ENABLING LAWS

Answers should include a range of reasons why the Enabling Law was passed in 1933.

Candidates might include some of the following factors:

an Enabling Law would eventually do away with parliamentary procedure and legislation and transfer full powers to the Chancellor and his government for the next 4 years

it would add legality to the emerging dictatorship and allow Hitler to dismantle the

Weimar Constitution and pave the way for a one-party state

a ‘legal gloss’ would help reassure his conservative allies and millions of middle class Germans who had voted for him

it also allowed Hitler to discipline his own party

it would allow Hitler to destroy legally the remaining opposition to the Nazis with further laws

it allowed the Chancellor to pass decrees without the President’s involvement. To reach higher levels, candidates will need to show the inter-relationship of the reasons given.

For example, they might note that, whilst Hitler in essence wanted swift political change in order to establish a Nazi dictatorship, he also wanted to avoid offending his supporters.

‘Hitler established a dictatorship by August 1934 by legal means.’

Explain why you agree or disagree with this view.

Candidates should be able to make a judgement by balancing evidence which supports the view given against that which does not.

Evidence which agrees might include:

Bracher believes that the Enabling Law of March 1933, whereby Hitler achieved a two/thirds majority in the Reichstag, was highly significant. It secured the ‘legal revolution’ and within weeks Hitler had dismantled the Weimar constitution

Layton suggests that the Enabling Law was the constitutional foundation stone of the Third Reich. In purely legal terms, the Weimar constitution was never dissolved but in practice the Enabling Law provided the basis for the creation of an arbitrary dictatorship

The Reichstag Fire Decree opened the floodgates to imprisoning people arbitrarily and much that followed had a superficial ‘gloss of legality’ attached to it

to confirm the legality of the regime, on Hindenburg’s death, Gleichschaltung was taking shape – all things Nazi seemed to signify that control over culture, education and social life was now the intention.

Evidence which disagrees might include:

the paradox of a legal dictatorship is perverse. Hitler aimed to use the legal powers of the Weimar Constitution to destroy its political authority, not amend it

throughout 1933 and up to August 1934 there was at best a thinly disguised use of legality; at worst a blatant disregard

officially sanctioned waves of violence and brutality against all forms of opposition e.g. the SA intimidation of Social Democrat deputies during the Reichstag vote on the

Enabling Law

the emergence of the SS/Gestapo/SD complex was what the Nazi apparatus was built on. In essence violence was an integral part of Nazism.

Good answers are likely to conclude that all the decrees were debatable in their legality and that violence, and the perverse interpretation and usage of legislation, was the key tactic which produced a dictatorship. Events between January 1933 and August 1934 offer excellent examples of how a nascent dictatorship was established using illegal actions, which were then justified by a distorted and false legality, and perhaps morality. The Nazi leadership was prepared to use violence and intimidation, whilst managing to maintain a veneer of legality.