



THE RISE OF FASCISM: ASSESSING THE CONSTITUTION OF THE WEIMAR REPUBLIC

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Abstract

This paper will argue that the Weimar Constitution can offer significant further understanding to the rise of fascism within the Republic. Whilst there has been extensive coverage of the rise of Hitler and the Nazi party in general, thus far there has been surprisingly limited scholarly study of the constitution, and its exploitation by the National Socialist movement. This paper offers an assessment of the weaknesses within the constitution, particularly the proportional representation electoral system and the extensive powers bestowed upon the president, arguing that these constitutional decisions undermined the parliamentary system and contributed to the uncertainty within the German electorate for the Weimar system. Moreover, it provides an examination of the ways in which Hitler and the Nazi party were adept at utilising these deficiencies in order to consolidate their seizure of power in the early 1930s.

Introduction

The fall of the Weimar Republic to the forces of National Socialism was one of the major historical turning points (in the history) of the Twentieth Century. As Evans (2004, xxi) correctly observes; ‘there were other catastrophes in the first half of the twentieth century, most notably, perhaps, the reign of terror unleashed by Stalin in Russia during the 1930s. But none has had such profound or lasting effect.’ Indeed, how it was possible in the space of less than two and a half years for Hitler to rise from relative anonymity as leader of a tiny racist party of the Right to become Reich Chancellor has been the subject of much scholarly debate (Magee, 1991, x).

The first chapter of this paper has therefore attempted to narrow this debate with a literature review, which will evaluate the three main schools of thought that assess the rise of fascism in the Weimar Republic. The first of these is represented by William L. Shirer’s *The Rise and Fall of the Third Reich* (1960), which characterises the so-called ‘Luther to Hitler’ view of



German history, that is to say, the idea that the rise of the fascism in Germany can be explained as merely a continuation of German cultural and political evolution. The second school of thought applied to explaining the rise of National Socialism in the Weimar Republic can be attributed to Karl Dietrich Bracher's *The German Dictatorship* (1970). Bracher represents both the 'totalitarian' premise and provides excellent coverage of the multiple conditions and causes contributing to the fall of the Weimar system and the rise of Hitler and the Nazi party. The third and final school of thought has its origins in Richard J. Evans' *The Coming of the Third Reich* (2004), in which Evans searches for an explanation of the origins and rise of Nazism in Germany's late development as a nation-state.

Evidently, there are many further explanations proposed for the rise of Nazism in Weimar Germany, but these three schools of thought adequately demonstrate the main conflicting arguments. However, it is further presented within the literature review that the Constitution of the Weimar Republic is often glossed over by many publications searching to account for the rise of the fascism. This is surprisingly neglectful considering the important part the constitution played in the development of the Weimar Republic, and the way in which the National Socialist movement exploited its many weak points. This is not to say that there have not been any authors that have connected deficiencies of the Weimar Constitution to the rise of Nazism; indeed this paper refers throughout to several such texts, in particular F.A Hermens' *Democracy of Anarchy?* (1972) and *Cindy Skach's Borrowing Constitutional Designs* (2005), which both provide a linkage between a weakness in the Weimar Constitution and the rise of National Socialism.

Nevertheless, these texts to a certain extent fail to recognise that the Weimar Republic and the rise of Hitler and the Nazi party were not simply down to any failure of the Weimar Constitution. As Feuchtwanger (1995, p. 323) notes; 'like all historical failures that of Weimar was the product not only of the republic's weakness and of the misjudgements of republican politicians, but of the strength and success of the republic's opponents.' It is therefore recognised within this paper that even the sturdiest of constitutions would have struggled to endure the formidable problems that beset the Weimar Constitution throughout its short life.



The second chapter of this paper will consequently explore the weaknesses and strengths of constitutionalism. It will exhibit the troubled beginnings of the Weimar system and the continuation of these problems throughout the short history of the Republic, and show that the majority of constitutions would be unlikely to withstand the social and economic circumstances of the Republic. Furthermore, this chapter will present Finer, Bogdanor, and Rudden's (1995) four reasons as to why some political scientists have sought to downplay the examination of constitutional texts.

However, it will be acknowledged that, despite these criticisms of constitutionalism, constitutions remain fundamentally important to the future governing of a state, and weaknesses within a constitution will always be exploited by its enemies. Indeed, as Cindy Skach (2005, p.128) quite rightly states, 'constitutions do matter, but whether they matter as individual structures, or because they have coevolved with supportive partner institutions, such as political parties and exceptional leaders, still remains a crucial, unexplored question in political science and constitutional law. Unless we make a serious attempt to understand these linkage constellations, we will remain impoverished in our strategies of constitutional design.' As such, chapters three and four identify two areas of great weakness within the Weimar Constitution and the ways in which Hitler and the Nazi party exploited these deficiencies in order to consolidate their seizure of power.

