitz—in which the National Socialists were in the government were to all effects and purposes taken over politically. But even so, the National Socialist Reichstag delegation was still a minority. Now, however, the Damocles Sword of coordination through Reich commissars, which Papen had wielded in 1932, and Hitler and Göring were now wielding so successfully in Prussia, hung threateningly over all other German states.

In order to prevent what had been tried out in Prussia, the Bavarian Government under Minister President Heinrich Held and the BVP leadership under Fritz Schäffer changed their strategy in the middle of February to launch a campaign against the imposition of Reich Commissars. No Reich Commissar, so the slogan went, would be allowed to cross the River Main. South German federalism seemed to have become the final bastion of resistance to National Socialism. Here, too, the main hope was Hindenburg. In 1932, the President had repeatedly promised not to permit the dispatching of Commissars to Bavaria. And on February 4, 1933, he had sent a reassuring reply to a renewed inquiry by Held. Neither the President nor the Central Government, he stated, planned to send a Reich Commissar to Bavaria. A similar assurance was given by Papen in a conversation with Schäffer the following day. Papen, however, hinted that the National Socialists were toying with the idea of sending Reich Commisssars to states with Social Democratic Ministers of the Interior (Police), as for example Hesse and Saxony. And on February 12, Frick dispatched a Ministerial Councillor to Hesse. The Bavarian Minister President reacted to this first storm signal with energetic protests. On February 17, Schäffer returned from a conversation with the President with the renewed promise that no Reich Commissar would ever be sent to Bavaria. Consequently, Schäffer told a Bavarian election rally that any Commisssar sent to Bavaria in violation of Hindenburg's assurances would be promptly arrested.

On February 24, however, Frick, himself of Bavarian descent, told a Hamburg gathering that the Government would proceed ruthlessly against all states which refused to submit willingly. The governments would have to accept the new conditions and be made to realize that the Central Government was determined to establish its authority everywhere, he said. Papen made another attempt to calm the waves of discord by paying lip-service to federalism. And Hitler stated at a mass meeting in Munich that he himself was after all a Bavarian and therefore would not treat Bavaria badly. But he also added: "I did not give in while in opposition, and now, as the representative of state power, I will have the strength to protect the unity of the Reich." The "unity of the Reich" remained the tactical formula for National Socialist subjugation.\(^{16}\)

In this situation, the decree of February 28 was passed. Its second paragraph contained this handy provision, long before the adoption of the Enabling Act: "If a state fails to take the necessary steps for the restoration of public safety and order, then the Central Government is empowered to take over the relevant powers of the highest state authority." This, together with the rigorous stipulations about the suspension of basic rights, made possible the arbitrary interference in local government and consequently in the federal structure of Germany. Although the decree dealt only with temporary interventions, they were in fact of a permanent nature, as was the decree itself, which was never rescinded. The subjugation of the states was completed in short order; events followed one another in swift succession. The interpretation of the decree was left solely to the judgment of Minister of the Interior Frick. If he thought that a state he disapproved of because it had not yet been brought in line was not dealing harshly enough with opponents of the current course, he could order and justify executive action against that state even without Hindenburg's approval. When the Minister President of Bavaria on that same February 28 once more told Hindenburg of his misgivings, he again received the by then incredible assurance that the President had no intention of sending Reich Commisssars.

But protests based on legality and rule of law had become futile. Clinging to the fiction of the inviolability of the state showed a fatal misunderstanding of the power situation. Such legal resistance by tested methods was hopelessly unequal to the techniques of the pseudo-legal seizure of power. In essence, the coups de grâce devised in Bavaria sought to have the Bavarian Government ask the Crown Prince to serve as General State Commissar with broad governmental powers during the declared state emergency, as a step toward the proclamation of the monarchy. It was a hasty, problematical plan. Nonetheless, Fritz Schäffer supported it strongly and Crown Prince Ruprecht agreed to it. But Held hesitated to make a decision which, strictly speaking, was undoubtedly unconstitutional, even though it might protect the spirit of the Constitution far more ably than the pseudo-legality of the National Socialist takeover. His legal adviser was close to the German Nationals and knew how to paint the dangers of violating the Constitution in bold colors. And when advisers to the Crown Prince reported from Berlin that Hitler's position was far stronger and far

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more decisive than Hindenburg's and Papen's, all hopes for German National and Presidential support from Berlin collapsed.

Here, too, the illusions and weakness of Hitler's partners vis-à-vis National Socialist policies had detrimental consequences. The Bavarian envoy discussed the possibilities of a restoration of the monarchy as a barrier against National Socialist autocratic rule with Neurath, Krosigk, and Gürßner, but these non-National Socialist ministers counseled waiting; as a result, the Bavarian Government could not make up its mind about the plan, particularly since the Reich Defense Ministry was threatening to replace the Bavarian Army commandant, General von Leeb, thereby putting the support of the Bavarian Reichswehr in doubt. On March 1, Held was summoned to Berlin and, in an official meeting with Hitler, given strong warning; the Chancellor even invoked the threat of calling out the Reichswehr against Bavaria's plans. Held retreated, so as to deprive Hitler of a pretext for intervention. Once again, the dilemma of the policy of legal opposition became evident: It could not prevent the final blow, which was not long in coming.

The National Socialist leadership, vastly overstating its election victory of March 5, on the very next day prepared for the final blow against the states not yet under National Socialist rule. The NSDAP still could not hope to come to power in Bavaria by parliamentary means. On March 8, with the forcible subjugation of the other states in full swing, Hindenburg reassured the Bavarian delegate once again, and stated almost indignantly that he would finally like to have his promise believed that no Reich Commissar would enter Bavaria. Even Hitler gave similar assurances; however, he added that even in Bavaria the pressure from below might become so great that the Reich would have to intervene. This outlined that interplay of a stage-managed revolution from above and a manipulated revolution from below which was to play such a vital role in the takeover and in the coordination of the states. Since the "unified political direction of Reich and the states" which Hitler and the National Socialist leadership were now demanding ever more categorically could not be achieved by parliamentary means, they now resorted to revolutionary putschist methods, to "pressure from below," while at the same time providing for the pseudo-legal protection of these methods from above with the help of the decree of February 28.

In this manner, the dual methods were brought into play. On the night of March 9, Adolf Wagner, the Gauleiter of Munich and the most important stage director of the putsch, returned to Munich from strategy meetings in Berlin. While Hindenburg was still making reassuring promises and Hitler pretended ignorance, the Munich SA stood poised to force the resignation of the Bavarian Government. On the morning of March 9, in response to renewed Bavarian protests, Berlin still pretended ignorance, though the Nazi coups were being carried out in all other states. While Held was still feverishly consulting with his Police Minister and the Police President of Munich, the SA was ready-

ing itself for the first blow. Chief of Staff Rühm and Gauleiter Wagner appeared in Held's offices in full regalia and presented him with an ultimatum to install General Ritter von Epp, that early National Socialist and Free Corps leader who, as General State Commissar, had been instrumental in crushing the Munich Räterepublik in 1919. Rühm spoke of the "revolutionary" mood of the SA, but refrained from invoking orders from Berlin. This was in accord with Hitler's tactic of seemingly staying in the background, letting events in Munich take their course—though in fact they were obviously stage-managed. The self-deposition of the Bavarian Government in line with the National Socialist legality strategy would undoubtedly have been the easiest way out.

Held tried to postpone a decision. But meanwhile, armed SA and SS detachments were marching everywhere; the swastika flag was hoisted on the spire of Munich's City Hall, and the situation began to assume a revolutionary character. In the afternoon, Held discussed with Reichswehr officers the possibility of resistance. But in reply to an inquiry, the order came from the Defense Ministry in Berlin that "the Reichswehr must stand at parade rest, since the affair in Bavaria was considered a purely internal matter, and the Reichswehr had to stay out of it completely." 17 This also made the employment of the state militia questionable, though the Bavarian Ministerial Council still rejected the demand for the immediate resignation of the Government and the appointment of Epp. Once again Rühm, Epp, Wagner, and Himmler had to leave with empty hands. But now Berlin intervened. The document appointing Epp had been in readiness at the Reich Ministry of the Interior all along, and the decree of February 28 was invoked. The Bavarian envoy learned of Epp's appointment at 7:00 P.M. through the press department of the Central Government, although the Bavarian Government had not yet been officially informed. Held immediately wired his protests to the President, stating that Frick had exceeded his jurisdiction, for conditions in Bavaria by no means justified intervention, and that Hindenburg's guarantees had thereby been violated. The only answer was a telegram from Frick to Held containing the official notification and making Bavaria the last German state to be politically coordinated. A similar telegram with the appropriate instructions was sent to Epp. When Held sent a telegram to Hindenburg expressing his bitter disappointment, he received a reply via Meissner the next day (March 10) making obvious the utter impotence of the President: Epp's intervention was "made by the Reich Government on its own competence," and Hindenburg would ask Held to refrain from calling on him and to address his complaints to Hitler directly. This message gave clear evidence of the withdrawal of Hindenburg and Meissner's growing reliance on Hitler.

That Epp's appointment meant the seizure of power, not simply a temporary police emergency measure, is shown by the extent to which

17 Schwend, op. cit., pp. 538 ff.
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he interfered with and encroached upon the personnel and legislative policies of the Bavarian Government. The Government and legislature continued to lead a brief shadow existence, but the final decision had been made, not through a popular revolution, as was claimed, but through interference from above. All major power tools were in the hands of the National Socialists, who promptly began to build their own new executive, with Heinrich Himmler as chief of the SS taking over the police powers. This was the beginning of his national police career. The SA began its excesses immediately on the night of March 10; Fritz Schäffer and other political leaders were brought to the Brown House; recalcitrant newspapers were forcibly brought to heel and unyielding editors and publishers arrested. The resignation of Helft became a mere formality. On March 16, Epp vested all powers of government in the National Socialist "Ministerial Commissars"; fantastic accusations (treason, separatism) were leveled against the former government.

The coup-like events in Bavaria bore the typical earmarks of the National Socialist policy of Gleichschaltung. Developments in Württemberg, Baden, Saxony, Hesse, Hamburg, Bremen, and Lübeck followed a similar pattern. Threats of violence (from below) and telegraphic intervention by Frick intermeshed, until governments were replaced, generally by Reich Commissars. Württemberg after January 30 had an interim government headed by the Center Party leader Eugen Bolz. When the Hitler coalition in Württemberg, despite tremendous propaganda efforts, remained in the minority (46.9 percent)—the Center and Liberal parties even registered gains—the NSDAP prepared for the forcible takeover of that state. On the night of March 6, it called for the overthrow of the Bolz Government before a mass gathering on the market square of Stuttgart, and the next day National Socialist troops hoisted the swastika flag at the legislature, the ministries, and all other public buildings. And on the evening of March 8, Frick, contrary to all his promises, appointed the National Socialist ex-Lieutenant Dietrich von Jagow as Reich Police Commissioner, on the stereotyped grounds that the "maintenance of public safety and order in Württemberg was no longer assured under the existing police administration." This simply meant that "public safety and order" were identical with a National Socialist seizure of power. This, too, leaves no doubt about the true meaning and reasons of National Socialist decrees and the myth of the legal assumption of power. The sense of the Constitution was violated (as it had been in Prussia and was to be in Bavaria) when Bolz was forced under protest to accept the appointment of Jagow.18

That the National Socialists in Württemberg also were not concerned with the restoration of constitutional rule but with capturing power


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was evident when Jagow blocked the election of a State President (scheduled for March 11), to which the government and the state legislature had agreed as a constitutional resolution of the conflict. Instead, the disempowered ministers were kept in office until Gauleiter Wilhelm Murr was elected State President under the pressure of the real rulers. Only now was the de facto seizure of power legalized. The true nature of the much-touted legality, however, was revealed in Murr's speech at the giant victory demonstration of March 15: "The government will brutally beat down all who oppose it. We do not say an eye for an eye, a tooth for a tooth. No, he who knocks out one of our eyes will get his head chopped off, and he who knocks out one of our teeth will get his jaw bashed in." 19

In the other states, the political coordination was carried through in similar fashion—by planned terror of regional National Socialist organizations and the simultaneous appointment of Reich Commissars, helped by Berlin's invocation of the Reichstag fire decree. The earliest move was made in Hamburg, where on the evening of March 5, the SA and SS occupied the City Hall, while simultaneously the Ministry of the Interior decreed that the Senate had to carry out the wishes of the National Socialists. The only choice left to the city's long-term democratic mayor was to resign in protest; and on March 7, a new Senate consisting of six National Socialists, two German Nationals, and two Staahlhelm members took over under the National Socialist leadership of Karl Krogmann. A day later, the Social Democratic senators of Bremen were forced to resign after a similar decree of the Interior Ministry, while Frick appointed a Reich Commissar and the SA occupied the City Hall. In Lübeck, the Social Democratic mayor and senators resigned after Frick intervened by telegram and handed over police powers to the National Socialist Gauninspektor Walther Schröder.

In Baden, coalition talks between the Center Party and the NSDAP began on March 7, and it seemed as if there the government was to be reorganized legitimately. But on March 9, police powers in Baden were also handed over to a National Socialist Commissar (Robert Wagner), and two days later a National Socialist government was installed.

In Saxony, the same "solution" was arrived at on March 10, under the stage management of a Police Commissar (Manfred von Killinger), though for the time being the SA was called off, after a series of excesses on the streets and in the legislature.

In Hesse, Frick intervened on March 8 and installed a National Socialist Police Commissar. By the middle of March, with the suspension of the state legislature through the passage of a regional Enabling Act and the election of a National Socialist State President alongside the new Hessian State Commissar (the youthful author of the notorious Boxheim Documents, Werner Best), the political coordination of the German states had become a fact. The securing and consolidation of these regional takeovers, however, was a long-drawn-out process. That

19 Miller, op. cit., p. 440.
no clear-cut solution was ever found for the problem of the structure of the Reich showed the lack of concern of the National Socialist rulers with the crux of the matter. In this context, too, everything was seen from the vantage point of power, and all reforms and plans only served as a pretext for the total encompassing and penetration of public life in the sense of National Socialist dictatorial rule.20

The terrorist, profoundly unconstitutional intensification of the power thrust—the first stage of the seizure of power—reached its acme in the Enabling Act of March 28, 1933, abolishing the Reichstag and firmly establishing the dictatorship of the "national" government. This was yet another instance of the symbiosis of "legality" and terror, but now the objective was to discard the instrument hitherto utilized with such virtuosity, the Presidential decree. To the extent to which Hitler could do without the help of Hindenburg and his go-between von Papen, the sham alliance with the German Nationals became superfluous. By voting for the Enabling Act, the misguided Center Party as well as the Hugenberg-Papen group relinquished the base of its existence.

In its forward march to total power, the NSDAP concentrated on two major points: (1) the liquidation of the remnants of the democratic constitutional state insofar as their functions could not be accommodated in the new power structure, and (2) the creation of a total leader state, in which economy, society, and culture through coordination and supervision were to be transformed from free, pluralistic entities into pillars of the untrammelled rule of one party and a governmental apparatus subordinate to it. Neither goal was ever fully realized, either then or in later years. But the decisive shifts took place between the passage of the National Socialist Civil Service Act in April, 1933, and the emphatic declarations about "unity of party and state" in December, 1933.

The liquidation of the democratic constitutional state (the second stage) called for the "purge" of the civil service and judiciary, and, together with the smashing of the trade unions and democratic professional organizations (April-May, 1933) and the dissolution of all other political parties, resulted in the legal establishment of the one-party state (July 14, 1933).

Finally, the creation of the total state (the third stage) involved the alliance with the rapidly expanding Army and the taking over of the police and its incorporation into the SS. Simultaneous with this mobilization of power came that "engagement" of the population, which was given expression by the infiltration and "alignment" of organizations and the creation of all-inclusive monopoly organizations in the economic sector (German Labor Front) as well as in the cultural sector (Reich Cultural Chamber). Here, too, Gleichschaltung, this euphemistic and telling name for the implementation of the total claim of a dictatorial party in state and society, was the technical term used. The plebiscite of the one-party state on November 12, 1933, was the first of a series of "yes" plebiscites which in totalitarian dictatorships are among the preferred means of pseudo-legal, pseudo-democratic self-appropriation.

The above review is in effect a list of the most important dates of the first year of the Third Reich. Rule by decree, which reached its highest point on February 28, and the conquest of the states were followed by the permanent suspension of the division of powers by virtue of the Enabling Act, which ended the Presidential dictatorship and marked the beginning of the one-man dictatorship. Contrary to the illusions and apologies of professors of public law then and now, the one-man dictatorship had as little legal validity as the rule by decree. The arrest of numerous left-wing Reichstag deputies was illegal, the manipulation of votes through deception and threat was illegal, the SA march into parliament was illegal, the political coordination of the Reichsrat (the instrument of ratification) as the representative of the states was illegal, the subsequent violation of all restrictive provisions of the Enabling Act and the grotesque self-prolongation of the powers Hitler granted himself in 1937, 1941, and finally in 1943 was illegal. Hitler never intended to keep his promise of having a national assembly draft a new constitution. Though the Weimar Constitution was never abrogated, the Third Reich from beginning to end was in effect ruled by emergency decree ignoring all constitutional restrictions.

