

**Was Hitler's
Seizure of Power on
January 30, 1933,
Inevitable?**

Eberhard Kolb

Contents

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Preface

Over the past sixty years, three generations of researchers have offered a wide variety of answers as to why Adolf Hitler was appointed chancellor of the German Reich on January 30, 1933, and why the National Socialists "seized" power. Anyone interested in this question can now easily fashion a self-styled, convoluted potpourri of causalities.

In attempting to explain the Nazi rise to power, one could go as far back as the Battle of the Teutoburger Wald in 9 A.D., since the failure to Romanize Germany precluded it from becoming civilized and democratized and thereby paved the road to 1933. Those who would argue that this "Tacitus hypothesis," as Ralf Dahrendorf once ironically called it, is rather far-fetched still have many other explanations to choose from. Some believe to have found the origins of a nationalist missionary zeal in the imperial politics of the Middle Ages, or to have discovered a particularly explosive combination of expansion and irrational introspection in the parallelism between the Hanseatic League and mysticism in the late Middle Ages. Then there is the option-once very popular in the Anglo-Saxon countries-of tracing the historic lineage from Martin Luther to Frederick the Great, on to Bismarck and Nietzsche, and finally to Hitler.

For those who might doubt the validity of viewing German history since 1500 as merely a prelude to National Socialism, the scholarly literature offers enough arguments to support the notion that, starting in 1871, the Prussian-German nation-state was "nicht unmittelbar zu Gott, sondern mittelbar zu Hitler" (not immediate to God, but rather mediate to Hitler). Without much effort, a long list of continuities can be found that are supposed to have been significant in some way for leading to the National Socialist "seizure of power." Finally, one seems to be on solid ground when analyzing the structural weaknesses of the Weimar Republic against the backdrop of the failed revolution of 1918-19, hyperinflation, and the Great Depression.

While this overabundance of explanations can easily lead to an overdetermination of the events of January 30, 1933, historians in Germany and the United States remind us emphatically in their most recent research that this date, like any historical event, only became inevitable once it had occurred. In fact, however, in the second half of 1932, and even as late as January 1933, the course of Germany's fate was not predetermined; the situation remained open-ended. The alternatives for the future were not *simultaneously* possible but *equally* possible. We are thereby reminded of one of the most distinguished duties of the historian; namely, to give back to the dead their future. The two scholars who accepted our invitation to speak at the German Historical Institute's Tenth Annual Lecture on the question of whether Hitler's seizure of power on January 30, 1933, was inevitable have always taken this responsibility seriously.

Professor Eberhard Kolb is one of Germany's foremost authorities on German history in the nineteenth and twentieth centuries. He studied at the universities of Tübingen and Bonn, as well as in Göttingen, where he received his Ph.D. in 1959 and his *Habilitation* ten years later. From 1970 to 1979 he taught at the University of Würzburg, and then at the University of Cologne, where he has been ever since. In 1981 he spent a year as a visiting professor at the Hebrew University in Jerusalem. Professor Kolb has published outstanding books on Imperial Germany, Weimar Germany, and the Third Reich, and his learned summary of research on *The Weimar Republic* is mandatory reading for all students of modern German history. Since its publication in 1984, it has been frequently revised and reissued, and was translated into English in 1988.

Professor Henry A. Turner, Jr., who complemented Professor Kolb's lecture with a perceptive comment, is currently Stillé Professor of History at Yale University. He has established himself as one of the leading American scholars of Germany in the twentieth century, especially the Weimar Republic. He studied at Washington and Lee University, the University of Munich, the Free University of Berlin, and Princeton University, where he received his M.A. in 1957 and his Ph.D. in 1960. He began his long and distinguished career at Yale University in 1958 and became a full professor in 1971. Professor Turner has won numerous fellowships, grants, and honors in the United States and Germany. In 1989 he received the "Commander's

Cross of the Order of Merit of the Federal Republic of Germany" (*Bundesverdienstkreuz*). He has published several outstanding books, including works on Gustav Stresemann and the Weimar Republic, on the role of German business in Hitler's rise, and on the two Germanies after 1949. His most recent book, published in fall 1996, is entitled *Hitler' Thinly Days to Power. January 1933*.

It is a pleasure and a privilege to publish the presentations of these two scholars as the German Historical Institute's Tenth Annual Lecture.

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Detlef Junker

Was Hitler's Seizure of Power

on January 30, 1933, Inevitable?*

Eberhard Kolb

January 30, 1933: Hitler's appointment to the office of chancellor, that is, the delivery of state power into the hands of the Nazi movement, was and remains the most fateful and ultimately disastrous event of recent German history. We are, therefore, all the more justified in asking whether entrusting Hitler with the office of chancellor was a virtually inevitable act, the only practicable and thus unavoidable way out of the severe crisis of the state at the end of the Weimar Republic. Or were there alternative courses of action open to President Hindenburg in the desperate domestic political situation of late 1932 and early 1933 that, had he pursued them, might have spared Germany and the world a National Socialist dictatorship with all its devastating consequences?

