

# Enabling act in hitlers rise to dictatorial power



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This investigation will discuss the significance of the Enabling Act in Hitler's rise to dictatorial power. The summarised evidence includes of background information on the Reichstag Fire and the March 1933 Elections, a summary of the Enabling Act itself and its passage on 24 March 1933, the process of Gleichschaltung, and Hitler's eventual absolute dictatorial power in August 1934.

A variety of sources, similar and contradictory in opinions and perspectives, will be used. Such evidence includes the actual Enabling Act, other primary sources, historians' accounts on Hitler rise to dictatorial power, and other secondary sources. To provide corroborating evidence to convincingly discuss the significance of the Enabling Act in Hitler's rise to dictatorial power, Chapter seven, From Legal Chancellor to Legal Dictator, from the book Republic to Reich by K. J. Mason and the actual Enabling Act will be evaluated.

## **B Summary of evidence**

### **B. 1 Background: The Reichstag Fire, the Emergency Decree, and the March 1933 Elections**

In 1933, Hitler arranged another election to take place. On 27 February, ' the Nazi election campaign was given a boost.'[1]On that day, the Reichstag building in Berlin burnt down. Marinus van der Lubbe, a Communist, was caught inside the building. Some evidence suggests that he was the one to set the building on fire, whereas some evidence suggests that Hermann Goering, chief of police, ordered the Sturmabteilung (Stormtroopers), or SA, to do it.[2]Nevertheless, for the time being, it made no difference. The Nazis took full advantage of the incident and the following day, Hitler issued a

statement placing full blame on the communists.[3]Although this was a false statement, it was exactly what Hitler needed to demolish the Communists and enhance his chances at winning the majority of seats in the forthcoming elections.

Exploiting the Reichstag Fire, Hitler also went to President von Hindenburg and convinced him to issue an emergency decree (For the Protection of People and State) on 28 February.[4]This emergency decree 'suspended' the civil liberties clauses of the constitution[5]and the basic freedoms of the German populace, including the freedoms of assembly and speech.[6]

In the March 1933 elections, the Nazis did fairly well. However, they still did not have an overall majority, with 288 seats out of the total 647.[7]Hitler overcame this hindrance by persuading the Nationalist Party to join forces with the Nazis, and both parties collectively amounted to just over half the seats of the Reichstag.[8]

## **B. 2 The Enabling Act**

On 23 March, when the new Reichstag gathered, Hitler made his proposal of the Enabling Act[9], officially known as A Law for the Removal of the Distress of People and Reich. This new law would grant the government the power, for the following four years, to issue laws without having to go to the Reichstag of president for approval. Being an alteration to the constitution, a two-thirds vote was required to pass the law. Even though the Nazi Party, joined with the Nationalist Party, had a majority in the Reichstag, they still did not amount to two-thirds, and so Hitler needed to persuade other members to vote for the Enabling Act. Hitler successfully managed to do so,

and the Enabling Act was passed with 441 members of the Reichstag voting for it and 94 against it.[10]

### **B. 3 The process of Gleichschaltung**

The passage of the Enabling Act allowed the government to rapidly bring the major agencies and institutions of the state under the command of the Nazi Party and to eradicate the remaining elements of German democracy. This was a period of Gleichschaltung, which meant the process of coordination or 'bringing into line.'[11]The states, trade unions, parties, civil service, the legal system, and the armed forces were all brought under the authority of the Nazi Party. This process transformed Germany into a totalitarian state. Germany was 'Nazified'.[12]

### **B. 4 Hitler as supreme dictatorial leader of Germany**

When President Hindenburg died on 2 August 1934, Hitler combined the posts of President and Chancellor. His new title was 'Fuhrer and Reich Chancellor'.[13]'Fuhrer' not only means 'leader' but can also mean 'guide' or 'manager'. Hitler strived to be all those things. He was seen as a national leader, and became supreme leader of Germany.

## **C Evaluation of sources**

**Mason, K. J. "From Legal Chancellor to Legal Dictator (Germany 1933-34)." Chap. 7 in Republic to Reich: a history of Germany 1918-1945, edited by Paul Brock, Elaine Myors and Carolyn Pike, 103-128. McGraw-Hill Book Company, 1996.**

This chapter in K. J. Mason's Republic to Reich: a history of Germany 1918-1945 gives an excellent overview of Hitler's transition from legal chancellor

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to legal dictator, which is where this chapter gets its name from. The book was written by K. J. Mason, a secondary level modern history textbook author, who is also known for the history textbooks ' Revolution: a study of revolution and revolutionaries in the modern world' and ' Experience of nationhood: modern Australia since 1901'. The book consists of much historiography and a variety of support by primary and secondary source material. This variety of historiography and sources ensure a somewhat unbiased perspective and the author's professional career as a modern history textbook writer ensures accuracy and reliability.

Being a secondary level textbook, this book was put together with the primary purpose of giving students sufficient content to make the historical study of Germany's transition from a Republic to Reich meaningful and to enrich students' knowledge of this subject in history.

This book is advantageous as the contents are principally matters of fact but interpretations are also present. There are continual references to significant individuals and dates and a summary at the end of each section. There is also a thorough list complete bibliographical references that ascertains the use of primary and secondary sources.

The book's main limitation is that perhaps it lacks a more analytical approach rather than a more fact-centred, bird's eye view. However, there are historical debate sections in each chapter. Another limitation is the fact that this textbook was mainly structures for the New South Wales Higher School Certificate (NSWHSC) and thus study questions and exercises have a focus to meet the needs of the NSWHS.