What this "legalization" of dictatorship meant was shown by its first major law, which was based solely on the reality of power. March 31 and April 7 saw the promulgation of laws "for the coordination of the states with the Reich." As post facto justification of coups and as the basis for the future rule of the Gauleiter as Reich governor, they sealed the fate of any parliamentary-constitutional rule in the member states as well. At the same time, the reorganization of the personnel and administrative apparatus proceeded apace. In view of the shortage of qualified personnel, only some key positions were initially filled by National Socialists; for the rest, the cooperation of the majority of civil servants was won through fringes and threats. Moreover, the new rulers were able to rely as much on opportunism, on concern for the safeguarding of "well-earned rights," as on the susceptibility of the civil service for nonparliamentary, hierarchical rule by a monocratic administrative state that had marked its ambivalence toward the Weimar Republic. Whatever one may think about the thesis that the determined resistance of the civil servants and "bureaucratic sabotage" might have impeded the success of such revolutionary change,21 one fact remains: Hitler was able to rely on the smooth functioning of a machinery of government still largely non-National Socialist despite numerous "March casualties" by combining the appeal to the national and antidemocratic, authoritarian traditions of the civil service with the promise that party and state would continue to coexist as the two


21 Thus Herbert von Borch, Obrigkeit und Widerstand (Tübingen, 1934); Arnold Brecht, op. cit., p. 77.

* "Märzgefallene," opportunists who joined the party during the early part of 1933.
pillars of the Third Reich, that the revolution would be “carried out” administratively, so to speak.

In fact, skillful handling of the fiction of the legal and national revolution would in itself not have sufficed to smooth the transition from another aspect of the technique of power seizure and rule, and Hitler to exist in the one-party state as well. Contrary to a widespread stereotype, total rule does not necessarily mean a closed, monolithic, single-track governmental structure. It is also not true that it operates more efficiently and effectively or that it is superior to the complicated pluralism of democracy. As a matter of fact, Hitler refrained from a complete fusion of party and state. Rival agencies continued to exist even were newly set up at all levels of public life. Thus, for example, instead of the promised governmental reform, the states were turned into a vast system of satrapies in which frequently as many as three different governing bodies claimed primacy: Reich Governor, Gauleiter, and Minister-President. Instead of simplifying the administration, the expansion of the principle of one-man rule only served to complicate jurisdictional relations. Friction, waste, duplication were the result, and it soon became apparent that this was not a childhood disease of the new system but intrinsic to it.

In fact, we are dealing with a largely conscious technique of rule which fulfilled an important function, particularly during the takeover phase, but later on as well. This approach facilitated the recruitment of technicians who were assured the continuation of the existing order. As in the case of the legal revolution, their satisfaction over their own importance in the new system blinded them to the fact that this duality granted them only relative freedom, which could be rescinded at any time, and that the Leader, in command of the tools of coercion and terror, had the decisive voice on all vital questions; thus, alongside the surviving system of law and justice, that deceptive façade, the system of protective custody, Gestapo, and concentration camps developed beyond the reach of any court. This hints at the second function inherent in this dualism, this frequently multifarious nature of the governmental structure even in the takeover phase. The Leader was the sole figure standing above the confusion of jurisdictions and command chains; on him rested the hopes of almost all concerned, National Socialists and non-National Socialists alike, and this tied them to the forever reaffirmed, through all the rivalries of party officials, all coalition; by playing up one against the other and apparently supporting each, he was able to preserve and strengthen his position of power. As in the early years of struggle, Hitler used this principle of making all dependent on him with matchless virtuosity. It is a matter of dispute to what extent this was conscious intention or the expression of the erratic mood of the Leader and his movement, which was chaotic rather than orderly. At any rate, this planned chaos fatally influenced the grotesque, erroneous estimations of the National Socialist revolution on the part of Hitler’s contemporaries.

The realities of power politics firmly established themselves in the governmental apparatus with the first civil-service decrees. After the prelude of the purge in Prussia and the Reich, the notorious Law for the Restoration of the Professional Civil Service was passed on April 7, 1933, a measure designed for the retroactive and providential legalization of numerous arbitrary acts. Its euphemistic name is typical of many National Socialist laws whose “positive” designations rarely gave an inkling of the terrible practices they instituted. The new civil service law, which was followed by numerous amendments and implementation decrees, made possible the dismissal of employees even in violation of existing laws if they did not possess the requisite “suitability,” were not of “Aryan descent” (initially with the exception of war veterans), or “on the basis of their former political activities did not offer the assurance that they supported the national state without reservations.” Also, “for reasons of administrative efficiency,” measures such as these could be passed “outside regular legal channels.” These arbitrary regulations showed that the true purpose of the law was not the restoration of the civil service but rather its intimidation and political leveling. Political purges, persecution of Jews, threats, and revenge coalesced. The nonlegal state of emergency dominated the reconstruction of the machinery of government, regardless of existing restrictions. The dual existence of party and state by no means signified that a counterweight to National Socialist rule had been preserved, but rather that the effectiveness and pseudo-legality of the totalitarian dictatorship was thereby given a measure of support which party rule alone could never have achieved.

The civil service legislation also served as the vehicle for the first incorporation of the officially mandated anti-Semitism into a tenet of law. Anyone with even one grandparent of Jewish origin was held to be “non-Aryan.” National Socialist policy was as unscrupulous in its use of these regulations of dubious legal and scientific validity as in its general acceptance of the pseudo-scientific race theory, with its confused mixture of religious, socio-economic, political, and biological “proofs.”

The incursions were, of course, particularly serious in the realm of the judiciary. There the purge along political and racial lines encompassed lawyers as well, who, even more than the courts, had been among the pillars of the Weimar Republic. On that same April 7, 1933, a law on the Admission to the Practice of Law restricted the freedom of the legal profession: “Aryan articles” and the arbitrary imposition of prohibitions were the devices by which the rights of a citizen defending himself against encroachment by the state could be violated even more profoundly than was already the case under the state of emergency and political terror. On the heels of this law came the coordination of lawyers (as “Legal Protectors”) in the Nazi-controlled Front
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of German Law and the Academy for German Law. Their chief, Hans Frank, the National Socialist legal luminary of the early days, now Bavarian Minister of Justice, and later the brutal Governor General of occupied Poland, was appointed to the position of Reich Commissar for the Coordination of Justice in the States and for the Renewal of Jurisprudence. The purpose of the reorganization was to put law at the service of National Socialism, based on the broadly interpreted general formula of the “healthy folk emotions” (gesundes Volksempfinden) and on the catchphrase, “Right is what’s good for the people.”

Efforts to preserve justice undoubtedly were made in the twelve-year rule of the Third Reich. Hitler singled out lawyers as a group guilty of undue objectivity, and in fact the dualism of party and state was most evident in the field of law. But at the same time, this dualism created the basis for the sort of legal justification and implementation of the dictatorial terrorism that found its strongest expression in the creation of special courts and people’s courts and in the thousands of jail and death sentences meted out against “traitors and saboteurs.”

The police agencies of the party and above all of the SS stood outside all legal control; they were in a position to translate the political orders into the terror justice of the concentration camps without recourse to legal process. This, too, began within the first days of the power seizure, with SA camps for political opponents. Even if a court showed compassion, defenseless political victims were at the mercy of this second track of official justice. Release from prison frequently was followed by transfer to a concentration camp. In the course of time the dual system of a formal state of law and a “decree state” with officially sanctioned arbitrary power was overwhelmed by the totalitarian police-state system, until in the final phase the last remnants of legal, objective procedure disappeared and the citizen became the defenseless pawn of the summary justice of the SS terror.

CONTROLLED SOCIETY AND ONE-PARTY STATE

Beginning in April, 1933, Hitler was able to place the entire machinery of government under the almost totally uncheckd jurisdiction of his authoritarian policies. The existence of other political parties and a number of social, economic, and cultural organizations still barred complete Nazi control over state and society. The step from bureaucratic-authoritarian dictatorship to total rule required the absorption of all voluntary organizations as well. This was true particularly of the trade unions, where the National Socialists had not been able to gain a foothold prior to 1933, and against which—despite all socialist slogans—they had not been able to put up a significant organization of their own. The NSDAP had made its breakthrough as a petty-bourgeois and agrarian protest movement with the backing of nationalist and conservative circles and anti-union business leaders. The attempt to win the workers with a National Socialist Shop Cell Organization (NSBO) had misfired, despite its aggressive bearing since its founding in 1929. Only among the (unorganized) unemployed was the SA able to make any inroads by promising pay, adventure, and future employment. A party relying so strongly on the middle class and the national Right and vying for the support of employers and the military could not develop a genuine trade-union policy.

The defeat of Otto and Gregor Strasser had also made it obvious that Hitler was not interested in socialism or the workers but only in the political manipulation of these powerful forces. Exponents of the NSDAP’s left wing, relegated to the role of socialist embellishments, exercised no real influence after January 30, 1933. Strasser’s successor, Robert Ley, who like the later Economic Minister Walter Funk had begun his career as a contact man with employers and banking circles, consistently worked toward the smashing of the unions. At first, Hitler seemed undecided on this point. The possible risk in such a course was the provocation of protest strikes that could endanger both the political and economic existence of the regime. But in the meantime, the unions had also been caught up in the powerful pull of the successful power grab. Weakened by the continuing unemployment and the division into socialist (4.5 million members), Christian (1 million), and liberal (500,000) organizations, they too were caught up in the wave of fear and opportunism. The number of defectors grew from week to week. This alone made a general strike most unlikely; no protest strike had been called even on July 20, 1932, the date of Papen’s coup d’état.

Helplessness, false hopes, and resignation spread among the unions, and they began to offer the new rulers pledges of loyalty and cooperation in return for their continued existence. The unions, like the political parties, counted on a short life for the Hitler regime. They, Brüning, the Social Democrats, and the Communists all were convinced that it would founder on its inner contradictions, even though the expectations of each were very different. The preservation of their organization, not demonstrations, was the issue. That was the reaction of Theodor Leipart, a trade-union leader, to the events of January 30. The politics of legality set the tone and led to false hopes and defenselessness, while the terror of the pseudo-revolutionaries increased. The first to collapse were the white-collar organizations, already eroded by the pull of the victorious party. After a sweeping administrative coordination in early April, a series of laws and decrees deprived shop stewards and with them the unions and workers of their functions altogether. A great propaganda coup crowned the pseudo-legal coordination, and this was followed promptly by the smashing of the unions. At Goebbels’ initiative, Hitler declared May Day the Day of National Labor, a paid national holiday. This fulfillment of an ancient demand of the working-class organizations took the wind out of the sails of the unions. There was nothing left for them to do but welcome the act and ask their members to observe the holiday.

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22 See Ernst Fraenkel, The Dual State (New York, 1941), a basic work on the subject.
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The shows staged on May 1, 1933, at which Hitler and his cohorts in the guise of the true champions of the workers proclaimed the realization of a "national socialism" paralyzed the unions. The very next day, May 2, the SA and SS, in line with well-laid plans, occupied union offices throughout the country. This act of force, unlike all preceding seizures, took place without any legal sanction. However, open resistance was out of the question. As the chief of the Action Committee for the Protection of German Labor—one typical euphemism for a violation of the law—Robert Ley proclaimed the formation of a German Labor Front (Deutsche Arbeitsfront, or DAF) of "eight million working people." In fact, the DAF was a compulsory organization subservient to the party, in which the concept "worker" was, in line with the people's community ideology, stripped of its class-sociological meaning. Employees and employers were locked into one joint, gigantic satellite organization, which ultimately embraced more than 25 million members, almost half the population. The organizational structure of a plant also was adapted to the leader-subject relationship of the pseudo-military hierarchy of the leader principle party. A law for the Regulation of National Labor (January 20, 1934) and the official designation of the DAF as an "auxiliary of the NSDAP" and "member organization" of the party (March 29, 1935) made the DAF the sole organization of all "soldiers of labor," "depending solely on the will of the leadership of the NSDAP." 23

Authoritarian regimentation and total mobilization was the purpose of this new regulation; it accorded with a theory in which all social organizations were assigned the function of transmitting the will of the party and its leaders to the masses. The elimination of the tradition-rich and, until recently, presumably powerful sociopolitical organizations of the working class was an important step toward readying the economic and social sector for rearmament. The events of May 1 and 2 were intended to show up the brittleness of the old system and, by contrast, the determination and irresistibility of the national and social dynamic of the victorious movement.

The overpowering of the member states, the suppression of the Left, the capitulation of the Reichstag majority, the progressive disintegration of the "old" parties, the willing cooperation of the "cleansed" machinery of state, the benevolent coexistence of the Army—this was the balance sheet of the first four months of Hitler's Chancellorship. Most professional and economic organizations had fallen victim to the pull of coordination even before the trade unions. It was a process carried out almost uniformly through the interlocking of two different developments. The demands of the National Socialist special organizations and auxiliaries which had been built up in cadrelke fashion within the party coincided with the desperate efforts of existing organizations to preserve their continued function through accommoda-

The coordination of the organizations of handicraft, commerce, and industry in the spring and summer of 1933 was accompanied by similar ideological exaltation, but also by greater differences. In early 1932, Hitler had delivered a major speech before an assembly of business leaders in Düsseldorf, who were much impressed and some of whom became his backers. For years, their money had flowed into the party treasury. At the end of 1932, influential industrialists and bankers had asked Hindenburg to form a strong "national" government that included the National Socialists, and at the crucial moment Hitler was the beneficiary of the liaison services of the banker von Schröder and of the support of the Reich Agrarian League. In the course of February, 1933, Hitler with the help of the influential former President of the Reichsbank, Hjalmar Schacht, who had come out for the national opposition in 1930, managed to win the support of still more industrialists and financiers. In a memorable meeting on February 25, they agreed to underwrite the National Socialist election campaign, after Hitler had told them of the advantages of a pro-business, authoritarian, anti-Marxist government. Ironically, Göring, then President of the Reichstag, told them that "industry would find the asked-for sacrifice easier if it knew that the elections of March 5 were bound to be the last in ten years, and presumably in a hundred." 26

Although prior to the seizure of power the role of business was still an individual matter and feelings about National Socialism still were divided, the powerful industrial and employer organizations rapidly changed over to a position of full support. In part their personnel were infiltrated by National Socialists, and in part they were reorganized and coordinated. Despite the propaganda about the "corporate reorganization of German economic life," the result contradicted the romantic-conservative corporate idea; the regime only used and manipulated it to win support. In early May, 1933, the leader principle was introduced into the Reich League of German Industry, and in mid-June, in line with the corporate idea, it was combined with the League of German Employer Organizations into the Reich Group of German Industry. Influential executives became the victims of political and racist purges. But the extension of the principle of one-man rule to economic life and the "trustees of labor," appointed with the acquiescence of employers, both favored the anti-unionism of industry. Krupp remained at the helm, and Hitler's long-time patron Fritz Thyssen occupied a particularly strong position; the mutually profitable association of industry and National Socialists was underscored by the creation of the Adolf Hitler Foundation of German Business by Krupp and Schacht (June 1, 1933), and by the convocation of a General Economic Council (July 13, 1933). Its growing power as well as a mutual interest in the imminent rearmament program assured industry of a measure of influence; more so than in other sectors, official coordination in this case meant cooperation, profits, and a still stronger voice for the captains of industry in the New State. Yet at the same time, this sealed their inclusion in the political-military expansionism, their acquiescence in the totalitarian system, and ultimately their complicity in the extreme consequences of slave-labor and concentration-camp policies. Therefore, National Socialism cannot be seen merely as the by-product of monopoly-capitalist interests.

While the expectations of large segments of big business seemed at first to be fulfilled, the high hopes of the middle class, whose fear of crisis made such a vital contribution to the victory of National Socialism, were rapidly dashed. On May 3, 1933, the National Socialist Fighting League of the Industrial Middle Class, under former Hitler Youth leader Theodor von Renteln, pushed through the establishment of an all-embracing chamber, the Reich Estates of Trade and Handicraft, which in June pre-empted the functions of the German Chamber of Industry and Commerce. Hope for the realization of expectations, let alone the smashing of department stores and consumer cooperatives, turned out to be a delusion; the organizations of the Fighting League were dissolved or incorporated into the DAF in August of that year. The unwelcome concrete demands of the passionately courted middle class were tabled once that group had played its assigned role in the seizure of power; its organizations were broken up and the middle-class movement put under party and state control.