This is the question I would like to address here. Of course, the events that culminated in Hitler's appointment to the chancellorship are not exactly unexplored territory. The subject has been studied in endless detail. What has not been studied precisely enough, however, is the question of whether *a practicable alternative* to Hitler's appointment existed in January 1933, and what it might have looked like. When I say a "practicable alternative," I mean that I am not concerned with an after-the-fact construction of imaginable options that had no chance of being realized within the existing constellation of political forces in Germany during December and January; rather I want to examine whether the key decision makers who held the reins of power had at their disposal a concrete plan of action that was

* I would like to thank Dr. Pamela Selwyn of Berlin for the English translation of this paper.

practicable under the given conditions and that expressly excluded handing over the state apparatus to the Hitler movement.

In the short time available, I will concentrate on discussing this problem, leaving aside everything else that played an important role in developments in Germany in 1932, such as the dramatic economic crisis, the disastrous labor market situation, or the extreme propensity toward violence and the actual violence in domestic political conflicts.

I shall begin with some comments on moods and opinions at the end of 1932 and the beginning of 1933. I shall then address the state of the political system during the presidential cabinets of Papen and Schleicher. Finally, I will discuss the plans for a state of emergency in the autumn and winter weeks, since, to hint at my conclusions, the proclamation of a state of emergency in January 1933 was the only political maneuver that was potentially successful to deny Hitler's claim to the chancellorship.'

I

At the end of 1932, numerous intelligent political commentators believed that the danger of a National Socialist seizure of power had been warded off. While there had been a general feeling that Hitler was at the gates in the period before November 1932, there was now a broad shift in public opinion. The floodgates had held after all, and the National Socialist tidal wave had ebbed. Such was the tenor of retrospective and prospective views as 1932 gave way to 1933. I shall present three testimonies from liberal political journalists during the final days of December that are representative of many similar statements.

The Berlin correspondent of the *Frankfurter Zeitung*, Rudolf Kircher, declared, "The mighty National Socialist assault on the democratic state has been repulsed and answered with a powerful counterattack from the Papen/Schleicher circle, which, to be sure,

made a good many demands on our nerves and caused a certain amount of damage, but which also spread great confusion among the Nazi party ranks: millions of supporters have been lost to the movement.... The about-turn ... is a thorough one and, above all, one that extends to all significant areas.... We know today that the cart is not irrevocably bogged down."

The editor in chief of the *Vossische Zeitung*, Julius Elbau, remarked that the National Socialists had made gargantuan efforts to attain power in 1932, and continued: "The Republic has been saved all the same. Not because it was defended, but because the attackers finished each other off. The path led through a devilish ravine, upon which one cannot look back without a retrospective shudder. ... What is certain is that since that September night in 1930 when Hitler had his first electoral victory, the horsemen of the Apocalypse have been riding a race with the storm troopers of the SA. But the signs are growing that the fateful circle of a looming putsch and the paralysis of enterprise is in the process of cracking. Capital that was timidly hoarded in dark cellars is coming to light again. Creditors are no longer grinning and bearing the moratorium. Everywhere in the world people are backing Germany once again."

The prognosis of the liberal journalist and democratic politician Gustav Stolper sounded even more confident. At the end of December 1932 Stolper wrote in the *Deutscher Volkswirt*, one of the most respected German weeklies, of which he was editor, "1932 has brought an end to Hitler's luck." According to Stolper, since November 6, and especially since the decline in which National Socialism found itself after that date, Hitler had disappeared "as a lifethreatening peril from the horizon of German politics." "This German people," noted Stolper, "has a guardian angel who helps them whenever their prudence fails them. This guardian angel has saved them from a Hitler dictatorship that would have been the end not merely of German liberty but also of the German spirit, and destroyed the nation's most precious possession in the shortest possible amount of time. "⁴

¹ I base my statements on the article, Eberhard Kolb and Wolfram Pyta, "Die Staatsnotstandsplanung unter den Regierungen Papen and Schleicher," in *Die deutsche Staatskrise 1930-1933. Handlungsspielräume and Alternativen*, ed. Heinrich August Winkler (Munich, 1992), 155-81.

² Cited in Günther Gillessen, *Auf verlorenem Posten. Die Frankfurter Zeitung im Dritten Reich* (Berlin, 1987), 86.

³ *Vossische Zeitung*, Jan. 1, 1933 (morning edition).