## **Reichsgesetzblatt (The Enabling Act), March 1933: Articles 1, 2, 3 and 5.[14]**

The Enabling Act was drawn up by the cabinet, who was appointed to do so by Hitler, on March 15, 1933. This Enabling Act would give the cabinet legislative power for four years. Hitler's motive in passing the Enabling Act was gaining power and the authority to independently 'enact laws' which would become laws simply by being announced by the government. The Enabling Act was passed on 24 March 1933. The actual Enabling Act, as a primary source, is very valuable as it is an exact translation of the Act as drawn up by the cabinet, and is not an interpretation or an account of it. Translation, however, is a limitation of this source. Of course, the Enabling Act, or Reichsgesetzblatt, was originally written in German. There are many different translations of the Enabling Act. Moreover, Article 4 is missing from this translated version of the Enabling Act. However, Article 4 is concerned with treaties of the Reich with foreign states and so is not extremely significant in terms of the focus of this historical investigation which is the importance of the Enabling Act in Hitler's rise to dictatorial power, and it is not concerned with the relation of Hitler's dictatorship with foreign states.

### **D Analysis**

According to Alan Bullock, a British historian, "Hitler's dictatorship rested on the constitutional foundation of a single law [the Enabling Law]."[15]

Undoubtedly, the Enabling Act, or the Enabling Law as Bullock refers to it, was very significant in Hitler's achievement of dictatorial powers. The extent as to how significant it was is subject to historical debate, and opinions regarding this question may differ.

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The Reichstag Fire was also quite significant in Hitler's rise to dictatorial power as it enabled Hitler to crash the Communists in the upcoming elections of March 1933. However, the Reichstag Fire and its consequence of the Communists being blamed for the incident, and thus not winning as many seats as the Nazi Party in the Reichstag, can be linked to the Enabling Act. In order for the Enabling Act to be passed, a two-thirds vote was needed. A possible interpretation may be that if the Reichstag Fire did not occur, the Communists would have gained a larger number of seats in the Reichstag and they may have voted against the Enabling Act, preventing a two-thirds vote and hence the passage of the Act.

Moreover, the Reichstag Fire allowed Hitler to persuade President Hindenburg to issue the emergency decree. The 'suspension' of the civil liberties clauses of the constitution[16] by this decree was an important aspect in Hitler's dictatorship as it lasted for the twelve years following its announcement in February 1933 whereas it was only supposed to be a temporary measure.[17]

The process of Gleichschaltung was also very significant in Hitler's rise to dictatorial power. During the period of Gleichschaltung, Hitler managed to 'Nazify' Germany and bring the major institutions under Nazi control. [18] However, it may be interpreted that the process of Gleichschaltung was only a result of the Enabling Act because in order to pursue this process, Hitler had to have that much authority in his hands.

In addition, the death of President Hindenburg was also significant in Hitler's rise to dictatorial power as it allowed Hitler to finally become supreme leader

of the USSR. However, essentially, the Enabling Act is what gave Hitler his dictatorial powers. The death of President Hindenburg only provided Hitler with the title of 'Führer' - not with dictatorial supremacy. Article 3 of the Enabling Act stated that 'the laws enacted by the Reich Cabinet shall be prepared by the Chancellor [Hitler].'[19] Even prior to Hindenburg's death, which is when Hitler combined the role of the president with his own, the Enabling Act gave Hitler the power to 'enact laws'.

All the same, Hitler consistently 'preserved the appearance of legality and continuity.'[20] The Enabling Act is what allowed him to do so. It allowed Hitler to issue whatever laws he wanted by simply announcing them, and it allowed him to do so legally. The Enabling Act is what assisted Hitler's transition from legal Chancellor, as appointed by president Hindenburg in January 1933, to legal dictator.

## **E Conclusion**

The Enabling Act was extremely significant in Hitler's rise to dictatorial power. It is fair to say that 'with the passage of the Enabling Act in March 1933 Hitler achieved dictatorial powers.'[21] Although events such as the Reichstag Fire, the March 1933 elections, the publication of the emergency decree and the process of Gleichschaltung, were significant in Hitler's rise to dictatorship, the Enabling Act is what fundamentally gave Hitler the legal right to be a dictator. A dictator is a ruler who establishes absolute power and is unconstrained by law. Hitler was a ruler who undeniably established unconditional power and was unconstrained by law. He was simply unconstrained by law as the Enabling Act allowed him to issue his own laws, which would become laws merely by being announced by the government.

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## **F List of sources**

The sources below are referenced according to the Chicago style of referencing.

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Bullock, Alan. In Hitler: A Study in Tyranny, 266. New-York: Harper & Row, 1964.

Mason, K. J. “ From Legal Chancellor to Legal Dictator, Germany 1933-34.” Chap. 7 in Republic to Reich: a history of Germany 1918-1945, edited by Paul Brock, Elaine Myors and Carolyn Pike, 103-128. McGraw-Hill Book Company, 1996.

## **Appendices**

### **Appendix 1: Hitler’s false statement regarding the Reichstag Fire, blaming the Communists (February 28, 1933)[22]**

‘ This act of arson is the most outrageous act yet committed by Communism in Germany.

...The burning of the Reichstag was to have been the signal for a bloody uprising and civil war...’

## **Appendix 2: Decree of the Reich President For the Protection of People and State (emergency decree)[23]**

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## **Appendix 2: The articles of the Constitution that had been ‘suspended’ under the Decree of the Reich President For the Protection of People and State (emergency decree)[24]**

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## **Appendix 4: Results of the March 1933 elections[25]**

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## **Appendix 5: The Enabling Act[26]**

Article 1 ...the Reich Cabinet is authorised to enact laws.

Article 2 The laws enacted by the Reich Cabinet may deviate from the Constitution...

Article 3 The laws enacted by the Reich Cabinet shall be prepared by the Chancellor... They come into effect, unless otherwise specified, upon the day following their publication...

Article 5 This law comes into effect on the day of its publication. It ceases to be valid on 1 April 1937...