The first of these chapters will discuss the decision by the architects of the Weimar Constitution to include a proportional representation electoral system, particularly in the crass form of the "ticket vote" defined by the Franchise Law of April 27, 1920, in the constitution (Eyck, 1970, p.69). This chapter will argue that the failure to include safeguards, such as thresholds, reducing district magnitude and other measures that may have reduced the splintering of parties, were a clear sign of weakness within the constitution and as such contributed to the break down in the parliamentary system.

It will show that proportional representation was by no means the principle ailment of the parliamentary system with regards to the creation of strong coalition governments; namely their reluctance to assume full political responsibility (Mommson, 1996, p.61). However, it will be argued that proportional representation encouraged the formation of new parties and splinter parties. This, as Joseph Goebbels argued, gave Nazi officials enormous freedoms



when they were members of an ostensibly insignificant part on the right, something which proved to be particularly helpful in the establishment of the National Socialist movement (Evans, 2004, p.451, quoting Goebbels, 1935, p.61).

It will be further argued that proportional representation was particularly useful for the Nazi party in organisational terms, in the way that voters were asked to vote for party lists rather than individual candidates. This was of great benefit to a party that was built around the Fuhrer principle. And finally it will be demonstrated that the ensuing breakdown of the parliamentary system, due to an inability to make consolidated majority coalition governments, gave Hitler and the Nazi party substantial ammunition for agitation against the Weimar system.

The fifth chapter of the paper will discuss the decision, by the authors of the constitution, to provide the president of the Weimar Republic with extensive constitutional powers which undermined the position of the Reichstag. It will show that the failure to establish majority coalitions, within the legislature, capable of making important decisions meant that the president was forced to take action. This chapter will discuss the implications of these actions and, because of the minimal limitations placed upon the presidential office, the way in which it was possible for Hindenburg to move the Weimar Republic away from the parliamentary system of governance.

Furthermore, it will be asseverated that the resulting rule by decree gave the Weimar Republic a complete lack of legitimacy, which the National Socialist movement was adept at exploiting. This exploitation was conducted in a manner of ways; firstly, the illegitimate actions of the various government's from the 1930 to 1933 provided the National Socialist movement with abundant material by which to campaign against the governments performance, and simultaneously appeal to the electorate as the only party that could provide an alternative to the failings of the current system. Secondly, the actions of President von Hindenburg provided Hitler, upon appointment as Chancellor, with ample precedent by which to rule by decree, essentially resulting in the ending of the Weimar system with the implementation of the Enabling Act, on 23 March 1933.



It will therefore be concluded that while there were undoubtedly multiple factors that led to the rise of the Nazi party, specific weaknesses within the Constitution of the Weimar Republic were exploited in order to facilitate this meteoric rise. Proportional representation, for instance, was by no means the only cause that led to the demise of the Weimar Republic. Yet the manner in which it was applied, combined with the other factors plaguing the Republic, led to a weakening of the parliamentary system. This enfeebled parliamentary system can be said to have contributed to the uncertainty within the German electorate over the established system, which in turn led to the desire to cast protest votes. Hitler and the Nazi party, through various different measures, such as their active promotion of the Führer principle, were able to capture these protest votes and therefore cause further damage to the existing political system.

Review of the Literature

The story of how Germany, a fairly stable and modern country, in less than a single lifetime led Europe into moral, physical and cultural ruin and despair is a story that is likely to provoke much widespread attention (Evans, 2004, xvi). It is therefore unsurprising to find that since the fall of Nazism there has been an enormous amount of interest on the subject, which shows no sign of relaxing in the twenty-first century. The latest edition of the standard bibliography on Nazism, by Michael Ruck (2000 cited in Evans, 2004, xvi), lists over 37,000 items; the first edition, which appeared in 1995, listed a mere 25,000. It would be clearly impossible to cover all these publications within this literature review. Indeed, much of it is not relevant to this paper as here we are only concerned with the texts relating to the period up to and just after Hitler's appointment as Chancellor.

Nonetheless, even this section still constitutes a vast body of literature. This chapter has therefore divided the literature on the rise of Hitler and the Nazi party into three main categories; the first of which is represented by William L. Shirer's *The Rise and Fall of the Third Reich* (1960); followed by the school of thought born out of Karl Dietrich Bracher's *The German Dictatorship* (1970); and finally the third school of thought, offering an understanding as to why the National Socialist party was successful in its seizure of power can be found in Richard J. Evans' *The Coming of the Third Reich* (2004).