⁴ Gustav Stolper, "Wo stehen wir?" *Der deutsche Volkswirt* 7 (1932/33): 363 ff.

Were these adherents of the democratic republic who, on the verge of the new year in 1933, looked forward with cautious optimism to further political developments in Germany, completely blind? In any case, they could point to a number of pieces of evidence to bolster their assessment. On August 13, 1932, Hindenburg had sharply rejected Hitler's demand to be entrusted with the chancellorship. It should be noted here that, in the Weimar Republic, the party that gained the most votes in the Reichstag election had no automatic claim to the chancellorship.

To be sure, with 33.1 percent of the vote, the NSDAP emerged from the Reichstag election of November 6, 1932, as the strongest party, but it had lost some two million votes and 34 seats in comparison to the elections held in July of that year (that is, within a period of three months). Even more serious than the drop in votes, however, were the psychological effects: the myth of the unstoppable advance of National Socialism had lost its mystique. During the weeks that followed, the National Socialists had to accept even more drastic decreases of support in various municipal and state elections, and during the month of December, the NSDAP's internal crisis became clearly apparent: the conflict between Hitler and Gregor Strasser, one of his closest followers, intensified over the issue of what course the party should take; there were mutinies among the storm troopers and numerous resignations from the party; the financial situation was desolate. The journals of Joseph Goebbels, the party's chief propagandist and Berlin *Gauleiter*, bear witness to the gloomy mood among the National Socialist leadership in December 1932. On December 6, 1932, he wrote, "The situation in the Reich is catastrophic. We have suffered losses of almost 40 percent in Thuringia since July 31." On December 8 he noted, "A severe depression hangs over the organization. Money problems make any decisive work impossible." On December 15 he confessed, "It takes a great effort to keep the SA and officials in the party organizations on a clear course. It is high time that we came to power. For the time being, however, we have not the slightest prospect of doing

so." On December 24 he remarked, "1932 was a genuine streak of bad luck. It deserves to be smashed to bits."

What Goebbels noted was not so different from the diagnoses of democratic journalists. And since the press reported in detail on the internal difficulties and the downward trend in the Nazi party, the average newspaper reader was well informed of the fact that all was not well with the Hitler movement. At the end of 1932 there were plenty of sound arguments for the assumption that the Nazi movement had passed the zenith of its attractiveness and was on its way down.

The optimistic expectations of late 1932, however, remained a mere episode. Once Hitler was appointed chancellor, the internal crisis of the Nazi party abruptly ended, and the highly critical situation in which the party had found itself well into January was quickly forgotten—particularly among those involved. An additional circumstance is important for evaluating the moods and opinions of the December days. Despite the unmistakable relief among supporters of the republic, as reflected in commentaries and public opinion, that the worst was over, too little attention was paid to the fact that no way out of the crisis was in sight. Even during these weeks, no matter how the mood was changing, it remained unclear how Germany could be governed. What kind of government could avoid being toppled immediately by the Reichstag? This was the key problem. In order to understand it, one must take a look at the political system during the final phase of the Weimar Republic.

II

As you know, the Weimar constitution set up the republic as a parliamentary democracy with a strong presidency. The more the political camps in parliament mutually hindered and paralyzed each other, the more decisive became the position of the president, due to the articles in the constitution that equipped him with extensive powers. The president appointed and dismissed the chancellor, could

⁵ Joseph Goebbels, *Vom Kaiserhof zur Reichskanzlei* (Munich, 1934), 225, 229; cf. Elke Fröhlich, ed., *Die Tagebücher von Joseph Goebbels. Sämtliche Fragmente, vol. 2* (Munich, 1987), 306 f., 314.

dissolve the Reichstag at any time, and had at his disposal, in the form of Article 48, an emergency decree law. This meant that he could promulgate laws bypassing parliament, although he did have to present them immediately to the Reichstag and, if the legislators demanded it, rescind them again. Spurred on by his highly conservative circle of advisers and friends, Hindenburg succeeded in making full use of these extensive constitutional possibilities after 1930 because the Reichstag was no longer capable of creating parliamentary majorities.

Thus, in the spring of 1930, the era of presidential governments began, an era characterized by the chancellor's complete dependence on the president's confidence and by the formation of cabinets without regard for the parliamentary balance of power. This characteristic is shared by all of the presidential governments between 1930 and 1933. At least equally, and perhaps even more important, however, were the differences among the presidential cabinets. Hindenburg's presidential regime appeared in two forms between 1930 and early 1933, as a tolerated and a non-tolerated presidential cabinet: until the end, in May 1932, the Brüning government was tolerated by the majority of the Reichstag, whereas the Papen and Schleicher cabinets had no toleration majority in the parliament. What did this mean?