Within weeks, the party system collapsed, against the background of a sociopolitical coordination that combined seduction and terror, opportunism, and threats. July 14, 1933, was the date on which the one-party state was officially proclaimed. The dissolution of the Reichstag, the abrogation of all basic rights, the wave of persecutions of February and March, 1933, and the subsequent self-suspension of the Reichstag and legalization of the dictatorship had destroyed the foundations of the multiparty democracy. The extraparliamentary Gleichschaltung in April and May put an end also to the existence of all other parties.

The first attacks naturally were directed against the Communist Party: press prohibitions, arrests of functionaries and deputies, and confiscation of party property preceded the official ban of the party which, probably for tactical reasons, was imposed only after the March elections. Unlike Hugenberg, who had favored the immediate liquidation of the KPD, the National Socialists relied on the division of

24 Karlheinz Schmeer, Die Regie des öffentlichen Lebens im Dritten Reich (Munich, 1956), pp. 87 ff.
26 Nürnberger Dokumente, XXV, 47 f. For the role of business, see particularly Arthur Schweitzer, Big Business in the Third Reich (Bloomington, 1964).
27 See the basic studies in Erich Matthäus and Rudolf Morsey (eds.), Das Ende der Parteien 1933 (Düsseldorf, 1960).
the Left, which in fact did prevent any effective resistance from forming in those first decisive weeks. Even the KPD was not immune to the National Socialist pulling power, and its illegal work was patterned on the Russian example, on the fight against the Czarist police state rather than attuned to the pseudo-plebiscitary technique of the Nazi takeover. The KPD was faced with turncoats and informers as well as with the anti-Communism of broad circles of the population. Moreover, Moscow held back its support for reasons of foreign policy; it was interested not in conflict with the new regime but rather in the preservation of German-Soviet relations, and indeed, the Berlin Treaty of 1926 was reaffirmed in May, 1933. And so the Soviet Union, by treating the fate of the KPD as a German domestic problem and concentrating its concerns on its missions and the unhindered conduct of their affairs, became the first foreign power to grant diplomatic recognition to the Hitler regime; this grotesque fact was outdone only by the Realpolitik of the Hitler-Stalin pact of 1939.28

The SPD’s demonstrative adherence to the path of legality was able to prolong its existence for only some months. Its ultimate declaration of opposition, contained in Otto Wels’ exemplary and brave speech in the Reichstag during the debate on the Enabling Act, was due perhaps more to the memory of the opposition to the Socialist Law (1878) than to insight into the true character of the new regime. Standing pat, saving the organization by steering a middle course, faith in the historically inevitable collapse of Fascism—those were the slogans, and not calls to open resistance against a supposedly short-lived mass movement. Paralyzed by legalistic stand-by tactics, weakened by persecution, flight, and organizational disintegration, this largest of the democratic parties increasingly lost touch with its membership. The death of the unions and differences with the exiled SPD leadership as well as within socialist resistance groups were followed by a last-ditch effort of tactical accommodation: a vote in the Reichstag on May 17, 1933, for Hitler’s foreign policy statement on his peaceful intentions. It was the final delusion of the pursuit of legal methods by which a Social Democratic leadership too deeply committed to its own traditions thought it might preserve its substance even in the face of Göring’s confiscation on May 10 of all its assets—buildings, newspapers, and party treasury. At this last meeting of a multiparty Reichstag, Hitler was able to demonstrate to the world the “legality” of his rule. Its numbers cut in half, the SPD Reichstag delegation capitulated to pressure as well as out of concern for its jailed comrades in voting for the resolution jointly offered by the NSDAP, DNVP, the Center Party, and the BVP on May 17. Yet despite this vote, the decimated SPD was held responsible for the increasing activity of exiled SPD leaders. On June 22, after a period of growing terror, the last blows fell: the outlawing of the SPD as a


“party hostile to the nation and state,” its expulsion from the Reichstag, more arrests, and ruthless persecution of all oppositional activities.

The death of the remaining parties followed within days. Almost unnoticed, the formerly imposing structure of German liberalism crumbled. It had never fully overcome nineteenth-century divisions and the errors of the National Liberals. Save for a brief resurgence in 1919, it was reduced to splinter groups, particularly after the National Socialist breakthrough of 1929. Ever since the founding of the Harzburg Front, the DVP increasingly became a party of fellow travelers. The DDP’s transformation into the State Party (July, 1930) was futile; it, too, bowed to the will of three of its five deputies and ultimately (against the advice of Theodor Heuss) voted for the Enabling Act. Its small, loose organization was no match for the new political reality; many of its middle-class supporters had already chosen the road to the Right years before. Its organizations and professional groups in business and administration were coordinated willy-nilly. On June 27, the State Party was ousted from the Prussian parliament; one day later, it announced its dissolution. At least the party, in its final statement, avoided paying obeisance to the Hitler regime. Not so the DVP, some of whose locals had already recommended going over to the NSDAP in April. After vain attempts to keep in step with the times, a decision to dissolve sealed the fate of Stresemann’s party on July 4; its chairman, Eduard Dingeldey, in a rather eager letter, assured Hitler of his cooperation. The Christian-Social People’s Service had taken a similar step on July 1. After Bismarck cult and war enthusiasm, the civic conscience of the old ruling elite, which had greatly facilitated and in many ways made possible Hitler’s rule, died an inglorious death.

The capitulation of political Protestantism, whose monarchist, nationalist majority had never managed to arrive at a positive position toward the Weimar Republic, was followed by the death of the Center Party and the BVP, those pillars of the Republic and bastions of political Catholicism in the Reich and Bavaria. Flexible and adjustable toward Right and Left alike, the nucleus of all coalitions up to 1932, the Center Party in 1933 did not succeed in joining the Government. After the March elections, it lost its traditional key role in the formation of majority governments. It, too, was affected by the challenges of that era; acclimatization and the strong trend toward the Right urged accommodation. Its acceptance of the Enabling Act reflected internal pressures; external threats accelerated its disintegration. The recommendations over what its future course should be ranged from determined opposition to far-reaching collaboration. The continued existence of the party was deemed essential to the protection of the cultural life of the Catholic population even though the party was excluded from political life.

At this juncture, Hitler, with the help of Papen and former Center chief Ludwig Kaas, managed to outmaneuver the newly constituted Center leadership under Brüning. While the Catholic Church relented
on its former verdict on National Socialism and a growing number of prominent Catholics sought to build bridges to the new regime. Hitler began negotiations on a concordat with Rome. This move appealed to the hearts of German Catholics and pulled the rug out from under the Center Party. Broad concessions, which Hitler of course did not honor, brought the National Socialists the support of this group as well—until it was too late and the political coordination had been completed. We know today that Hitler in union with Papen was determined from the very outset, probably since the Cabinet meeting of March 7, to storm the Center bastion through promises to the Curia, without any qualms about granting concessions on the problems of schools and organizations going far beyond any made by Weimar. Whether the safeguarding of some assets outweighed the sacrifice of the political organizations of Catholicism in the coming struggle of the Church is an open question. The widespread optimism, including that of Cardinal Faulhaber of Munich, turned out to be an illusion, hardly justifying the Vatican’s joining the Soviet Union in certifying the Third Reich’s acceptability as a partner in negotiations. At any event, the decision of the Center as the last of the parties to dissolve was closely related to this illusion. The announcement came on July 5, 1933, three days before the signing of the concordat in Rome, which traded the false promise of the retention of parochial schools for the ban on political activities of priests and Catholic organizations.

The formerly so self-assured German National allies of the national revolution long ere that had fallen victim to the NSDAP power grab. They failed to exploit the presumed superiority of their position in Government and Army, economy and society, and bureaucracy and Presidency, nor did they succeed in salvaging their parliamentary indispensability beyond the imposition of the Enabling Act. The pull of coordination worked for the benefit of the stronger, and Papen soon relinquished his confidently proclaimed role of overseer by giving up his position of mediator between Hitler and Hindenburg and by formally handing over full control of Prussia to Göring on April 7, 1933. Besides, Papen, although as Reich Commissar the highest Prussian authority, had done little to hinder Göring’s de facto dictatorship. By April, the utter failure of his policy had become apparent.

This fact was not changed by differences over a number of posts still in the hands of German Nationals. The Stahlhelm, the most powerful ally, was completely paralyzed through the political coordination of its first chairman, Franz Seldte, who was rewarded with the Ministry of Labor, a post he held to the very end. The Stahlhelm’s capitulation to the SA was not accomplished without conflict; its second chairman, Theodor Düsterberg, who, the National Socialists charged, had a Jewish grandfather, sought to preserve and expand the Stahlhelm by recruiting members of other parties and groups, including the Reichsbanner. But after some clashes and regional bans (for example, in Brunswick), Seldte won; on April 26, he put the Stahlhelm under the jurisdiction of the Supreme Leader of the SA, that is, Hitler. In early July, the subjugation became formalized. The fact that some Stahlhelm leaders opposed Röhm’s leadership claim and a few even found their way into active opposition was of little consequence.

The DNVP ended in similar fashion. There, too, at the last hour a faction sought to stem National Socialist coordination. The blind illusions of Hugenberg’s policies became obvious only too late; Ernst Oberfohrern, the head of the German National Reichstag delegation who had voiced misgivings and was replaced on April 11 by a Hugenberg man, Otto Schmidt-Hannover, was found dead on May 6. Whether it was murder or suicide is an open question. In the meantime, Hugenberg and the party executive committee were beginning to see their helplessness in the face of widespread excesses. In mid-April, Hugenberg still found words of praise for the alliance of January 30, but the honeyed words of this overweening yet impotent self-styled “economic dictator” could not obscure the campaigns of the SA against German National organizations. Complaints were futile. The arrogant delusions that the drummer Hitler could be used had led, via Munich (1923) and Harzburg (1931) and the January 30 sham victory of the national opposition, to catastrophe. The German National antidemocrats, insofar as they had not already become the handmaidens and fellow travelers of their more powerful junior partner, became its victims as well. Among the last convulsions of an outmaneuvered conservatism was the formation of a monarchist Fighting Ring (League of the Upright) on June 2, 1933. But monarchist appeals, initially still tolerated by Hitler, no longer offered any real alternative, however great their contribution to the collapse of the democratic Republic. Here the difference between National Socialism and Italian Fascism, which accepted the monarchy, is quite evident. Two or at most three weeks after its founding, the Fighting Ring was suppressed, in some instances after violent conflict. Here, as in the case of the Stahlhelm, the influx from other non-Nazi groups—though a much greater number joined the NSDAP and SA—served as the pretext for the smashing of all “counterrevolutionary” resistance movements, as proclaimed by Goebbels on June 21, 1933.

Having retreated into isolation, Hugenberg finally also capitulated on June 27. He made one last attempt to appeal to Hindenburg, but Hindenburg’s son Oskar prevented Hugenberg’s emissary, ex-DNVP chairman Oskar Hergt, from seeing his father. Hugenberg’s provocative behavior at the International Trade Conference at London, where he tried to outdo the National Socialists with colonial and expansionist demands, furnished a welcome pretext to force that hollow economic dictator to resign his four (!) Reich and Prussian ministries. He had failed to exploit his powerful position either in the Cabinet or as administrative chief, and his conservative ministerial colleagues who had managed to keep their posts through a timely accommodation now left him in the lurch. On that same June 27, the German National Party decided to dissolve.

The policy of taming Hitler had been carried to the point of absurd-
ity; the national revolution turned out to be a National Socialist power grab. The dismissal of Hugenberg violated the Enabling Act—the pseudo-legal constitutional surrogate for dictatorship which expressly ruled out any change in the existing government. But this was of little consequence after the abolition of parliaments and parties, the coordination of the civil service and judiciary, and the destruction of constitutional government. And in the ensuing months, Hitler also ignored the other restrictions of the Enabling Act—the Reichsrat, the Presidency, and the time limitation. Yet none of this prevented the perpetuation of this pseudo-legalistic myth in the Third Reich nor its later acceptance by public law and courts of the Bonn Republic. Even the Federal Constitutional Court has accepted the validity of the Enabling Act on the basis of a questionable theory of continuity.20

Contrary to Hugenberg's expectations, Hindenburg and the Reichswehr, its highest guarantors, accepted the breakup of the "national concentration" without demur. The remaining non-National Socialist ministers were allowed to stay in office, but only as specialists without specific political affiliations. The initially few National Socialists in the Cabinet were joined by Goebbels, who since March 11, 1933, held the post of Propaganda Minister, as well as by Kurt Schmitt and Darré, who took over Hugenberg's posts. In addition, Hitler also ordered Rudolf Hess to sit in on all Cabinet meetings. In this way, the number of National Socialists in the Government grew from three to eight; the conservatives became a minority, a mere façade, rather than a counterweight to a Chancellor heading the only existing party. The dream about the restoration of the monarchy had also come to an end. By order of the Propaganda Ministry, all observances of the seventy-fifth birthday of William II (January 27, 1934) were forbidden.

Hugenberg, embittered, withdrew to his estate in Westphalia, and, with reference to the death of Oberfohren, announced that no report of his having committed suicide was to be given any credence. This, however, did not prevent him from lending a helping hand to the National Socialist Reichstag delegation. Yet he did not play the role of handmaiden with the same opportunistic perseverance as Franz von Papen, whose way led from Center Party deputy to minidictator to creator of the Hitler Cabinet, from self-assured wirepuller of Hitler to willing helper. Not even the blows received in 1938 and 1934 could deter this Catholic Conservative from becoming Hitler's special envoy in paving the way for the takeover of Austria, or from serving the regime till the very end.

The creation of the one-party state, which put the final seal on the National Socialist seizure of power, was clothed in the sort of pseudo-legal sanctions with which the regime liked to adorn its authoritarian moves. The elimination of the political Left had been an irregular act, even though it was done by a decree of July 7 "for the protection of the state," which ousted the SPD and the State Party from all state legislatures and municipalities. The catalogue of laws proclaimed by the Cabinet on the all-important day of July 14, 1933, is an extensive one. Celebrated in France as the anniversary of the storming of the Bastille, as the symbol of rebellion against absolutism, this day formally sealed the establishment of the National Socialist dictatorship in Germany. Among the laws promulgated was one "on the confiscation of the property of enemies of the people and the state" legalizing arbitrary confiscation; laws on the constitution of the Evangelical Church and the concordat spelled out the new policies toward the churches; a "law on the remodeling of the German peasantry" sanctioned the policy of resettlement; laws "for the prevention of defective progeny" and "on the revocation of naturalization and on the revocation of German citizenship" legalized cultural, population, and racial policies based on the blood and soil ideology. The keystone of the political Gleichschaltung, however, was the Law Against the New Formation of Parties. In terse language, it decreed the National Socialist one-party state and severely penalized all other political activity.

This, incidentally, was another violation of the provision of the Enabling Act protecting the "institution of the Reichstag as such." Now the one party appointed deputies from above. The Reichstag could no longer be formally considered a parliamentary representation; thus, the party law of July 14, ignoring Constitution and Enabling Act alike, was another link in the chain of thinly veiled violations of law and Constitution. The truly illegal nature of the emphatically stressed legality of the revolution is revealed by what followed. With the Enabling Act being stripped of yet another restriction, the state of emergency in fact became a permanent condition, for now it was no longer possible to give the impression of the existence of a legal opposition and parliamentary controls. The Reichstag ceased to be even the one remaining sham institution whose existence was guaranteed by the Enabling Act; according to a joke then current, it became the most expensive glee club in the country. Its only function was to celebrate feasts of acclamation, listen to the Führer's speeches, and extend the Enabling Act (1937 and 1939) if this was not done by Hitler himself (as was the case in 1943). National Socialist constitutional lawyers like Ernst Rudolf Huber consequently announced that the Reichstag "is neither an instrument of legislative powers nor a control organ of the Government... It would be impossible for the Reichstag to propose and pass a law that did not originate with the Führer or at least had not been approved by him beforehand." In short, the Reichstag "is an institution that expresses the political agreement of nation and Government." Just as the plebiscites, it was to "document the unity of Führer and nation." 30 As in all modern dictatorships, the sole function of elections was to confirm one-party voting lists or approve authoritarian decisions already reached.

Although Hitler in Mein Kampf had postulated the leader principle.

20 E.g., in the sentence of the concordat trial of 1957. On the theory of continuity, see Chapter IX.

30 Ernst Rudolf Huber, Verfassungsgerecht des Grossdeutschen Reiches (Hamburg, 1939), pp. 297 ff.
asserts in his book by that title (1954), but political ineptitude and unpolitical arrogance.

As early as August 20, 1934, Hitler was able to proclaim the victorious conclusion of his fifteen-year fight for power: "Beginning with the highest office of the Reich, through the entire administration down to the leadership of the smallest village, the German Reich today is in the hands of the National Socialist Party." And in fact what mattered was not so much a taking over of all positions, for this was not invariably the case: there was an astonishing degree of continuity, beginning with non-National Socialists in the Government to the civil service and judiciary to economic and cultural life, and above all in the "independent" Army. But state and society were nonetheless completely in the hands of the National Socialists, subject to their control and manipulation, serving a regime focused entirely on the One Leader; for the rest, it brought anything but order and security, but rather arbitrariness and frequently internal chaos. Hitler himself tailored his proclamation of August 20 to this dual aspect of the consolidation of power: "The fight for governmental power has ceased as of this day. But the fight for our precious people continues." 26 This melodramatic sentence meant nothing more than that only after the last remnants of pre- and non-National Socialist power had been eliminated could the total gathering-in of the nation, the instrumentalization in the service of Hitlerian goals, be fully realized.

This was also the framework within which the NSDAP was assigned its position and function as the ideological and ruling force above and within the conquered state. In the summer of 1933, it had become the only existing party and was entrusted with the task of educating a new elite. Rudolf Hess opened the Reich party congress of 1934 by stating that "the law of totality" was to be the guiding principle of all future National Socialist policy. Hitler ceremoniously recalled the epoch of the "final consolidation of National Socialist power in Germany." Since the summer of 1933, he said, they had, fighting a battle, "broken through and taken one enemy position after the other." Now, as already a year earlier, he declared "the National Socialist revolution . . . as a revolutionary power process is closed." Beginning now is the evolution, and since the leadership "in Germany today has the power to do everything," its actions in the future "cannot be inhibited by anything, except through impulses of a tactical, personal, and hence temporary nature." 27

But herein lay problems. What did the declaration that the "final" conquest of Germany would be followed by "the realization of the National Socialist program directed from above" mean if that program was anything but clear and consistent, while Hitler's aims were directed toward the outside, toward race and Lebensraum policies, toward expansion and hegemony? When Hitler prophesied that "in the next thousand years there will be no revolution in Germany," this bombastic dictum was in keeping with the slogan of the Thousand-Year Reich or Göring's promise that in the next hundred years there probably would not be any election. History did not heed these prophecies. But the wrapping-up of the seizure of power opened up an area in which the consolidation of totalitarian rule could progress and the policy of expansion and domination in Europe, the essence of National Socialism, begin. National Socialist power and rule did not rest on a consistent political philosophy or on a detailed master plan. The thinking and conduct of this "movement" was eclectic and opportunistic, its ideas of power politics vulgarly Machiavellian. And yet it would be a mistake to see the spread and imposition of totalitarian rule as mere improvisation and response to favorable opportunities. Alone the pace of the power seizure, so much more rapid and more completely successful than that in Fascist Italy, bespeaks the purposeful logic of the Nazi power ideology. It was given its inner content by the immovable consistency with which Hitler had clung to his Weltanschauung since his Vienna years: above all, anti-Semitism and anti-Slavism. They formed the basis of the two primary aims toward which the consolidation and application of the power he had won were directed: annihilation of the Jews and eastward expansion.

WELTANSCHAUUNG AND IDEOLOGICAL Gleichschaltung

How was it possible that these ideas and aims were not only ignored or minimized, but even widely taken up and elaborated, that the intellectual Gleichschaltung also largely was self-imposed—completed almost more rapidly and more obligingly than in the social and political sphere? A reference to Hitler and an irresistible "demonization of power" does not explain the German phenomenon nor answer the question about the causes and the responsibility. Two reasons emerge. Hitler and National Socialism were in a long-standing tradition of German political thought. The mixture of Prussian-authoritarian and Austrian völkisch political and expansionist ideologies found their radical outlet in Hitlerism. But the war-aim debates of 1914–18 already contained the essential elements, and behind them there was the development of the German sense of special destiny in the nineteenth century. Hitler and National Socialism—they were not unfortunate accidents, not incomprehensible derailments in the path of German history; they were, as Konrad Heiden said, a "German condition."

Furthermore, the development of National Socialism is the history of the underestimation of politics and the overestimation of order. It was widely believed in "educated circles" that National Socialism essentially was a movement of the forces of order and strong government against chaos and Communism. All that was needed was to support these decent forces, free them of the dross of everyday politics, and lift them up to the heights of culture and philosophy once the necessarily dirty fight for power was over. This summed up the ideas of

26 Gerd Rühle, Das Dritte Reich (Berlin, 1935), p. 278.
Realpolitik that developed after the failure of 1848 and whose moral justification was based on success. It led to the characteristic unpoltical illusion that the "idealistic" component of National Socialism could be furthered and used for a national, political purpose by refining and developing the crude statements of the functionaries, including the well-intentioned but clumsy notion of the "man of the people" Adolf Hitler: in other words, by showing the National Socialists what lay behind their blind drive, thus bringing about a "better" National Socialism. Some were impressed by the forcefulness of this anti-Communist, anti-union "movement"; others, from the camp of the "conservative revolution," were taken by the national-revolutionary, antiliberal component. It was a continuance of the illusion of the "national uprising" by other means, even after it had foundered on the level of political coalition.

The National Socialist camp considered such assistance from conservative and bourgeois circles presumptuous and at times even dangerous. The membership increase of 1933, partially the result of the idea that by going along the worst might be prevented and National Socialism remolded into something more acceptable, had brought similar problems. After 1934 there began the curt rejection and ultimately the ostracism of this sort of parlor National Socialism; some of these early proponents found their way into the resistance, the product of such a mixture of motives and tendencies. However, this does not alter the fact that intellectual fellow travelers at first rendered most valuable assistance. Goebbels, the "intellectual" among the Nazi leaders, was the one to see and exploit this most skilfully. The effective spread of propaganda and the rapid regimentation of cultural life would not have been possible without the invaluable help eagerly tendered by writers and artists, professors and churchmen.

Opportunism and coercion alone do not explain the process which subjugated German intellectual life to the Reich Cultural Chamber within a period of months. The events of the "golden twenties," if looked at dispassionately, may be seen to contain some seeds of this abject capitulation. Also, the blood-letting of the German intelligentsia in 1933 resulted in the collapse from which science and culture did not recover even after 1945. The expulsion of large portions of the critical intelligentsia, however, was only one side of the irreversible loss which made possible the autocratic rule of National Socialism. The other side of the coin was the process of self-destruction, by which the majority remaining in part accepted and in part even sanctioned the adaptation of cultural life and values to the nationalist and social-Darwinist power ideology of National Socialism.

A famous example of the very first period was the radio address of the poet Gottfried Benn, physician and exponent of literary Expressionism in the Weimar era; he broadcast to his persecuted, exiled friends a sardonic "Reply to the Literary Emigration," published under the title Der neue Staat und die Intellektuellen (The New State and the Intellectuals). In it he indulged in the then fashionable glorification of discipline and order. The book was announced in these typical words: "Gottfried Benn declares his allegiance to the new state and explains his step into the other camp—which for him was not 'another' but that with which he had always been in accord. For in truth his roots sprang out of the same soil in which the renewed Germany has its deepest roots. His confession of faith will be a confirmation for those members of the German intelligentsia who have already gone his way, and for those who are still standing aside it will be an exhortation to reflect and re-examine obsolete ideas." That the "new" was something "with which they had always been in accord" was now being proclaimed by many. The continuity of the National Socialist seizure of power, so emphatically denied after 1945, could hardly have found clearer expression. The fact that Benn later submerged himself in the Army, in "inner exile," in no way diminishes the effect and example of a process which was being repeated in many forms.

This is not the place for a detailed examination of this process of "accommodation" to power and its pseudo-intellectual, pseudo-scientific manifestation. What matters here are primarily those aspects touching immediately upon the goals and power technique of National Socialism. Let us consider first the development and impact of ideology, as well as its aims, and second the organization and effect of cultural policy and propaganda within the system of the Third Reich. The two are intimately related. Not only were ideas manipulated in the usual sense and attuned to politics, but conversely, the ideologization of politics and finally the proliferation of insane notions, particularly in the area of race policy, played a decisive role. On the whole, one of the reasons for the disastrous underestimation of National Socialism in Germany, and later for the appeasement policy of the West and in 1939–41 of the Soviet Union, is the failure to take seriously the part played by ideology in National Socialist policy and to overestimate the opportunistic and manipulatory components in the sense of Machiavellian power politics. Hitler, a true revolutionary in this respect, was not the only one obsessed by the absolute truth of his basic ideas, even though they may not deserve the grandiose label "Weltanschauung"; his closest followers, the mafiosi of the fighting years as well as the dignitaries in party and state recruited shortly before and after the takeover, were completely committed to him and to the leader-principle and simultaneously to the primacy of the ideology behind and above the policies of the total state. Unquestionably, there were occasional doubts and secret deviations. But the complete absence of ideological conflicts up to the time of catastrophe points up an important difference between this and other dictatorships. There was an abundance of conflicts and rivalries about competencies, but the singular position of the Führer and the primacy of his ideology remained untouched.

28 For the decisive period 1933–34, see Bracher, Sauer, and Schulz, op. cit., pp. 261 ff.
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The primacy of ideology emerged most clearly in the policy on the Jews. Here all reservations about expediency and opportuneness, not to speak of minimal moral standards, had to be shelved from the very outset. Other aspects of National Socialist ideology occasionally would be embellished and carefully packaged. But after the conquest of the state, Hitler's Mein Kampf, Rosenberg's Mythos, and the racist-imperialist extremist literature of the “fighting years” remained for all to see and were offered up in millions of copies as official reading matter. When he tried to mollify the churches, Hitler was wont to say that the Mythos was a pioneering work he himself had never read—which anyone who had ever tried to read that concoction could readily understand. The “unalterable” party program of 1920 also was variously interpreted for tactical reasons. This was true particularly of the agricultural policy statement on the expropriation and redistribution of land. Hitler had already scotched this provision in 1928 by his acquisition of property and by giving the provision an essentially anti-Semitic twist so as to win support in rural areas. But in the revised edition of his commentary to the party program, Rosenberg in 1937 was able to state: “On matters of principle almost nothing had to be changed; only on a few questions did the new Reich have to take different roads than we had visualized.” This referred to the unfulfilled domestic promises; the “social-revolutionary” part of the program had become a mere accessory after the alliance with industry and the farmers and after the elimination of the Strasser wing.

But the basic racist and expansionist ideas and formulations called unalterably valid in Hitler's Mein Kampf were never officially rescinded or changed by the statesman of “peace” speeches in any of his domestic or foreign balancing acts. Among intimates there could be no doubt as to their validity, among the Army command either in 1933 and 1937, among an industry committed to rearmament, and certainly not on the part of the swaggering theorists of Lebensraum and war ethos at desks and lecterns. One simply did not want to admit the possible consequences. The theory of the totalitarian state demanded a militant ideological mobilization on behalf of an internally closed ruling system of maximal efficiency. Beyond that, however, the function of this theory lay in the conscious preparation for the goals of domination spelled out in the ideology. These goals, going beyond a revision of Versailles and a “Greater Germany,” envisaged a völkisch-racist empire with an unlimited claim to Lebensraum resting solely on the needs of the “core nation” and the hegemony of the superior over the inferior race.

The syncretism of German intellectual life and the national revolution of Hitler was dismayingly not only in view of the primitive conglomeration of ideas feeding the National Socialist ideology, but even more so because of the blind submission to an intolerant claim to exclusivity. This claim also was one already stated in Mein Kampf: “For the Weltanschauung is intolerant ... and peremptorily demands its own, exclusive, and complete recognition as well as the complete adaptation of public life to its ideas” (p. 506). Many of the illusions that nonetheless persisted were discarded after the summer of 1933 with the control and regimentation of the written word, of art and science. But this did not stop the process of voluntary coordination encompassing lawyers and economists, historians and philologists, philosophers and scientists, publicists and poets, musicians and artists. For the interplay of Byzantium, manipulation, and coercion would not have been effective had it not been for profound, historically conditioned relations based not so much on racial doctrines as on a pseudo-religious, exaggerated nationalism and on the idea of the German mission.

Das Reich als deutscher Auftrag (The Reich as German Mission; 1934), by the conservative sociologist Georg Weippert, was characteristic of the enthusiastic interpretation accorded to National Socialism in the camp of national-imperial romanticism. Weippert's Reich embodied the “principle of world order,” was compelled to lay claim to the “totality of power,” and could tolerate “only one ruler”; as “the expression of the German will and sense of mission” it was “all-embracing”: “The Reich is not simply the form of order of the German people; rather the Reich is Germany's mission in this world.” Given help such as this, which also came forth in introductions and postscripts to serious books and was proclaimed from renowned chairs of learning, almost anything could be justified. Once more the much-hailed “ideas of 1914” were being bruited about, but this time in connection with a political movement in possession of total power and unwilling to tolerate a discussion of aims. If political education was desirable, as Hitler held in Mein Kampf, this was only if it postulated an absolute state beyond criticism and a boundless national egotism. Such an “outline of German civics” bore the significant title Deutschland, nur Deutschland, nichts als Deutschland (Germany, Only Germany, Nothing but Germany, by W. Wallowitz; 1933).

An analysis of the voluntary coordination of 1933–34 would have to trace many connections which both temporally and essentially go beyond the secondary structure of National Socialist ideology. Such questions of continuity deserve more than mere cursory attention; they are significant for an explanation of the attraction of National Socialist ideology and its effectiveness among the “educated,” even though their ready acceptance rested on a misjudgment. The simple schema into which flowed the conservative-authoritarian, antidemocratic, nationalist, irrationalist chain of ideas can be summed up as follows: Man can live only as a member of a nation, and therefore the nation transcends group interests. It is strong only as a cohesive unit, and therefore true “socialism” welds the classes together rather than dividing them; it upholds national idealism instead of Marxism and liberalism; duty, loyalty, and disciplined followers instead of human rights; and, instead of a selfish pluralism, the monolithic leader state, which alone is able to overcome the weaknesses of centuries of German division and ensure optimal power.

National Socialism intensified and sharpened these ideas harking
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back to Romanticism and the wars of liberation in two ways: by superimposing a völkisch-racist concept of domination on the state and by making battle an absolute, basic principle of all political and social life. Biological social philosophies about the “struggle for survival” as proclaimed by the Social Darwinists, the idea of politics as a friend-enemy relationship as postulated by Carl Schmitt, military concepts of authority and order—these were now linked to the National Socialist principle that the war in fact was still in progress, that the “frontline spirit” must govern the “rebirth of culture” as well. Hitler’s central experience, the war, remained the determining factor, not only in the sense of a radical revisionism but even more so in the infusion of society and culture with a martial terminology and values: from the Labor Front and “work battle” to the marching columns as the expression of the German life-style. As Alfred Rosenberg stated in a speech before the senior officers in the War Ministry in 1935: “The German nation is on the way finally to finding its life-style. . . . It is the style of a marching column, regardless of where and for what purpose this marching column is employed.” 29 Military and pseudo-military organization became an organizational and governing principle of the leader dictatorship in all sectors of political and social life.

But the real point of departure of National Socialist ideology was the realization of the racial doctrine. While National Socialist imperialism in the early years had to take second place behind the securing and internal consolidation of its rule, and domestic policy was given primacy, the terrorism of the regime was made clear quite early with barbaric purposefulness in the persecution of political outcasts, and its ideological character in its Jewish policies. The eclectical racial anti-Semitic constructions of the pseudo-scientific and pseudo-philosophic concoctions of Ferdinand Clauss, Hans F. K. Günther, and Alfred Rosenberg were now translated into practice. Here, too, intellectual and social ideas of long standing culminated in the thesis of the “natural” hegemony of the Germanic-Nordic race, of which the German people were the nucleus. The corollary of the thesis was the “Jewish world plague,” depicted most brutally in Hermann Easer’s book by that name (1927) and in Julius Streicher’s Stürmer—the works of Hitler’s two old comrades.

The historico-social components of anti-Semitism were discussed in Chapter I. The Jew, stereotyped as a “parasitic creature,” 30 was the personification of evil in National Socialist ideology. Here was the absolute enemy which a totalitarian system needs for the mobilization of political and social forces and as a distraction from its problems. The National Socialist program called for the disenfranchisement of all Jews; anti-Semitic activities were part of its early history. Once in

29 Alfred Rosenberg, Gestaltung der Idee (Munich, 1936), p. 308.

power, the Nazis began the systematic organization of the persecution of Jews. No tactical considerations were allowed to interfere substantially with instituting the boycott of Jews, expelling them from public life, making them subject to special laws, and finally annihilating them.