Brüning's tolerated presidential government surely did all it could to reduce to a minimum the Reichstag's rights of political participation and legislation. But it could afford to allow the Reichstag to meet at infrequent intervals; motions of no confidence and motions to rescind the emergency decrees—which were continually being made by the NSDAP, the DNVP, and the KPD—found no majority in the Reichstag because the SPD (by far the largest parliamentary party) tolerated the Brüning cabinet. This meant, in effect, that the SPD voted against motions of no confidence and motions to revoke the emergency decrees.

In contrast, a presidential cabinet that did not enjoy toleration could not risk allowing the Reichstag to convene for even a single session; its fears of a vote of no confidence and an approval to nullify emergency legislation were too great. Although, at the time, there was controversy within the field of constitutional law about whether a vote of no confidence formally compelled the president to dismiss

the chancellor, there was no question about two other constitutional requirements: first, that the president had to present emergency decrees to the Reichstag and rescind them at that body's request, and second, that a dissolution of the Reichstag had to be followed by new elections within sixty days (Article 25).

From a constitutional standpoint, the president had no room for maneuver whatsoever on these points. If he appointed a chancellor who had or found no toleration majority, there were only two alternatives: he could either abandon the non-tolerated presidential cabinet or stand by it with all the attendant risks; such as, the continual dissolution of the Reichstag in order to prevent a proper session or the deferment of new elections beyond the constitutionally mandatory sixty-day period. While deferring new elections would have been a clear breach of the constitution, repeatedly dissolving the Reichstag and holding new elections (until perhaps the desired result was achieved) was a course that could not be maintained politically over a longer period.

For this reason, the president's retention of a cabinet not tolerated by parliament was, either way, bound to lead to a breach of the constitution and the declaration of a state of emergency, culminating in a temporary dictatorship that rested on the authority of the president and the armed forces, the Reichswehr.

This state of conflict took clear shape when Hindenburg dismissed Chancellor Brüning at the end of May 1932 and appointed a government sharply to the right of the previous one. The new chancellor was the conservative Catholic Franz von Papen, a man largely unknown to broad segments of the population. Papen's "cabinet of barons" had no prospect for toleration by the Reichstag majority, and he thus did not dare face the Reichstag. He immediately had the president dissolve the Reichstag, whose normal legislative period would have lasted until September 1934. The Reichstag election of July 31, 1932, yielded a predictable triumph for the National Socialists: with 37.3 percent of the vote, they represented by far the largest parliamentary party; they disposed of 107 seats in the dissolved Reichstag and came out with 230 seats in the newly elected one. Because the NSDAP and Communists combined held over one-half of the seats, they could have completely paralyzed the Reichstag. It

was, as one contemporary aptly remarked, a parliament opposed to parliamentarism.

If it had been unclear until after election day whether Papen could reckon with the entry of a few National Socialists into his government or whether his cabinet would be tolerated by the National Socialist party in parliament, from mid-August on there was no longer any doubt. After Hitler vehemently demanded the chancellorship for himself and Hindenburg curtly rejected this demand on August 13, the NSDAP embarked on a course of sharp confrontation with the Papen government. Thus, the latter found itself in total political isolation and could only hold on to power as long as the Reichstag was given no opportunity to pass a vote of no confidence against it.

What could be done? The plan to save the presidential regime by escaping into a state of emergency entered the political agenda in mid-August 1932. The candidate for rescue was indeed the presidential regime, and not, for example, the parliamentary democracy of the Weimar Republic. One must be clear about this: what Hindenburg, Papen, and the other champions of the presidential regime wanted was a return to the pre-constitutional authoritarian state. According to Papen's plans and those of his minister of the interior, von Gayl, a new electoral law and an upper chamber appointed by the president would see to it that the Reichstag and political parties could no longer play a significant role in this "new state."⁶

Papen and his comrades-in-arms knew full well that they only had a chance of realizing their extensive constitutional plans in an extreme crisis in which left- and right-wing forces obstructed each other totally, and only while Hindenburg was still alive. If the Papen cabinet-in-agreement with the president and those around him-did its best after mid-August 1932 to prevent a regular session of the Reichstag from taking place, the intention was a dual one, at once tactical and strategic: the Reichstag would be rendered incapable of passing a vote of no confidence against the Papen cabinet, and, without the Reichstag, the substantial constitutional reforms that had been planned could be introduced. The temporary elimination of the Reichstag meant that the Reichstag would be dissolved and that new

elections within the sixty-day period stipulated by the constitution would not be called. This breach of the constitution would result in the declaration of a state of emergency. And an important consequence of the proclamation of a state of emergency-particularly in the present context was that the state apparatus would not be turned over to the Nazi movement. The secret plans for a state of emergency under Papen and Schleicher were directed not least against Hitler's party's claim to total power.