As long as the regime was in need of external peace, it shrank from the most radical measures. In the summer of 1933, the flight of Jews from Germany had brought unwelcome reactions from abroad, and the people of Germany also still were something of a hindrance. Unlike nationalism, anti-Semitism existed only as a strong, latent feeling, not as a broad mass movement. Hence the first major boycott that spread across cities and villages on March 28, 1933, was prematurely broken off after only a few days. But meanwhile, anti-Semitic laws began to be introduced early that month (with the full support of the German Nationals) legalizing the “purge” of the civil service and judiciary, of universities and medicine, and setting in motion the machinery for depriving political and racial undesirables of their citizenship. The frantic efforts for accommodation by German-Jewish organizations brought only minor concessions for war veterans and for the organization of self-help and limited “self-government.” The censure of National Socialist Jewish policy by the League of Nations on May 30, 1933, did not prevent the carrying-out of the first phase of Jewish exclusion from public life in the summer of 1933; only in the economic sector did considerations of expediency delay major intrusions. By April, 1934, the restrictions affected hundreds of university teachers, about 4,000 lawyers, 3,000 physicians, 2,000 civil servants, and about the same number of actors and musicians of Jewish descent. In 1933-34, about 60,000 fled to the not exactly open arms of neighboring countries; by 1938, about one-fourth of Germany’s 550,000 Jews had managed to escape oppression and future extermination.

The formal legalization of biological-racist anti-Semitism finally was accomplished by the Nuremberg Laws passed by the Reichstag by acclamation on the occasion of the National Socialist party congress on September 15, 1935. The laws had been hastily drafted only some hours earlier on bills of fare in a Nuremberg beer hall. The chief of the Reich medical chamber, Gerhard Wagner, was one of the prime movers for more severe laws. A Reich Citizenship Law and a Law for the Protection of German Blood and German Honor disenfranchised all those citizens “not of German blood.” In line with the long-standing agitation of the Stürmer, German-Jewish marriages and extramarital relationships were to be considered “race defilement” punishable by imprisonment, and after 1939 by death. This arbitrary act, annotated and given respectability by such non-National Socialist legal experts as Hans Globke was, from the National Socialist viewpoint, a consistent ideological policy; not only did it furnish persecution and discrimination with a legal foundation, it also provided a logistical starting point for the later annihilation of the disenfranchised.
The brutal myth underlying Nazi racial doctrine was subsequently expanded to include the enslavement of the subjugated peoples, especially those of Eastern Europe. The counterpart to this was the idea of the “transnationalizing” (“Umwolkung”) of racially valuable elements, of the selection of blond, blue-eyed potential Germans from kindred peoples. In Germany, a racist population policy and “eugenics” were instituted, with measures ranging from barbaric sterilization to racially desirable breeding. Here, however, the regime did run against some obstacles and even opposition, particularly from the churches. Whereas the Jewish policy was on the whole accepted, because the latent anti-Semitism found even in the churches condoned the principle if not all the measures, the “eugenic” plans of the animal breeder Himmler for a Nordic polygamy and the “Life Source” (Lebensborn) brothels of the SS were never fully realized. However, tens of thousands were exterminated in a campaign euphemistically dubbed as “euthanasia”; it was based on older ideas and during the war justified with the argument that unproductive consumers had to be eliminated.

The implementation of racial policies as an essential part of National Socialist ideology had a dual aspect. On the one hand, the stereotype of the Jew did away with all individual, humane, social, and political differentiation in favor of a systematic, pseudo-religious persecution and extermination of evil. To be sure, there were exceptions along the lines of Lueger’s dictum “I will decide who is a Jew” (an idea Göring also toyed with, though in only a few scattered cases, as for example with respect to his State Secretary, Erhard Milch, technically of “mixed blood”). On the other hand, race policy was an instrument of total rule. The race concept “disseminated” by the National Socialists was devoid of all linguistic, logical, and scientific content; it was a fiction, a myth for the mobilization of subjective and psychotic mass emotions and associations. The employment or nonemployment of racist measures in the takeover phase and the proliferation of these measures in the wartime and liquidation policies were marked by a calculated arbitrariness. The fact that the race concept was not spelled out made the race myth an ideal instrument of rule over a people designated as a “race” engaged in combat with the absolute enemy, and for the supermoral justification of the subjugation and annihilation of undesirable groups, minorities, or even entire peoples: Jews, Poles, Russians—the “subhumans.”

The regimentation of the educational system, universities, writers, artists, and also the churches was carried out against the background of race policies and intellectual capitulation. The total claim of the regime was pushed forward in all areas of cultural life with the help of the rapidly expanding system of monopolized propaganda. The alternatives offered were re-education or expulsion from public life. This process was systematized and manipulated through a far-flung system of institutionalized controls. It was expanded to include entertainment and leisure as well, through party auxiliaries and the German Labor Front; in particular, “Kraft durch Freude” (“Strength through Joy”), modeled after the Fascist “dopo lavoro,” was to ensure control over the private lives of workers and employees through communal leisure and vacation activities.

The first step was the regimentation of broadcasting, which was semiofficial to begin with; by the spring of 1933, it was largely coordinated in personnel as well as programming. National Socialism recognized and exploited the importance of this medium as had no previous regime. In the press, things developed somewhat differently. The regime continued to tolerate non-Nazi papers because it thought to turn their prestige to advantage at home and abroad. Not until August, 1943, was the last great paper of this kind, the Frankfurter Zeitung, abolished. But the expression of independent opinion, let alone criticism, called for the art of writing and reading between the lines. What set these papers apart from the party press was their individual style rather than additional information. Goebbels, through his system of internal press conferences and stream of “directives,” succeeded in imposing a uniformity of news and interpretation soon after the creation of the Propaganda Ministry (March, 1933). He was a skilled enough journalist to appreciate the necessity of tolerating some variation to avoid the danger of boring the reader to death and consequently diminishing the propaganda value of the press. But the political scope permitted was extremely limited, and economic manipulation helped to make the press materially dependent and the political pressure almost irresistible.

The expansion of the National Socialist press combine, built by Hitler’s former sergeant, Max Amann (the publisher of the Volksische Beobachter and now the powerful President of the Reich Press Chamber), on the foundation of the old National Socialist publishing house of Eher, played a major role in this sector. There were parallel and frequently conflicting pressures brought by regional party publishing houses and autocratic regional chieftains, particularly in the early days, to force intimidated publishers to give up their papers—not always successfully, since interests often overlapped and personal rivalries tended to blur political fronts. There exists an excellent special study on Amann’s not infrequent role as the antagonist of separatist party ambitions, and his emergence as the powerful victor from these disputes. And at any rate, the questions of ownership had little bearing on the political content and direction of the press; the primacy of the party was established regardless, and it would be sheer folly to see the internal conflicts of the Nazi establishment or the trifling individual tones of its papers as signs of opposition, as is the case in the rather apologetic pamphlet Presse in Fesseln (The Fettered Press; 1947).

Goebbels formulated the concept of “total propaganda” in his speech at the Nuremberg party congress on September 7, 1934: “Among the arts with which one rules a people, it ranks in first place... There exists no sector of public life which can escape its influence.” 32 By that time, what Goebbels eighteen months earlier (May 8, 1933) had spoken of at a meeting of theater directors had become the norm and been institutionalized—namely, that after the capture of the state, the National Socialist idea “would link up all of cultural life with conscious political-ideological propaganda,” would tear it out of the “Jewish-liberalistic” Weimar culture and steer it toward the presentation of the sound and strong, the typical and generally binding. The degree of tolerance which was conceded in accordance with tactical requirements 33 said nothing about the extent of control and direction—for example, in the case of the publication of an inexpensive edition of foreign Hitler caricatures, which grotesquely bore the inscription “authorized by the Führer,” 34 and also in Goebbels’ instructions to the press and to all other cultural media to be “monoform in will, polyform in the expression of the will,” or his statement: “We don’t want everyone to blow the same horn at all, but only want them to blow according to one plan... that not everyone has the right to blow what he pleases.” 35 The tools used were: coordination of the news services, daily press conferences at the Propaganda Ministry, “dissemination” of binding “directives” and “terminology.” In this way the uniform treatment of current issues had become a fact by the summer of 1933.

A high point in institutionalization was reached with the official installation of a “Reich Cultural Chamber” on September 22, 1933. The opening of this all-embracing control and censorship agency to which all “intellectual workers” had to belong may not have been the “event without precedent in the history of all peoples and ages” that self-serving announcements proclaimed, but it gave the Propaganda Minister the power to “organize” the whole of cultural life, which now existed in name and pretense only. Within the framework of the Cultural Chamber, Reich Chambers for Literature, Press, Broadcasting, Theater, Music, and Fine Arts were set up, and the already existing Film Chamber incorporated. Laws and decrees saw to it with bureaucratical thoroughness that anyone subject to the “intellectual influencing” of the Propaganda Ministry, anyone who in the broadest sense worked in “creation, reproduction, intellectual or technical processing, dissemination, preservation, circulation, or who assists in the distribution of the technical means of dissemination” had to join; this included even the “manufacture and distribution of technical means of dissemination.” 36 The threat of nonadmission or expulsion from the Chamber, tantamount to being barred from one’s profession—and hence to economic death or possibly a concentration camp, underscored the degree of total absorption and control. Censorship and publication bans, the traditional tools of dictatorship, were made practically superfluous by this up-to-date method of penetration and control.

This supervisory mechanism was supplemented by a stringent law which, by holding editors in chief responsible for everything published by them, subjected them to the arbitrary rule of the Propaganda Minister. Goebbels rounded out his triple position of power as Minister, President of the Cultural Chamber, and party propaganda chief by setting up a Reich Journalism School (1935) compulsory for young journalists. On November 15, 1933, speaking at the festive opening of the Cultural Chamber, he said: “The revolution we have made is a total revolution... It is completely irrelevant what means it uses.” 37 The appointed spokesmen of the new culture hailed the “parade of faith,” the “steel romanticism” Goebbels conjured up. In addition to Benn and Heidegger, Richard Strauss also manifested his cooperation by accepting the Presidency of the Reich Music Chamber. The Literature Chamber was presided over by the Germanic peasant poet Hans Friedrich Blunck, who as late as 1952 let it be known that “he did not get overly indignant over rumors [!] of book burnings; such things are part of all revolutions.” 38 Behind him there was a phalanx of “poets” willing to swear their allegiance to Hitler, among them many who in 1932 had petitioned for a Heine monument in Düsseldorf but who did not shrink from replacing ousted cosmogonaries in the academies, from defaming persecuted Jews, or from transforming, crudely or sensitively, the theses of the rulers into “culture.” These included Rudolph G. Binding, Max Halbe, Hanns Johst, Heinrich Lersch, Walter von Molo, Josef Ponten, Wilhelm von Scholz. The now defamed included Heinrich and Thomas Mann, Käthe Kollwitz, Max Liebermann, Stefan Zweig, Jakob Wassermann, and Alfred Kerr.

The “purgation” of the academies was rivalled by the eagerness with which many publishers, headed by J. F. Lehmann (Munich), Hanseatic Verlagsanstalt (Hamburg), Diederichs (Jena), Korn (Breslau), Stalling (Oldenburg), Junker and Dünnebaupt (Berlin), and Langen-Müller (Munich), began to specialize in “national” and völkisch literature. Great opportunities opened up for writers who sought to remedy the regrettable lack of a genuinely National Socialist literature: Erwin Guido Kolbenheyer, Rudolf G. Binding, Emil Strauss, Hans Grimm, Hanns Johst, Wilhem Schäfer, Jacob Schaffner (a Swiss), Werner Beumelburg, Will Vesper, RichardEURINGER. The academies still tolerated some of the “old-timers,” most notably Gerhart Hauptmann, as window-dressing. However, the new literati, who

33 Walter Hagemann, Publizistik im Dritten Reich (Hamburg, 1948), pp. 55 ff.
34 Hitler in der Karikatur der Welt. Tat gegen Tinte (Berlin, 1938).
35 In Hagemann, op. cit., p. 36, and Rühle, op. cit., p. 82.
37 Deutsche Kultur im Neuen Reich (Berlin, 1934), p. 23.
in addition to those named above included Hermann Claudius, Gustav Frenssen, Agnes Mieg, Josef Magnus Wehner, and Hans Carossa, moved up the ladder. Those ousted, on the other hand, included Alfred Döblin, Leonard Frank, Georg Kaiser, the Mann brothers, Alfred Mombert, Rudolf Pannwitz, Fritz von Unruh, Jakob Wassermann, and Franz Werfel. In February, 1935, a writer who still sought to maintain himself between the fronts, noted: "Result: in ten years we will no longer have a literature." 39

Yet even the expulsion and disenfranchisement of the undesirables and the supervision of all others did not ensure the complete success of the vaunted cultural revolution. There remained the existing literature, art, and music. Blacklists were compiled ceaselessly and literary histories were revised; a völkisch German philology, developed with the assistance of numerous literary historians from Adolf Bartels to Hermann Pongs, set the tone. The "cleaning" of libraries and bookstores presented some problems, but the destruction and self-destruction of German literature was achieved within a matter of months through the substitution of second- and third-rate scribblers for first-rate writers and by inhibiting contacts with the outside. This process of attrition was to engulf many initially friendly conservative-national writers whom Himmler's Reich Security Office proceeded to unmask as "opportunists" with erroneous notions about race and Führer, despite the fact that the "adjustment" of 1933-34 had been marked by absurd efforts in "national" and church circles to lend meaning to the slogans of National Socialism. Among those who so exerted themselves were Reinhold Wulle, Richard Benz, Max-Hildebert Boehm, Hans Naumann, the disciples of Othmar Spann, Erich Rothacker, Hans Freyer, Ernst Jünger, and Rudolf Herzog.

But the exclusion of "Left," democratic, and Jewish literature took precedence over everything else. The blacklists that were being compiled beginning in April, 1933, ranged from Bebel, Bernstein, Preuss, and Rathenau through Einstein, Freud, Brecht, Breit, Döblin, Kaiser, the Mann brothers, Zweig, Plüvier, Ossietzy, Remarque, Schnitzler, and Tucholsky, to Barlach, Bergengruen, Broch, Hofmannsthal, Kästner, Kasack, Kesten, Kraus, Lasker-Schüler, Unruh, Werfel, Zuckmayer, and Hesse. The catalogue went back far enough to include literature from Heine and Marx to Kafka. The book burnings staged on May 10, 1933, in the public squares of cities and university towns symbolized the auto-da-fé of a century of German culture. Accompanied by torchlight parades of students and passionate orations of professors, but staged by the Propaganda Ministry, this barbaric act ushered in an epoch which Heinrich Heine had summed up by the prophetic words that there where one burns books, one ultimately also burns people.

Anti-Semitism, antimodernism, and political functionalization also marked Nazi music policy. The denunciation of atonal experimenta-


The New Education and the World of Knowledge

While National Socialism could substitute little more than ideology and second-rate imitation for the literature and art it expelled or destroyed, its main efforts from the very outset were directed toward the
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gated to the needs of rearmament, yet the pseudo-military order ideology of the regime profited psychologically from this. Neither labor nor social policy improved measurably—Autobahns and rearmament gobbled up too much—but both were effectively manipulated and used. Political spectacles and Strength through Joy “care” provided for leisure-time activities; thus, in 1938, Ley was able to announce triumphantly that the private citizen had ceased to exist; only sleep was still a private affair, and no longer could anyone do or not do whatever he wanted. It was a renunciation of freedom in favor of the semblance of social order, security, and unity. At what cost and with what results was another matter.

Leader Principle and State

The Third Reich claimed to be a social, classless community of all Germans and at the same time a superior command structure girded for battle. The function of the leader principle lay in the blending of these two order concepts. It combined the political-charismatic combat idea of the “movement” with the bureaucratic-military order idea of the authoritarian state.

The leader principle followed a deeply ingrained German tradition, which, having survived the overthrow of the monarchic authoritarian state, lived on in the Presidential system of the Weimar Republic, in the “surrogate monarchy” of Hindenburg, in the militarized structures of the youth and combat organizations, in widespread antidemocratic thinking, and in the hierarchic ideas of bureaucracy and Army. The crises of 1929 and 1930 in particular had given new impetus to the demand for a strong man, recalling older ideas about the savior and healer in times of crises. The modern form of the leader concept was a synthesis of authoritarian, military ideas of order and pseudo-democratic-plebiscitary legitimation which, manipulated by mass propaganda, concentrated on the person of the charismatic leader.

German legal science rushed to present the Third Reich with an airtight theory of the leader state, beginning with works like Ernst Rudolf Huber’s Verfassungsrecht des (Gross-) Deutschen Reiches (Constitutional Law of the German Reich; 1937 and 1938). The list of works in which the theory of the legal state was perverted into unrestrained justification of the leader dictatorship as the “true” legal state is a long one: Heinrich Lange, Vom Gesetzesesse zu Rechtsstaat (From State of Law to Legal State; 1934); Otto Koellreuther, Der deutsche Führerstaat (The German Leader State; 1934); Herbert Krüger, Führer und Führung (Leader and Leadership; 1934); Reinhard Höhn, Der Führerbegriff im Staatsrecht (The Führer Idea in Political Law; 1935). These were supplemented by countless enthusiastic pronouncements on the theme of leadership and administration. The link between the state-military and political-charismatic leader idea was documented, for example, in an essay by Wilhelm Sauer, a specialist in international law, entitled “Recht und Volksermal im Führerstaat” (“Justice and People’s Morality in the Leader State”) in the Archiv für Rechts- und Sozialphilosophie (1938) or Ernst Forsthoff’s Totaler Staat (1938): “The hierarchical order of the National Socialist state is characterized by the link of the National Socialist leadership order with the bureaucratic administrative apparatus.”