III

The declaration of a state of emergency was considered much more seriously and prepared for with much more resolve during the final months of the Weimar Republic than contemporaries could know at the time and than historians have assumed until now.⁷ There is clear evidence that Hindenburg was prepared on two occasions to breach the constitution by indefinitely postponing new elections to the Reichstag in order to keep Papen's presidential cabinet in power; the first time was at the end of August and the second at the end of November 1932. Both times, for different reasons, this option was not finally put to the test. However, even after the chancellorship passed from Papen to Schleicher on December 3, plans for a state of emergency remained on the agenda; indeed plans were proceeding at full speed particularly during the months of December and January. There are two reasons why the intensity of preparations has not been perceived adequately before now. First, the need to maintain strict secrecy meant that as little as possible was committed to paper, and second, the relevant documents that have survived are widely dispersed in very diverse collections of records.

On August 30, on the very same day that the newly elected Reichstag was constituting itself in Berlin and Hermann Goring was elected as its chair, Chancellor Papen, Minister of the Interior Gayl, and Minister of Defense Schleicher met with Hindenburg at his East Prussian estate Neudeck to discuss the political situation. There the chancellor was authorized to dissolve the Reichstag without fixing new elections.

⁶ Cf. W. Schotte, *Der neue Staat* (Berlin, 1932).

⁷ On this topic, see the detailed and fully cited article mentioned in note 1.

In the days that ensued, however, Papen made no use of this authority, and at the first working session of the Reichstag on September 12, Goring succeeded, through the clever steering of negotiations, in subjecting the Papen cabinet to the most humiliating defeat in the annals of German parliamentary history. Because Papen did not have the dissolution decree immediately at hand, a vote was taken on the motion of no confidence in him. The Reichstag accepted it with 512 votes to 42, compromising the position of the cabinet so greatly that most of its members did not consider it opportune to dispense with new elections after the dissolution of the Reichstag. Nonetheless, and this is remarkable, it was unclear for several days whether and when elections would take place; only after controversial discussions could the majority of ministers bring themselves to decide to call for fresh elections on November 6.

As was to be expected, the new Reichstag elected on November 6 did not fundamentally shift the balance of political forces. As already noted, the National Socialists suffered substantial electoral losses but held their own as the strongest parliamentary party and retained a key position in the Reichstag. In this Reichstag, too, the NSDAP and KPD continued to have a negative majority of mandates.

The new Reichstag had to convene by early December at the latest, and the problem remained the same as after the July election: how could the presidential cabinet avoid the threat of a vote of no confidence? Once again, Hindenburg was prepared to keep Papen at the expense of dissolving the Reichstag without calling new elections, that is, to breach the constitution. But now the army leadership under Schleicher distanced itself from the "combat course" intended by Papen and approved by Hindenburg. The army did not feel up to handling possible mass actions against the highly unpopular Papen government. To his great regret, Hindenburg thus had no other choice than to dismiss Papen, whom he held in high regard, and to make a renewed attempt at solving the crisis without declaring a state of emergency. On December 3 he appointed Schleicher to the chancellorship. To be sure, the latter survived the first sessions of the Reichstag from December 6 to 9 and managed to have the Reichstag adjourned until January. But in January the inevitable hour of truth had to arrive.

For this reason, Schleicher pushed forward the preparations for a state of emergency after he failed in mid-December to attract Gregor Strasser's supporters in the NSDAP and to win over the trade unions with his economic rehabilitation program. What did these preparations look like? If the Reichstag were to be dissolved without calling new elections, the army leadership expected a large-scale political strike, and the planned measures were directed above all at nipping any general strike in the bud. Emergency decrees were drafted to cover virtually all the expected militant forms of resistance. There was to be an absolute ban on strikes in all essential enterprises, whereby "essential" was defined very broadly, and the national government was to be authorized to "declare other enterprises as essential" alongside hospitals, public utilities, and transport services. Thus, the national government was given carte blanche to provide extensive protection against strikes for at least all those enterprises that were deemed important from a political standpoint.

This meant that strikes in such "essential" enterprises could be opposed with the sharpest measures: not only calling a strike and participating in it but also intentional slowdowns were punishable by imprisonment or a fine. Sabotage actions could carry a punishment of up to five years of hard labor. The police were instructed to take those suspected of such crimes into preventive custody. The authorities planned to use a new method for dispersing large crowds without bloodshed: tear gas. Trade unions were warned that their assets would be confiscated if they so much as supported work stoppages, making them legally responsible for damages caused by strikes. Striking public servants were threatened with the loss of their civil service rights, and striking employees were to be attacked at their most sensitive spot, social security; if they participated in a strike, they faced the permanent loss of their claims to unemployment and welfare benefits. In addition, massive material and personnel support were pumped into the reliable strike breakers' organization "Technical Emergency Aid" (Technische Nothilfe) so that it could maintain the efficiency of at least the essential enterprises if strikes still occurred.

⁸ See the relevant documents published in Wolfram Pyta, "Vorbereitungen für den militärischen Ausnahmezustand unter Papen/Schleicher," *Militärgeschichtliche Mitteilungen* 51 (1992): 385-428.

In January 1933 Chancellor Schleicher could assume that the responsible military and civil authorities were fully prepared for a state of emergency.

After Papen's two attempts, Schleicher's efforts marked the third plan for a state of emergency within six months. Nonetheless--and this is important--Schleicher's objectives in planning for a state of emergency differed from those of his predecessor. While Papen conceived of the proclamation of a state of emergency as the prelude to a thoroughgoing revision of the constitution and a recasting of the political system, we know of no similar intentions on Schleicher's part. According to what we know, Schleicher was not planning to replace the existing constitutional state with a "new state" of a decidedly pre-constitutional character. Rather, he saw the declaration of a state of emergency as a means of mastering the acutely critical situation. The temporary elimination of the Reichstag was intended to allow the government to stay at the helm and gain time for a program of economic renewal; the fight against unemployment and initiatives to get the economy going were as much a part of the planned measures as a push to better equip the armed forces.

In contrast to those of his predecessor, Schleicher's plans for a state of emergency failed neither because of military misgivings nor because he had missed the opportune moment. On the contrary, the moment was most auspicious. The first signs of economic recovery were becoming evident, as was a decline in political extremism, and the cabinet of the "social general" Schleicher did not arouse the same public offense as Papen's chancellorship had. In addition, Schleicher was assured of the support of the army in case of emergency: the general political situation had relaxed to the extent that the armed forces no longer had to fend off accusations that they might have to use military might against the "people" in order to safeguard the interests of a narrow upper class.

Moreover, dissolving the Reichstag without calling fresh elections hardly provided the opponents of the presidential regime with a catchy slogan for mobilizing the masses. In the face of mass unemployment, who would have wanted to try to get those who were still working out onto the streets to demand a date for fresh elections? One should also recall that the decree for the dissolution of the Reichstag did not necessarily include the announcement of an (un-

constitutional) suspension of new elections. The question of a date could remain open for the time being (as had been the case for a few days in September 1932), which would have made it difficult for opponents of the presidential regime to mobilize their supporters for mass action against a merely suspected deviation from the constitution at an unknown time. It is thus by no means certain that, had the government proceeded along the lines conceived by Schleicher, it would have been necessary to impose a state of emergency at all.

Schleicher's emergency plan failed because of the president's veto. Hindenburg refused to accord Schleicher the presidential powers that he had gladly given to Papen. He not only refused to dissolve the Reichstag as Schleicher requested, without calling new elections, but he was not even prepared, at the end of January 1933, to concede to Schleicher the dissolution of the Reichstag followed by fresh elections within the constitutionally stipulated period of sixty days.

This refusal was encouraged by those surrounding the elderly president, not least of all the insulted Papen. These men portrayed Hitler's potential appointment to the chancellorship as the supposedly less risky way out of the domestic catastrophe. They also destroyed the last vestiges of Hindenburg's already shaky faith in the reliability and good judgment of his Chancellor Schleicher arguing that, after all, Schleicher had himself, in early December, rejected as too risky the state of emergency he was now recommending in January. This argument was hardly convincing, given that Schleicher's objective in declaring a state of emergency differed from Papen's and also that it could be assumed in January that a temporary postponement of new elections after the dissolution of the Reichstag would encounter less resistance than it had under a Papen cabinet. In this way, the president's advisers and confidants finally managed to overcome Hindenburg's deep-seated misgivings about appointing Hitler to head a presidential cabinet, and in so doing brought upon themselves an enormous burden of historical responsibility and guilt.

Papen's intrigues, aimed at toppling Schleicher, and his illusions about a possible "containment" of Hitler within a National Socialist-German National coalition government, as well as Hitler's stubborn insistence on the transfer of the chancellorship despite the serious setbacks that he and his party had suffered in the previous weeks, are

too widely known to require repetition here.⁹ What *should* be emphasized is that appointing Hitler as chancellor on January 30 instead of declaring a state of emergency was not as inevitable as has overwhelmingly been assumed, both by popular historical consciousness and in the scholarly literature. There *was* an alternative.