And: “The new and decisive aspect of the leader constitution is that it overcomes the difference between the governed and those who govern in the unity formed by the Führer and his following” (pp. 35–37).

From the vantage point of legal science, the substantiation of the total leader state occurred in two stages. By designating himself “Leader and Chancellor” (1934), Hitler not only laid claim to the constitutional powers of the two highest offices but at the same time also made reference to the pre- and extragovernmental, even supragovernmental, powers personified by the “Leader” as the carrier of the historic mission of National Socialism. Compared to mere governmental power, the powers of the Leader were “all-comprising and total . . . exclusive and unlimited.” The “sacred oath” by which the Army promised its “unconditional obedience” when it acquiesced in the bloody elimination of the rival SA was sworn to Hitler the “Leader,” not to the head of state or to the constitution. In the later years of the Third Reich, Hitler’s official designation logically was reduced to the laconic and omnipotent “Führer.” Hitler thereby had erased not only the Republican President but also the Bismarckian Chancellor. The leader constitution, whose precise provisions were left open, demonstrated the revolutionary break with constitutional history. At the same time, it was an expression of dictatorial omnipotence far greater than even that of the Fascist Duce (who had a king next to him). Hitler’s was not a circumscribed, institutionally defined office; both in theory and practice, Hitler was the sole representative of the people on all levels of political and social life. He claimed to embody the total unity of that people, leaving no room for opposition or criticism. All expressions of the national will were to be his. No representation of different groups, interests, and ideas was allowed to exist alongside him; that would have been unthinkable, given the totalitarian fiction that the “correct” ideas of National Socialism and their perfect representative, the Leader, simultaneously represented and canceled out all special interests. In place of conflicts and compromise, there was to be only the absolute enemy on whom the sights of the unified nation were fixed.

It was a grandiose as well as violent fiction, one ignoring the essence of man and of human relationships: “The Führer speaks and acts not only for the people and in their behalf, but as the people. In him, the German people shape their fate.”

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9 Ernst Rudolf Huber, Verfassungsrecht des Grossdeutschen Reiches (Hamburg, 1939), pp. 215, 320.

10 Gottfried Neesse, Führergewalt (Tübingen, 1940), p. 54.
the personification of the people, this leader could act above all intermediate offices and his will alone counted; he could follow official norms, but he did not have to, because "the will of the leadership, regardless of the form in which it is expressed . . . makes for right and changes hitherto valid laws." 11 The Leader alone embodied the volonté générale by virtue of the self-granted authority from above and the consequent guided adulation from below. He led the people out of the confusion of everyday life to the conscious awareness of his mission; he was in possession of salvation; he acted in agreement with the objective laws of national life. 12 The plebiscites that were staged had no binding effect, no power of decision over the actions of the Leader; they were nothing but an a posteriori demonstration of the presumed unity. The constitution of the Third Reich exhausted itself in the mystical agreement of Leader and nation. This theory of the National Socialist leader state, in many respects resembling the glorification of Stalin, reached heights of dithyrambic, pseudo-religious Leader deification which reality could live up to only inadequately. The task to be done was to educate a still imperfect people to acceptance, assent, and unconditional obedience. This required, in addition to the old, unconditionally loyal leadership corps, a new elite able to superimpose the validity of the leader principle on all sectors of German life.

The National Socialist leader principle determined the radical consequences of totalitarian rule not only internally but also toward the outside. It was based on the belief that the (German) people were essentially incapable of self-government. In place of self-government, there was by virtue of his own, sole "correct" will only one free will—that of the Leader. He could delegate power to aids, but they were and remained his unconditional subjects. He was always in complete control of the orders which they enforced: Germany was turned into a garrison state. At the same time, the absolute subjugation to the leader principle made possible the push beyond the borders. The forces pent up in the quasi-military Führer and coercive state found a surrogate for their urge to move, a reason for their subjugation, a chance of becoming themselves leaders and wielders of power in the promulgation of race policies, in imperial expansion, and in the exploitation of "inferior" peoples. The oppressed became oppressors, the subjugated became the master race which, though unable and not allowed to govern itself, could govern others. The solution to the problem of freedom and control posed by the leader theory of National Socialism thus lay in the diversion to the outside of the natural need for political growth and freedom. Racial and political persecution and war became the psychological safety valves and tools of self-affirmation, expansion, and social imperialism, the substitutes for internal reform and self-fulfillment. It is at this point that the National Socialist leader constitution and its war policies are most closely linked; the correlation became more and more pronounced with the intensification of totalitarian rule during the war.

There is no doubt that, in contrast to the Communist dictatorship, Nazi totalitarianism lived and died with the Leader and the leader principle. And in political practice, the unlimited power of the regime also rested on the absolute authority of the Leader. That was true of all three sectors in which the power and authority of the Third Reich were rooted: the monopoly party, which was to furnish "leadership"; the Army, which was to provide "defense"; the state, which was to be in charge of "administration." 13 The Führer controlled all three. Just as he had sole and unlimited control over the party, he also quite early gained control over the state (1934) and the Army (1938). The picture was the same in areas where the power of the Führer was not defined institutionally but politically and ideologically, where Hitler was bombastically celebrated as the "representative of the people, guardian of the Weltanschauung, protector of the Reich, first lawmaker of the Reich, and supreme judge of the nation," as the "first guardian of the people." 14

Let us examine the effects of the leader principle first on the machinery of government and then on the monopoly party. In the party, the leader principle had formed the real foundation of Hitler's strength long before 1933. The fact that there were relatively few "purgers" and no serious rebellions also marks the difference between the Nazi and the Soviet dictatorship, which, though it knew personality cult and one-man rule, institutionalized the party principle in place of the leader principle. Even when, at the end of the war, Göring and Himmler sought to save their skins, they did not attempt to rebel against Hitler; the structure of the leader dictatorship remained firm.

The position of the Leader vis-à-vis the Army was basically decided in 1934, when Hitler replaced Hindenburg as commander in chief. The Army, it is true, was able to ward off party encroachment much more effectively than the governmental bureaucracy, yet the reorganization of February 4, 1938, also gave the Führer formal jurisdiction over the War Ministry, and with the dismissal of Field Marshal von Brauchitsch during the Russian crisis (December 21, 1941), Hitler finally assumed direct command of the Army and its top echelons.

In the governmental bureaucracy, the application of the leader principle was somewhat more complicated. Here it found itself competing with the principle of administrative hierarchy. At the same time, however, members of the civil service were subjugated to the Führer by a personal loyalty oath and by close surveillance. The first step in this direction was the passage of the Civil Service Law (April, 1933), and the peak was reached in the Reichstag speech of April 26, 1942, in which Hitler, to enthusiastic applause, proclaimed his "legal" right to demand the resignation or dismissal of anyone who in his opinion failed to do his duty—without regard of person or his "well-earned

11 Werner Best, Die deutsche Polizei (2d ed.; Darmstadt, 1941).
12 Huber, Verfassungsrecht des Grossdeutschen Reiches, pp. 194 f.
13 Hans Frank, Recht und Verwaltung (Munich, 1939), p. 16.
14 Neesse, op. cit., p. 55.
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rights.” The National Socialist defenders of civil-service rights fighting for re-employment and benefits after 1945 forgot all too quickly that it was Hitler who pulled the rug out from under their claim to the right for tenured employment.

The leader principle was also employed as needed in foreign policy: in the promulgation of Hitler’s surprise coups as in the unleashing of the war. The Führer alone could at will decide on the appointment of diplomats, on negotiations and alliances, on the breaking-off of diplomatic relations, on interventions and sanctions, on war and peace. In all matters, so declared a scholar in constitutional law, the “personal decision of the Führer” was what counted.15 Accomplished facts were, if this served propaganda purposes, retroactively approved by the Reichstag: that happened after the attacks on Poland and on the many neutral states—Denmark, Norway, Holland, Belgium, Luxembourg, Yugoslavia, and Greece—overrun in 1940–41. Similarly, the fateful attack on the Soviet ally was a “personal decision of the Führer” retroactively sanctioned by the Reichstag.

Above all, legislation in the broadest sense was under the complete control of Hitler. Neither the ministries nor the Cabinet, neither the states nor the administrative courts, could act against his dictum. The ludicrous extension of the Enabling Act that preserved a faint aura of legality in the realm of legislation had in effect become quite superfluous. For, outside these remnants of the legal state, there stood the naked “right” of the Führer to issue orders and commands at will. Even his speeches were considered as binding sources of legislation and had the force of law when deemed expedient.

The Führer was also the “supreme judge” of the nation, as he had told an approving Reichstag and was applauded by legal scholars after the bloodbath of June 30, 1934. Judges and civil servants rendered loyalty oaths to him, and ultimately he assumed the power to dismiss any judge who passed sentences he thought too lenient or who failed to administer the law in accordance with National Socialist beliefs and interests. This power, enthusiastically confirmed by the Reichstag on April 26, 1942, destroyed an independent judiciary and revealed the façade of the dual state for what it was: a transitory, tactical concession. Instances of illegal transfers to concentration camps, even after acquittal by courts, multiplied; political interference in court proceedings became more and more frequent. The trials of the People’s Courts and their predetermined outcomes were merely a final consequence of the subservience of law to the omnipotence of the leader principle. If, for example, the case of the graphic artist Erich Knauf was a matter of the personal vindictiveness of Goebbels, who felt insulted by a critical remark of Knauf’s and persuaded Judge Freisler to pass a death sentence, it also was evidence of the total power wielded even by second-level leaders.

The pertinent organizational definitions of the powers of the leader


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were in inverse relationship to their boundless applicability. During the seizure of power, they had become the basis of the system of rule, and for that very reason were insolubly connected with the person of Hitler. This was bound to create problems relating to the very real question of succession. The National Socialist system undoubtedly wanted to be more than the temporary rule of Hitler. It laid claim to the finality of the “Thousand-Year Reich” and wanted to have its “eternal” existence taken seriously. But all preparations for a succession invariably posed the question of whether efforts simply to change the person were not doomed to failure in view of the amorphous nature of the leader principle and its peculiar commixture with Hitler’s career. The naming of Göring as Hitler’s first successor and Hess as his second, in a speech delivered by Hitler after the unleashing of the war, was little more than a dramatic gesture. A “senate” which was to clarify the further succession was never formed. Hess dropped out of the race, and at the end of the war Göring’s feeble attempt to take power also failed. Hitler himself nipped in the bud any possibility of Diadochan battles between such “strong men” as Goebbels and Himmler by his surprising decision of April, 1945, to reinstitute the leadership structure of 1933 and hand over the office of Reich President to a military man.

The Third Reich thereby was declared to be merely a transitional stage, and for the last time the extent to which the party, the political power structure, Himmler’s SS state, as well as the leader principle and the total leader state were dependent on and linked to Hitler was clearly demonstrated. Without Hitler, this leader state lacked institutional continuity and binding force. Consequently, the efforts to install Admiral Dönitz as “Reich President” by appointment of the Führer and to accept him as the pillar of the continuity of the state were in vain. Even if the state bureaucracy believed in the continuity of its offices, Hitler’s death indisputably put an end to the top office of the leader state. This rupture defined the unbridgeable gap between the total leader state and a democratic state of law and also delimits the theories of continuity so eagerly advanced by adaptable German legalists of the post-Hitler era.

If one turns from the rarified heights of Hitler’s unlimited powers to the manifestations of the leader principle in the organizations of political and social life, the initial impression of a perfect monolithic order crumbles. In theory, the leader principle was supposed to govern the extension of total power to the lower levels. But the confusing multitude of leaders had to lead to bitter jurisdictional and power struggles. Once the enemy—parliamentary and democratic institutions—had been removed, the conflicts between political leader principle and governmental hierarchy broke out anew. The radical inroads were also felt in the 51,000 municipal administrations. A new municipal regulation of January 30, 1935, abolished self-administration in favor of the leader principle; mayors as the solely responsible and governing “leaders” of their community now were appointed from above. But at
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their side stood the local party leader as deputy of the National Socialist leadership: The dualism of state and party was present on this level as well.

The confusion and conflict of leadership and administrative hierarchy was further complicated by the wide proliferation of leadership positions. The machinery of both party and state had to be expanded if the all-encompassing supervisory functions of the totalitarian system were to be carried out. The alleged inefficiency and corruption of the Weimar democracy were as nothing compared to the costly expansion of the one-party state and the antagonistic coexistence of overlapping top-level bodies. So long as the Führer did not interfere—and he gave free rein to the policy of divide and conquer—nothing could stop this. On the contrary. Over the years, Hitler, in the consolidation of his leader dictatorship, created a vast special bureaucracy which in turn had to collide with the “normal” agencies. Three offices were at his personal disposal: the Reich Chancellery, which in effect replaced the Cabinet and whose chief, Hans Lammers, held ministerial rank; the Presidential Chancellery, which under the eternally flexible Meissner also was part of the structure of the leader state; and, finally, the Führer Chancellery under Martin Bormann, who was in charge of party affairs, and who, as a result of the shifting relationship of party and state, exerted increasing influence on all aspects of Hitler's rule.

Parallel to these offices, numerous ad hoc special deputies set up their own leadership staffs. Thus in 1936, Göring, as head of the Four-Year Plan, was put above the ministers and specialists of the arms and war production agencies, now reduced to executive functions. Aside from the ministries and the Cabinet, supreme Reich offices had been created which encroached on the jurisdictions of other bodies, fought for controlling powers, and issued orders over the heads of other agencies—as, for example, the Inspector of Roads (Fritz Todt) and the Reich Youth Leader, who imposed his educational reform campaigns on the cultural agencies. These supreme offices were directly under the Führer, as were the Central Agencies of the Reich Administration. One such office was the Reich Commissar for the Consolidation of the German Nation, who on October 7, 1939, was charged by Hitler with initiating policies for resettlement in the East, over the heads of numerous other agencies. In the hands of Himmler, this turned into an instrument of Germanization, looting, and extermination. On the other hand, a Reich Commissar for Public Housing, appointed in 1940, was to open up visions of a beautiful postwar world filled with lovely houses. On the same plane was the appointment in 1927 of a General Building Inspector for Berlin to plan the grandiose remodeling of the future “world capital city.” Hitler himself contributed megalomaniacal, imitative designs of

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“insane monumentality” to this project, such as a 1,000-foot-high people's assembly chamber with a seating capacity of 100,000.

Among the tasks of this office, at which Albert Speer, then a young architect, began his rapid rise as Hitler's protégé, was the construction of gigantic stadia in Nuremberg, the city of the Reich party congresses, and the artistic redevelopment of Linz, the city of the Führer’s youth. With a dictator's certainty of his role in history, Hitler, in one of his bombastic “art addresses” at the party congress of 1937, called the former project the “imperishable confirmation” of the power of the Third Reich: “Therefore these edifices are designed not for the year 1940, and also not for the year 2000, but shall tower like the spires of our past into the millenniums of the future.” Only a few fragments still remained in 1945 as testimony to this nonstyle of pseudo-antique form, ponderous excess, and solemn emptiness. Speaking at the ceremonial laying of the foundation stone of the Nuremberg Assembly Hall, Hitler made clear the reasons for this project: “But if this movement should ever fall silent, then this witness here will still speak after millenniums. Amid a holy grove of ancient oaks, people will gaze at this first giant among the buildings of the Third Reich in awesome wonder.” Hitler reputedly even had a sketch prepared showing what the building would look like as a weathered ruin, and said that the “concrete mass and stone colossi which I am erecting here” were greater than the pyramids: “I am building for all eternity.” And in a mood of Götterdämmerung, he added: “We are the last Germany. If we should ever go down, then there will no longer be a Germany.” Hitler's building mania already showed that identification of his fate with that of Germany which was to dominate the final stages of the Third Reich.

The leader principle also made itself felt, particularly during the war, in the roles of a multitude of additional top agencies that superseded the traditional machinery of government. The German Central Bank, for example, lost its independence when the arms program had to be financed, and in 1939 it, too, was put directly under Hitler. The special position of the “representatives of Reich sovereignty” in the occupied countries rested solely on the Führer. For example, the official in Prague's Hradcchin Palace who governed Bohemia and Moravia held the euphemistic title “Reich Protector.” The first Protector was Neurath, who had been ousted from the Foreign Office and like Papen let himself be used; he was succeeded by Heydrich (1941–42) and then by Police GeneralDaluge. There was also the Governor General of rump Poland, Hans Frank, who, holding court in the castle of Cracow, administered the barbaric Jewish and Polish policies, though in endless conflict with the SS offices. The governments of other occupied countries were also directly under the Führer, even though, unlike


17 Kongressbericht (Munich, 1936), p. 78.


19 Frank, Im Angesichte des Galgens (Munich, 1953), p. 312.
Czechoslovakia and Poland, those countries were never fully under German legal and administrative jurisdiction, at least not formally.