How should we regard this alternative? To be sure, from the perspective of supporters of the democratic republic, the options for action that remained in January 1933—a state of emergency or a cabinet under Hitler—must have seemed like a choice between cholera and the plague. In fact, however, the two options did not necessarily come down to the same thing, the definitive end of "Weimar" as a constitutional state. Turning the state apparatus over to the Hitler movement meant creating new, power-backed constitutional structures of indefinite duration; whether and how they could ever be changed again, in the sense of a return to a democratic constitutional state, was a moot point.

Schleicher's plan for a temporary elimination of the Reichstag was a different matter altogether. Had large-scale counteractions been staged, precipitating the declaration of a state of emergency (which was by no means certain), a presidential dictatorship supported by the army would have been, as far as anyone can judge, a transitory solution to the crisis of the state. This point is true not simply because Schleicher himself, and with him other members of the army leadership, did not seek to establish a lasting military dictatorship, but also because the social preconditions for a military dictatorship of unlimited duration were absent in Germany. The possibility of a *later* restoration of parliamentary government, after the fading of economic crisis and the attendant loss of influence of the extremist parties, would not have been definitively blocked, as was the case with the transfer of state power to Hitler and the Nazi movement. In the grim domestic political situation of late 1932 and early 1933, this was Weimar's only remaining chance of survival: keeping open the narrow path to a *later* re-establishment of democratic, parliamentary, constitutional government.

The conclusion of my analysis—that, given the political constellations prevailing in December and January, the declaration of a state of emergency was the only remaining practicable alternative to Hitler's chancellorship—is doubtless a depressing one. The catalog of measures planned for the imposition of a state of emergency is chilling enough. But what happened in Germany after January 30, 1933? If we take that into account, and agree that the establishment of a Nazi dictatorship was the most terrible of all ways out of the crisis of the German state—not simply for Germany but for Europe and the world—then we may be inclined to consider an interim presidential dictatorship supported by armed force, as envisioned by Schleicher, as the lesser of two evils.

In the perspective suggested here, I do not take the usual view of the presidential cabinets headed by Papen and Schleicher which were in many respects anything but admirable—as an immediate preliminary stage to the National Socialist seizure of power, but rather regard them as a phase in the process of the destabilization of the political system, which was purposefully pursued by proponents of the presidential regime—a fact we would do well to recall. By late 1932 this political destabilization had reached a stage at which feasible and at the same time constitutional means of resolving the crisis of the state were clearly no longer available. It is against this background that we should judge the plans to declare a state of emergency. If this option had been pursued, the German people and the world would probably have been spared the totalitarian domination of the National Socialists. The Weimar Republic was possibly doomed to failure, but it was not inescapably doomed to end as it did.

⁹ See the impressive and penetrating analysis that draws upon the complete body of sources, Henry Ashby Turner, Jr., *Hitler's Thirty Days to Power: January 1933* (Reading, Mass., 1996).

A Response to Professor Kolb's Lecture

Henry Ashby Turner, Jr.

I find myself in complete agreement with Professor Kolb's negative answer to the question posed in the title of his lecture. Although numerous historians leave the impression that there were no alternatives to what happened in January 1933 or that the events of that month followed some sort of logic, Hitler's appointment as Reich chancellor was by no means inevitable. I am confident, moreover, that Professor Kolb will agree with me that Hitler did not "seize" power but was instead handed it.

Professor Kolb is, I think, on very sound ground with his depiction of Hitler's bleak prospects as 1933 opened. As abundant evidence reveals, his party had, for several months, been in the grips of a severe and rapidly deepening crisis. In the wake of the Nazis' spectacular gains in the Reichstag election of July 1932, power had seemed within their grasp, but Hitler's unbending all-or-nothing demand for the chancellorship on his terms had since then won him repeated rebuffs from President von Hindenburg. By the end of the year, the party was no nearer to power than before, and its electoral support had begun to erode badly. Disappointed opportunists whose membership and votes had turned a small sectarian organization into a mass movement were deserting in large numbers. To compound the Nazis' plight, the German economy was, for the first time in three years, showing signs of recovery from the depression that had, at its nadir, left a third of the work force jobless. As 1932 ended, Nazism had lost its momentum and seemed a spent force. The party's loudly trumpeted gains in the local election in the tiny state of Lippe in mid January provided at best a temporary distraction from its worsening plight.

No one knowledgeable about the German political situation of early 1933 has ever challenged me on the proposition that, if Hitler could have been staved off another six months, his movement would have rapidly contracted. Nazism had shot up rapidly, like a political *Giftpill*, fueled by economic distress and a bandwagon effect. Had it failed to gain power, as promised by its leaders, it would have wilted just as quickly. And if that had happened, this proposition continues, Adolf Hitler would never again have had a chance at power, so that humanity would have been spared the Third Reich, the Second World War, the Holocaust, and many other horrendous consequences of his installation at the head of the German government.