Within the framework of the leader state, the monopoly party officially embodied the connection between Leader and people. The division of party and state remained, except in the person of the Führer, who combined the two. The party auxiliaries continued to be built up and institutionalized; they extended into all areas of social life. In addition, the party's special departments continued, frequently in uneasy coexistence with the governmental departments, even though they never built up a comparable hierarchical structure, and a party cabinet comparable to the Soviet Politburo was out of the question in view of the leader principle. Structured according to the leader principle, the party formed a tight net of office holders, of political "chiefs": block chiefs, cell chiefs, local chiefs, district chiefs, regional chiefs (Gauleiter). Up to 1938, there were thirty-eight regions; in the course of the war, the "Greater German" regions of Austria, Czechoslovakia, Poland, and Alsace-Lorraine were added, making a total of forty-five. The Gauleiter, the old guard of the party, were to gain special importance during the war, when they were given administrative and policy-making powers and finally were made Defense Commissars for their regions.

The determined independence of the monopoly party found expression not only in the development of a separate party judiciary but even more so in the prohibition of any criticism of the party, in the legal protection of its symbols, and in the secrecy surrounding its activities. And although the NSDAP was the state party, its finances were not under state control. In line with the leader principle, the millions of marks in membership dues, the collections and contributions, and the party's vast assets were outside public supervision or control. In this respect, too, the dictatorial "order" offered an opportunity for corruption far greater than anything possible under the "bossism" of the democracy.

The interlocking of party and government leadership was complex yet incomplete. Beginning with Hitler, there was a system of interlocking party and state positions, as for example in the dual functions of Goebbels, Hess, Himmler, Rust (also Gauleiter of Brunswick), Ley, Schirach, Bohle (AO and Foreign Office), and a number of Gauleiter who simultaneously held high party and governmental positions. This led to fresh conflicts with rival party officials in high government posts who led to part of the old governmental and administrative hierarchy. But whereas the "unity of party and state" was never fully realized in the ministries, the interrelation was strong in the cities and municipalities. This is where a great many party veterans installed themselves in administrative posts. In 1935, they held almost 50 per cent of all municipal administrative positions and almost 30 per cent of all district offices. Thirty-one per cent of all party district leaders and 19 per cent of all local leaders were in national or communal executive positions, while the cell and block leaders were left out in the cold (only 2.5 per cent held official posts). And almost 60 per cent of those district leaders in official positions were mayors of cities; the local leaders were mayors of smaller towns. Meanwhile, the size of the leader corps grew irresistibly. In 1935, there were 33 regional leaders, 827 district leaders, approximately 21,000 local leaders, and about 260,000 cell and block leaders. By 1937, the total number of political leaders had grown to more than 700,000; in addition, there were the vast number of auxiliaries and subsidiary organizations through which the party encompassed the social and professional life of the country. During the war, the total number of leader positions was around 2 million. Germany had become a nation of leaders. Although all had to obey, many could at least also give orders somewhere, could share in the leader principle: a gigantic Obrigkeitstaat under a charismatic flag.

And indeed, the vast supportive apparatus of the political leader principle continued to edge closer to the machinery of state both on the personnel and organizational level. The new crop of civil servants almost in its entirety was at least nominally committed to the party; education, examinations, training programs, and advancement were increasingly made dependent on party or Hitler Youth membership, on party recommendation and years of membership. This meant that civil servants and judges more and more found themselves subject to the authority of party leaders of backgrounds very different from theirs. State and party hierarchy were rivals; there were extreme cases in which, by virtue of the leader principle, a subordinate would issue orders to his superior. Party comrades moved into the personnel offices of the administration, and conversely, expulsion from the party generally also meant dismissal from one's job. The Civil Service Law of January 26, 1937, gave the Leader the right to dismiss tenured employees whose loyalty was doubted by the party. An employee moreover also had to report anything whether on the job or outside that in his opinion might possibly be injurious to the party and National Socialism. He was, in effect, being turned into a potential Gestapo agent. However, though party affiliation of high-ranking employees was thought desirable, Hitler himself did not deem it an absolute prerequisite for advancement. But given the combination of pressure and opportunism, the initial forbearance shown the bureaucracy gave way to the penetration of the administration by the party, at least nominally; continuing adaptation and expansion served to accelerate this process. As early as 1937, 86 per cent of all civil servants in Prussia, and 63 per cent in the rest of the country, belonged to the NSDAP, but of these, only 48 per cent in Prussia and 11 per cent in the rest of the country were old members. The percentage of civil servants in the NSDAP rose from 6.7 per cent before 1933 to 29 per cent by 1935.22

21 Schoenbaum, op. cit., p. 228.
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Thus in the bureaucratic sector too, Nazification followed rather than preceded the seizure of power. The most rapid strides were made in Göring’s Prussia and in the municipal and provincial administrations. But the top civil service, particularly in the Interior, Education, Agriculture, Justice, and, of course, in the new Propaganda and Air Ministries, was under great pressure. In addition, there were the many quasi-civil-service positions created by the party for the functionaries of its auxiliaries. For all these reasons, the taunting of the administrative structure, a reform clamorously advocated before 1933 as a vital necessity justifying dictatorship, was of course out of the question. Like state reform, it remained mired in political proclamations and maneuvers. And like the party, the state under the leader dictatorship did not become less costly; on the contrary, it became immeasurably more expensive, even before the regime gambled everything away during the war. The cost of government, with the able assistance of rearmament and party patronage, rose astronomically. Between 1934 and 1939, the budget of the ministries increased by 170 per cent overall, according to the degree of their involvement in rearmament and police-state surveillance and their closeness to the party. In view of their many new functions, the Justice and the Interior Ministries were way out front, followed by those involved in some aspect of militarization; the Foreign Office, whose powers had been so sharply curtailed, limped far behind. Yet the salary cuts made in Brüning’s time were not restored; the increases were the result entirely of vast personnel expansion. The party, on the other hand, paid its employees an additional month’s salary at Christmas time. As early as 1935, the Munich party headquarters alone employed 1,600 persons, housed in 44 buildings, and the national party 25,000, according to the proud proclamation of the national treasurer, Franz Schwarz.23 In the meantime, beyond the unresolved dualism of party and state, a separate apparatus, one which was destined to become the true embodiment of the radical consequences of Nazi rule, was being formed: the SS state.

Totalitarian Terror: The Rise of the SS State

The omnipotent power of the Führer, abrogating all state and legal norms and sanctioning all deeds, was the basic law of the Third Reich. The creation of the system of terror and extermination, and the functioning of the police and SS apparatuses operating that system rested on this overturning of all legal and moral norms by a totalitarian leader principle which did not tolerate adherence to laws, penal code, or constitution but reserved to itself complete freedom of action and decision-making: Political power was merely the executive of the Leader’s will. It would be misleading and simply echo the self-delusion of the state bureaucracy to dismiss the “regular” legislation of the regime as a lesser evil and perhaps to see the Nuremberg Laws and the pseudo-legal

commentary by jurists like Stuckart and Globke as freaks in the “non-official terrorism.” 24 For in fact not only do the reasons for these laws defy belief, but they helped to supply the legitimation which even a totalitarian regime, for tactical reasons, cannot do without. A factor lending support to the many illusions of the population and the civil service, and one that played so disastrous a role in lulling their misgivings was, to a considerable degree, the meshing of the two sectors, the camouflage and screening of the terror and violence by formal state-judicial measures. This was the nature and function of the “dual state,” in which norms of justice and law continued outwardly to exist but were subject to rescission and assigned the function of serving as the façade for the unrestricted “measures” of the total powers of the Leader.

The Reichstag fire decree of February 28, 1933, which furnished the pseudo-legal basis for the state of emergency, was not the “temporary” provision intended by the much-abused Article 48 of the Weimar Constitution; rather, it was in force throughout the life of the Third Reich and was the first opening for the extralegal policy of coercion and terror. It made possible the circumvention of the courts and the state bureaucracy and the building up of a separate bureaucracy of terror. This is the area in which the revolution actually took place, not in the changes of the traditional machinery of state; only in the build-up and encroachment of the police and SS state did the leader dictatorship prove to be a truly revolutionary system of rule. This new power alongside and outside the state has been called the “Führer executive”: “To this machine were allotted all those political tasks in which Hitler was really interested; in particular the preservation of his own power, demographic policy, the policy for the occupation of conquered territory, persecution of all actual and supposed opponents of the regime.” 25 The Gestapo became the institutional basis of this innermost reality of the Third Reich; the further institutional expansion was borne by the SS, which as the elite formation developed the multifarious structure of a separate state. Its beginnings go back to the “fighting years.” Formed in 1925 as Hitler’s personal guard, the SS was not in the tradition of combat groups like the SA, even if after 1926 it was under SA command. It saw itself as the heart of the NSDAP, as a sort of party police, and after 1931, Heydrich, in close association with Himmler, did in fact build up the Security Service (Sicherheitsdienst, or SD) as a secret police control organ of the NSDAP. In the seizure of power itself, SS Special Commandos acted as quasi police special guards and “security groups,” from which came the later “Ordinance Troop” (Verfügungstruppe) and the Waffen SS (Armed SS). But the SS became a Führer executive in the true sense after it amalgamated

23 Völkischer Beobachter, February, 27, 1935.


25 Buchheim, op. cit., pp. 139-140.
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with the political police. Within that framework, it was possible to circumvent, and through surveillance put pressure on, the “normal” pillars of justice and administration through secret and special authorizations.

As early as March, 1933, Göring had put the old political police of Prussia under the chief of the police group of the Ministry of the Interior, Rudolf Diels, and given it broader powers; at the end of April, he formed the Gestapo in Berlin and set up Gestapo bases and “directorates” throughout the country. More and more, the Gestapo was made independent of the Prussian administration, while remaining under the jurisdiction solely of Göring. The other opening was in Bavaria. There Himmler, as Police President of Munich, together with his SD chief, Heydrich, managed to gain a foothold on March 9, 1933, the day of Bavaria’s Gleichschaltung; a week later, Himmler was given control over the entire political police of Bavaria. Within months, he had gained control over the political police in all German states; only in Prussia was he still formally subordinate to Göring. The personal union of the now centralized Gestapo and Himmler’s SS, formally independent since 1934, formed the power base of the SS state. Though the jurisdictional conflicts with the state administration continued for years, particularly in Prussia, the Gestapo was officially authorized “to root out and fight all pernicious efforts throughout the country,” and its activities were not subject to court review. The leading Gestapo lawyer, Werner Beut, made the lapidary observation that the “division between the Secret State Police acting according to special principles and requirements and the administration working according to general and uniform legal regulations is hereby completed.”

This development was topped off by investing the Reichsführer SS with the newly created office of Chief of the German Police through a Führer decree of June 17, 1936. It meant the centralization of the entire police, which hitherto had been under the jurisdiction of the individual states, and at the same time the transfer of the police from administrative to SS control. The misuse of Article 48 (state of emergency and Gleichschaltung of the Länder), the snuffing out of the sovereignty of the German states (law of January 30, 1934), and the “centralization” (Verreicheung was the technical term used)—all against the will of the Interior Ministry—resulted in the independence of the domestic terror machinery, which found institutionalized expression in Himmler’s official titles: Reichsführer SS and Chef der deutschen Polizei (Chief of the German Police); in the jargon of the Third Reich, these were known respectively as RFSS and ChdDtPol. Himmler’s subordination to Minister of the Interior Frick was a purely formal one, for in practice he was given Cabinet rank and himself claimed some of the powers of the Interior Ministry, and this long before his powerful position and the pre-eminence of the SS was formalized with

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his taking over the Ministry and the entire administration (1943). Moreover, Himmler declined to become part of the civil-service structure. His conflicts with Frick showed quite early that not only was he independent, but by virtue of his close contact as Supreme SS Chief with Hitler himself, he was the stronger man in the Interior Ministry.

The personal union of SS and police control more and more turned into an actual union of leader powers and official position, consolidated by SS and police personnel. In June, 1936, Himmler ordered the division of the police into two main departments: the Order Police (Ordnungspolizei) under Daluwe (as general of police), and the Security Police (Sicherheitspolizei) under Heydrich, who as SS Group Leader also continued as chief of the Security Service of the SS in charge of intelligence and ideological control. The fact that the criminal police as well became part of the Gestapo was also of major consequence. The divisions, beginning in 1938, of the political police within the framework of this “Main Office Security Police” give an inkling of the extent of surveillance and the scope of the groups whose persecution and extermination was the purpose of the apparatus: II-A—Communism and other Marxist groups; II-B—churches, sects, émigrés, Jews, camps; II-C—reaction, opposition, Austrian affairs; II-D—protective custody, concentration camps; II-E—economic, agrarian, and sociopolitical affairs, and organizations; II-G—supervision of broadcasting; II-H—party affairs, groupings, and auxiliary organizations; II-J—foreign political police; II-Ber.—situation reports; II-P—press; II-S—fight against homosexuality and abortion (as a political task!); III—intelligence. Beyond this, a separate “political administration” alongside and above the state administration was built up. In the background there was a triple goal: SS departments for all political areas and the complete integration of the police into the SS and SS army, resulting in a ruling system with its own bureaucracy and coercive apparatus, with the police as the most important wedge. The subsequent division of the SS into three main pillars—General SS, Waffen SS, and police—was in line with this objective.

The process was formalized decisively when, shortly after the beginning of the war (September 27, 1939), Security Police and SD were coordinated in the Reich Security Office (Reichssicherheitshauptamt, or RSHA), thereby institutionalizing the personal union under Heydrich. In addition to the Political Police (under Heinrich Müller) and the Criminal Police (under Arthur Nebe), the RSHA among others also took over the SD offices for “enemy research” under Professor Franz Six (later “Ideological Research and Evaluation”), for “German Living Areas” (Otto Ohlendorf), and Foreign Intelligence (Heinz Jost). In the course of wartime expansion, the RSHA as the central agency of the SS state not only grew enormously but was repeatedly reorganized. First a “Greater German Areas of Influence” department was set up, and later departments for occupation and extermination policies, which were divided into “subjects” areas like Left and Right opposition, anti-sabotage work, anti-espionage, Jews and churches, special tasks, and

27 Deutsches Recht, April 15, 1936, pp. 127 ff.
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It was both vital and typical that this superagency could, as needed, appear in the guise of governmental, police, or SS agency; this made possible both tactical camouflage as well as the mobility required by the terror and extermination measures and policies of the metastate. Here as well as in the area of government, traditional structures and names lived on in the service of a purely formal legalization, which could be rescinded or changed at will and which, moreover, reality had long since made obsolete.

The giant apparatus was tested outside Germany for the first time in the occupation of Austria and Czechoslovakia. Here the SD and Gestapo Einsatzstab and Einsatzgruppe (special staffs and commandos) for the “safeguarding of political life,” which were to play so crucial a role in the occupation and annihilation policies of the future, made their debut. Their appearance in the wake of the Army, a blueprint for the terror of the Einsatz commandos during the war, was quite openly described in the Volksische Beobachter of October 10, 1938: “At the same time, the men of the Secret Police within the Security Police, in close cooperation with the advancing Army units, immediately set about to purge the liberated territories of Marxist traitors and other enemies of the state.” The procedure was also followed in the preparation of the Polish campaign. Each Army was supplemented with an Einsatz commando wearing the battle dress of the SS disposal troops, to “fight all anti-Reich and anti-German elements in the rear of the fighting troops.” Thus by the time the war was started, the new power had been fully established. The second stage in the realization of an untrammeled will to rule now began, domestically as well as in other lands.

The development of the nucleus of a political administration from the police was a presupposition for the rise of the SS state. As early as 1937, Himmler quite officially—in a Festschrift for the sixty-year-old Frick, who presumably was a major victim of this move—had given the political police the task of creating, not merely of safeguarding, the new political order. And simultaneously he stressed that this independent activity, beyond any law and unfettered by formal restraints, would be carried out “only on orders of the leadership.” This meant that in the political area, control lay not in the state bureaucracy but in the hands of the SS police, as the instrument of the will of the Führer and unhampered by law. Police power became political power; its protective role was transformed into a “positive” claim to make policy beyond the “legitimate” state power. Behind the pseudo-legal disguise, police power represented the permanent revolution; it no longer had to act in accordance with laws and decrees but instead based its actions on the “over-all mission allotted to the German police in general and the Gestapo in particular in connection with the reconstruction of the National Socialist State.”

In the tactical application of this principle, one could, of course, whenever it was deemed opportune, fall back on legitimacy. “In principle,” however, this was su-

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perfluous: “Only in those cases in which it appears desirable that state police orders be given the protection of the penal code should the decree of February 28, 1933, be invoked.” So even the Reichstag fire decree, pseudo-legal at best, was no longer essential.

Long before the primacy claim of the SS police state could be fully instituted and implemented in war and occupation, it was being substantiated in a stream of declarations and measures. On October 1, 1936, Himmler, addressing the German Law Academy, had this to say about the building up of police powers: “We National Socialists then ... went to work not without right, which we carried within us, but, however, without laws.” Führer orders as well as court decisions confirmed the right claimed by the Gestapo, or the RFSS and ChdDTPol, respectively, to act unfettered by legal restraints. The political “total assignment” justified any measure and any move to interfere with or supersede the state administration. Once the indefinite, elastic, and verifiable principle of “prevention” was substituted for the protective role of the police, all possible limits to the total claim to the right of surveillance, persecution, and extermination of potential enemies were removed; this was true even more of the so-called “positive” measures of National Socialist policies which rested on this terror. Even so passionate a National Socialist as Hans Frank had to recognize the complete arbitrariness of the police state in 1942, in which “any citizen can be consigned to a concentration camp for any length of time without any possibility of redress,” the result of a “judiciary ... almost completely dominated by the police machine.”

The revolutionary and totalitarian ruling claim of the Nazi regime was a constant presence in the apparatus and methods of the SS police state. As significant as the continuity of pseudo-legal structures and the chaotic rivalries of the Third Reich may be in an evaluation of the system, it was undeniably revolutionary and totalitarian insofar as that “second state” reversed all former concepts of order and value and at the same time laid claim to the total control of man and the reshaping of his functions in the service of the new order. (To what extent this definition also applies to other pseudo-legal revolutions of the twentieth century and to other terrorist one-party regimes should be made the subject of more probing studies of the fascist and Bolshevik systems.) The National Socialist regime was totalitarian not only in its ideological claim of the omnipotent leader dictatorship, but also in the reality of its terror system. And this was the decisive characteristic: that a police power having become SS rule and enjoying unlimited discretionary powers could take “preventive” action also against persons who at most were suspected of possible opposition or infractions. We are dealing here not “only” with the external coercive measures of a dictatorship, but with the creation of ideological and racial policing powers that encroach on every aspect of human life. The establishment of concentration camps, instruments of both re-education and terror, and their development

28 Decree of the RSHA of April 15, 1940, in Buchheim, op. cit., p. 190.

29 Memorandum of August 28, 1942, in ibid., p. 199.
into pillars of mass arrests and mass extermination were simply consequences of this totalitarian authority. It went considerably beyond that of the Stalinist system of the 1930's.

In the opinion of the SS leadership, this total power necessitated control also over presumably unpolitical problems of organization and order. Heydrich believed that the SS police state guaranteed "the total and permanent check upon the situation of each individual," for he was "responsible not only for executive security measures but also for security in relation to the ideological and other aspects of life," and in line with Nazi ideology of rule and race, this terrible terminology encompassed all aspects of life. This was not simply a belated interpretation on the part of a power-hungry SS leadership. The official party publication *Das Recht der NSDAP (The Law of the NSDAP)* proclaimed the totalitarian doctrine that "not only the 'warding off of danger' in the liberalistic sense [was] the task of the police, but also the control of the entire scope of duties of the individual vis-à-vis the people's community." The appointment of the Reichsführer SS to the post of chief of police in itself documented the "close relationship" that had come into being "between the police as the protector of the people's community and the NSDAP as the representative of the popular will." And Himmler himself had said in the *Völkische Beobachter* of June 18, 1936, on the day of his appointment as head of the police, that the "battle for generations" would be led in the outside world by the Army and domestically by "the police, fused with the Order of the SS." And so at the 1938 Greater German Party Congress, the police marched in the ranks of the SS.

The union of police and SS personnel into one State Protective Corps (Staatsschutzkorps) was promoted step by step. This naturally created certain problems for the SS and its claim to be an elite order: SS fitness, Aryan proof, marriage permits (if necessary retroactive) remained qualifying conditions. Yet the drive to put the police into SS uniforms and its penetration by SS members was intensified during the war; above all, its leadership lay in the hands of the SS. The personal union was particularly apparent in the function of the so-called Higher SS and Police Chiefs (HSSPF). It was probably no accident that this was happening at the same time as Hitler was refining his war plans. The SS police power, as the totalitarian counterpart to the Army, was, in preparation for the mobilization in every Wehrkreis (defense sector), which was identical with the SS command sector, put under an HSSPF whose relationship to the administrative offices and the war organization was essentially undefined, despite his subordination to Reich governors and provincial presidents.

After the beginning of the war, it became evident that here existed yet another opening for the independent expansion of the SS state, though it also opened up endless conflicts of interest with the military and civilian administration, particularly in the occupied territories. Yet the direct connection with Himmler assured a measure of independence and arbitrariness, as exemplified particularly by the self-willed acts of the HSSPF of Poland (Friedrich Wilhelm Krüger) in opposition to Governor General Frank. This was true also for the HSSPF's relationship to the Army in East and West and was responsible for the creation of special SS and police courts paralleling the Army's judicial system. The terror machine was directed by one hand, and formal subordination meant little in the face of the real independence of the SS and its HSSPFs, which were equally feared by administration and Army; the HSSPF sections controlled the Order Police, Political Police (Security Police), SD, General and Waffen SS, and, finally, by order of Himmler of May 21, 1941, were to control the "political administration" (which Himmler equated with police powers)—the basis and ultimate purpose of the metastate SS state. What was being tested in the occupied territories was the preparation for the final promulgation of the total war command order. Only the SS power, the quintessence of National Socialism, was "political"; in the still traditional state structure of the Third Reich, which for tactical reasons had been preserved, it alone was the new and therefore completely reliable power validating the revolutionary and totalitarian claim of National Socialism and in a position to realize it unconditionally and with finality.

The role played in this connection by the development of the Waffen SS into an ultimately powerful rival of the Army will be discussed in the section on the war system. While this process gave increasing visibility to the total power claim of the SS, the concentration camps and Jewish persecution had, even before the war, formed the nub of the activities on which rested the expansion of the SS state. Here, too, the transition from the improvised terror of the early years to the gigantic concentration-camp system of the extermination era typified the interrelation of opportunistic power politics and purposeful totalitarian organization that marked the implementation of the "new order" generally. The significance of the concentration-camp system in Nazi rule has been excellently summed up in a basic study by Martin Broszat:

The fact that the concentration camps were retained after 1933/4 without objective necessity signified an intentional prolongation of the state of emergency, and it was not accidental that after the outbreak of the war they assumed gigantic dimensions. For even in internal affairs war was the element most characteristic of the National Socialist leadership; it was the great state of emergency which enabled it to carry through totalitarian control. The protective custody camps for enemies of the State became centres of forced labour, biological and medical experiments and the physical extermination of Jewish and other unwanted life.32

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31 Munich, 1936, p. 479.
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The first departure from established legal norms came in March, 1933, with the institutionalization of "protective custody" as "political custody"—a preventive measure in the fight against potential enemies of the Nazi revolution. Here, too, the Reichstag fire decree, by suspending basic rights, formed the pseudo-legal basis. Before that time, protective custody had been a police measure limited in time as well as locally and legally, to be invoked in exceptional circumstances. Now it became an accepted preventive measure without any legal limitation. It was intended initially to help smash the Communist Party and "Marxism," an action which, according to Hitler's dictum in the Cabinet meeting of February 28, 1933, "was not to be dependent on legalistic considerations." But at the same time, it furnished the springboard from which the police could launch the unrestrained terror of the new regime throughout the country. The mass arrests of Communists and Socialists that began on February 28, 1933 (in Prussia alone, 25,000-30,000 persons were arrested during March and April), brought the first provisional concentration camps to relieve the overcrowded prisons. On March 20, 1933, Himmler opened a camp under SS control in the barracks of an old powder factory in Dachau, near Munich. The SA and SS "supplemented" the preventive police custody by their own brutal arrests. The settlements of old personal grievances, vicious destructiveness, and looting became commonplace; maltreatment and killings in overcrowded prisons and improvised concentration camps were everyday affairs. In addition to Dachau, camps were set up also in Oranienburg (near Berlin), Papenburg (Ems region), Esterwegen (Ems region), Dürkoy (near Breslau), Kemna (near Wuppertal), Sonnenburg (Warthe, near Frankfurt/Oder), Sachsenhausen (near Berlin), Quednau (near Königsberg), Hammerstein (Pomerania), Lichtenburg (near Merseburg), Werden (Esen), Braunau (near Cologne), Börgersen (Ems region), and the notorious SS Columbia House special prison (Berlin).

With the progress of Gleichschaltung, the wave of arrests was extended to other parties and groups, to trade unions and, above all, to Jews. A growing number of concentration camps were organized and financed as state institutions, as a "provisional" transitional solution pending the creation of permanent camps in which inmates were to be put to work at productive tasks. True, after the first wave, the number of arrests temporarily declined: according to official reports, there were about 27,000 political prisoners on July 31, 1933 (of which 15,000 were in Prussia). But the consolidation of the regime and the decline of the SA, accompanied by the tactical slogan of the "end of the revolution," merely signified the transition from planless terror to planned persecution. According to a memorandum of the Prussian Ministry of the Interior of October 14, 1933, persons in protective custody were no longer to be arbitrarily "kept" but transferred to state concentration camps or, if need be, to prisons. According to yet another memorandum (January 9, 1934), protective custody was not to be invoked against lawyers defending undesirable clients, and neither was it to be a sub-

stitute for legal proceedings, as apparently was the practice—anticipating the methods of the future.

After Himmler's assumption of police powers in 1934-35, the institutionalization of the persecution and concentration-camp system was completely integrated into the SS. Protesting ministries and governors (for example, Epp in Bavaria) were pushed aside in a series of jurisdictional conflicts. On June 30, 1934, the SS also replaced the SA guards in the concentration camps, and all future attempts of the judiciary or administrative apparatus to abolish the system of protective custody and concentration camps or bring them under control were doomed to failure. Through personal contacts with Hitler, Himmler was able to throttle repeated efforts to intervene, particularly on the part of the Ministers of Justice (Göttter) and Interior (Frick). Along between October, 1935, and May, 1936, the Gestapo arrested a total of 7,265 persons for "KPD and SPD" activity, and the vague reasons sufficed: behavior "hostile or harmful to the state," "political activities," or "seditionary behavior," "spreading atrocity stories" or "insulting leading personalities," "defamation of the swastika" or "vilification of Gauleiter Streicher."[33] The threat of internment hovered over all who dared criticize the regime. For the time being, the Reichstag fire decree, which was expanded to include the indirect "Communist threat" allegedly posed by religious groups, was accepted by the courts also. And at the same time, the political-totalitarian, quasi-military basis of the concentration-camp system, according to which established legal norms no longer were expected to apply in the means used, gained ground; the props of this method of "protecting the state" saw themselves rather as members of a "combat league" charged to "root out" all dissent, to "ferret out enemies of the state, to keep watch over them and at the right moment render them harmless," and for that purpose, "independent of all past ties, to use every appropriate means"—the authorization for this "deriving solely from the new concept of the state, without requiring any special legitimation."[34] This theory, developed by Werner Best, the Gestapo's top legal expert, also furnished the broad framework for the institution of the far-flung concentration-camp system, the nucleus of the future SS state. The consolidation of the Nazi regime after the turbulent seizure-of-power phase set the pace for the organization and monopolization of a "regular," bureaucratically regulated concentration-camp system administered by the SS.

The model, Dachau, had been operated by the General SS since its inception. Crude "special regulations" sanctioned cruel and brutal "punitive" measures; summary proceedings were instituted and an SS camp court, under the chairmanship of the camp commandant, meted out punishment, including death sentences. In contrast to the arbitrariness of the SA camps, the SS here began the institutionalization of the terror which became the hallmark of its independent policies

[33] Ibid., p. 425.
outside the rule of law and government. Himmler was forced to drop the first Dachau commandant, Hilmar Wäckerle, in June, 1933, but his 41-year-old successor, Theodor Eicke, became the real pioneer of the new terror. A native of Alsace-Lorraine, active paymaster in World War I, discharged from the police because of antirepublican activities, later employed in the industrial counterespionage department of IG Farben in Ludwigsfahren, Eicke began his rise in the SS in 1928. Sentenced to two years for his role in bomb plots, he fled to Italy. In February, 1933, Eicke was again at his post, although he had been held in temporary protective custody after a fight with his Gauleiter (Josef Bürgkel) and was under psychiatric observation by Dr. Werner Heyde, the very man who later headed the euthanasia program. Himmler brought him to Dachau directly from the clinic at Würzburg. Within a year, Eicke, who had distinguished himself in the murder of Röhm and his comrades, rose to the position of Inspector of Concentration Camps and SS Guard Units and to SS Group Leader (July, 1934), and also remained in his post of camp commandant until 1935.

The structure of Dachau served as the model for the reorganization and consolidation of the concentration camps. The system of brutal punishments was expanded in Eicke’s detailed instructions of October, 1933, to include lashings in the presence of guards and inmates; the death penalty was proposed among other things for incitement and spreading atrocity stories; every penalty increased the length of detention; and it was a basic rule that punishments were to be administered with the greatest harshness and inflexibility yet impersonally and in a disciplined fashion. Death’s head insignia and ready weapons for use against the enemy—such were the precepts of the Alsatan former paymaster and executioner who embodied the combination of bureaucratic systematization and uninhibited violence typical of the SS state. The future Auschwitz commandant Rudolf Höss was among those who received their early training at Dachau.

Even at this early date (1934–35), the legal apparatus, despite some efforts at intervention, proved to be increasingly impotent against the concentration-camp system’s claim to the right to pass and carry out sentences on its own. In most instances the explanation that a camp inmate had been shot while resisting a guard or trying to escape sufficed to ward off any possible investigation. And the guards shot without warning. The National Socialist idealization of combat found fulfillment in peacetime by conducting a permanent war against the internal “enemy.” The claim to independence, which was also asserted by putting the political police outside the traditional machinery of state, won out over all attempts to impose controls. The close connection of the concentration-camp system and the political police was made evident by the “political departments” under Gestapo or police officers that were attached to every camp. These officers conducted interrogations, were in charge of the “registration” file of the inmates, of contacts with the judiciary, and of the issuance of death certificates and discharges. By the end of 1934, the SS guard units (also called

“Death’s Head Units” because of their collar insignia) stationed in the camps were taken out of the General SS and established as a special branch of the armed SS under Eicke. In 1938, Eicke’s camp administration moved from Berlin to Oranienburg, near the Sachsenhausen camp, and there it remained to the end of the war, in constant close touch with Himmler. Eicke thus was generally in a favorable position in any conflict with the General SS and with the Gestapo, which had jurisdiction over the sentencing and discharge of prisoners. Eicke himself, by then General of the Waffen SS (Death’s Head Division), was killed in action in Russia in February, 1943.

One of the consequences of the consolidation of Nazi rule was that by the winter of 1936–37, the number of camp inmates had declined to fewer than 10,000. Of the seven camps operating in 1935, some were dissolved (Hamburg-Fuhlsbüttel, Oranienburg, Esterwegen, Columbia House, Sachsenburg) and the inmates transferred to new camps—Sachsenhausen and (after August, 1937) to Buchenwald (near Weimar) —as well as to Dachau. In addition to Lichtenburg, which was made into a woman’s camp (after 1939 in Ravensbrück [Mecklenburg]), there thus were three camps in 1937–38, each of which served as headquarters of a Death’s Head unit of 1,000–1,500 young men (mostly sixteen- to twenty-year-olds), while the camps themselves were staffed by 120 SS men. The persecution now was extended also to so-called antisocial parasitical (volks schädigende) elements, who under existing laws would have gone unpunished. “Asocials” (conveniently interpreted as the need arose), “work-shy elements” (a category encompassing the rejection of offers of work “without good reason”), homosexuals, and Jehovah’s Witnesses were “preventively” detained in concentration camps, together with “habitual criminals,” émigrés, Jews, and political prisoners who had served prison sentences or had been acquitted by regular courts (!). Chevrons of different colors worn by the prisoners indicated their respective “category.”

The admixture of political, criminal, punitive, and preventive considerations characteristic of the new phase of concentration-camp policy that began in 1937 brought an increase in the camp population. The relevant orders which Himmler issued in 1937, again on the basis of the Reichstag fire decree, once and for all burst through the provision limiting its application to political enemies and gave the political police and the camp system unlimited powers above and beyond the Ministry of Justice. How feeble the resistance to this was may be gleaned from the lame request of the Ministry of Justice in 1937 to the Gestapo to refrain from detaining Jehovah’s Witnesses in protective custody (after they had served a jail sentence) under circumstances that might be considered detrimental to the standing of the courts.\textsuperscript{36}

The expansion of the camp system rested above all on the claim that the concentration camps also served as “state reformatories and labor

\textsuperscript{35} Details in Broszat, op. cit., pp. 450 ff.

\textsuperscript{36} Ibid., p. 452.