I agree with Professor Kolb that Hitler could have been thwarted if Chancellor Kurt von Schleicher had succeeded in invoking the concept of *Staatsnotstand* in January 1933 and had dissolved the Reichstag elected the previous November without scheduling a new election within the constitutionally stipulated sixty days. That would have left Schleicher free to govern by presidential emergency decree while Hitler's party continued to unravel in the face of political failure and improving economic conditions. Like Professor Kolb, I also doubt that such a violation of the constitution under the conditions of early 1933 would have provoked any significant popular resistance.

Where I differ from Professor Kolb is in not seeing a resort to *Staatsnotstand* as the *only* means available to prolong the tenure of the Schleicher cabinet and thus block Hitler's bid for power. There were, I think, two additional options open to Schleicher in January 1933 that could have achieved much the same results. Moreover, neither of those options would have necessitated a violation of the letter of the constitution.

One such option lay in a prolongation of the Reichstag recess that had begun the previous December. This would have staved off a vote of no confidence—which, under the circumstances, seemed certain to go against Schleicher—thereby enabling the chancellor to hold on to power. This was more than a theoretical possibility, for just such an opportunity arose when the *Ältestenrat* of the Reichstag met on January 20 to consider when to reconvene the chamber. Fearing further losses if a successful vote of no confidence resulted in the dissolution of the parliament and brought about still another national election, the Nazis sought to put off a showdown with the

Schleicher cabinet despite their public pledges to bring it down at the earliest opportunity. Their spokesman therefore proposed at the meeting of the *Ältestenrat* to extend the recess until the cabinet presented its budget. Since Schleicher's minister of finance had shortly before announced that the budget could not possibly be ready until the spring, the Nazis thus signaled their willingness to see the recess extended by several months. During that time, Schleicher could have consolidated his position and profited from the economic upswing and the continuing decline of the Nazi party. But although there was enough support by other parties to carry the Nazi proposal in the *Ältestenrat*, the chancellor's spokesman flatly rejected an extension of the parliamentary recess, thereby precipitating the fateful events of the following ten days.

At about the same time, Schleicher spurned a second option for prolonging his hold on the chancellorship. It arose from a gap in the Weimar constitution, which contained no remedy for problems resulting from domination of the Reichstag by a "negative majority" made up of parties willing to join forces to topple cabinets by passing no-confidence motions but unable to work together to provide majority backing for replacement cabinets. Ever since the national election of July 1932 just such a negative majority, composed of the irreconcilably opposed Communists and Nazis, had prevailed in the Reichstag. That parliamentary situation ruled out remedying the constitution's shortcoming by means of an amendment, as concerned constitutional experts had for some time advocated, since that would require a two-thirds majority in the Reichstag.

A different response to the gap in the constitution was urged upon Schleicher during the third week of January 1933. From several quarters, it was pointed out to him that even if a no-confidence vote should be adopted by a negative Reichstag majority, he could remain chancellor indefinitely without violating the letter of the constitution. All that would be necessary was for Hindenburg to invoke the gap in the constitution and, in the absence of a positive majority for a replacement cabinet, keep Schleicher in office by virtue of the president's constitutional authority to appoint chancellors. That advice was, however, rejected by Schleicher in favor of his unsuccessful attempt to gain President von Hindenburg's consent for the much more drastic course of openly violating the constitution.

My point is that the objective political situation of January 1933 offered not just one, but several possibilities for prolonging

Schleicher's chancellorship long enough to allow the deepening crisis of the Nazi party and improving economic conditions to remove Hitler from contention for power. That those possibilities went unrealized cannot be explained by some purported logic of events or by inexorable impersonal forces. What proved decisive were the actions of the handful of men who acted out the drama of January 1933, actions that resulted from an all-too-human melange of motives that were in considerable degree personal, subjective, and emotional in nature.

I have sought elsewhere to explain why Schleicher spurned the opportunities to extend his hold on power.¹ It will have to suffice here to note that if he had succeeded in one of the several courses open to him, the result would in all probability not have been a rescue of democracy but rather a period of military rule. Such a regime would have been authoritarian, but not totalitarian; nationalistic, but not racist; distasteful, but not demonic. Given the record of military rule in countries that have had a taste of modern democracy, a regime of that sort could in all likelihood not have established itself permanently in Germany and would have given way sooner or later to a restoration of elected constitutional government. Compared with what was to follow upon Adolf Hitler's appointment as chancellor at the end of January 1933, a period of military rule would have been by far a lesser evil.

¹ Please see my most recent book, *Hitler's Thirty Days to Power: January 1933* (Reading, Mass., 1996).