However, this paper is concerned both with the rise of fascism *and* the way in which the National Socialist movement exploited weaknesses in the constitution in order to establish their rise to power. As such the final part of this literature review will offer an evaluation of the primary texts provided on the Constitution of the Weimar Republic. From this it will be possible to demonstrate within the subsequent three chapters the ways in which Hitler and the Nazi party were able to utilise the constitution's deficiencies.

Analysis of William L. Shirer's *The Rise and Fall of the Third Reich*, published in 1960, has shown it to be a clear example of commentators attempting to write 'contemporary history' even before the dust had begun to settle (Kershaw, 2000, p.1). For, *The Rise and Fall of the Third Reich* was not only a study of the Nazi period, but also represented the crude interpretation by Anglo-American writers after the war; that Nazism could only be seen as the culmination of German cultural and political mis-development reaching back to beyond Luther (Kershaw, 2000, p. 1)¹ It is therefore based on the simple, yet controversial, postulate that 'Nazism and the Third Reich ... were but a logical continuation of German history' (Rosenfeld, 1994, p. 102 quoting Shirer, 1960, p. 90).

However, this book was met with much resentment within the Federal Republic at the time. The German scholar Klaus Epstein represented the views of many when he pointed out that Shirer's book presented an 'unbelievably crude' account of German history, making it all seem to lead up inevitably to the Nazi seizure of power (Evans, 2004, xvi citing Epstein, 1961).

Evidently, one has to recognise that the attitudes of American and West German readers were shaped not only by differing degrees of historiographical knowledge but also by separate national political concerns. At the time of the publication of *The Rise and Fall of the Third Reich*, various incidents, such as the confrontation between the West and the Soviet Union over Berlin, had placed the Federal Republic not only in the international spotlight, but in an extremely vulnerable political position (Rosenfeld, 1994, p.98). As such, *The Rise and Fall of the Third Reich's* role in refocusing attention on the Federal Republic's Nazi past also became a volatile political issue (Rosenfeld, 1994, p.98).

¹ Classics of the genre are O'Butler, *The Roots of National Socialism*, (1941), and McGovern, *From Luther to Hitler. The History of Nazi-Fascist Philosophy* (1946)



Epstein's comments nevertheless still have resonance; Shirer's explanation that the Nazi seizure of power was purely a continuation of German tradition, and as such an inevitability, dismisses the possibility of learning anything from it that can be applied elsewhere, which is naturally of fundamental importance to political scientists wishing to study the period. Moreover, it fails to recognise the many other factors that contributed to the rise of fascism in Weimar Germany and the numerous ways in which it could have been prevented. Let us not forget that Hitler was never elected Chancellor, but appointed to the position by General von Hindenburg, and that had there not been a financial meltdown at the end of the 1920s to early 1930s it is unlikely that the Nazi would have ever achieved anything other than splinter party status.

In complete contrast to Shirer, political scientist Karl Dietrich Bracher rejected the 'Luther to Hitler' paper, and made his views absolutely clear on the changing nature of writing on 'contemporary history' (Kershaw 2000, p. 15). Bracher preferred instead a methodological approach in *The German Dictatorship*, published in 1969, which involved a mixture of political science and history (Boyd, 1999, p. 111).

Bracher's (1970) interpretation offers two important perspectives on the Nazi seizure of power. Firstly, it represents the most prominent example of the widely accepted 'totalitarian' premise: the 'totalitarian' hypothesis was well known in Western Germany, before the scholarly writings of Hannah Arendt (1951) and Carl Friedrich (1956), established totalitarianism as the central concept of interpreting Nazism. It is also significant in terms of this paper because, as identified in Kershaw (2000, p. 13), the aim, in part, of the formulation of the West German Constitution (the 'Basic Law') was to eliminate the potential for the creation of a 'totalitarian' system. That is to say, it suggested the possibility that a constitution could limit the excesses of extremism.

Secondly, Bracher's (1970) work also offers an understanding of the multiple conditions and causes that led to the rise of Nazism in Weimar Germany. This involved the rejection of single-tracked, ultimately ideological formulas and interpretations in favour of an integrated approach (Bracher, 1970, xi). For instance, the relationship between rise of Nazism and the dominant economic forces in Germany has remained one of the most contentious issues of



debate among scholars.² However, Bracher (1970, xi).argues that, ‘any attempt to reduce the subject to individual aspects would ignore its complexity, regardless of the important contributions of economic, sociological, intellectual, or institutional interpretations.’

Therefore, while it is true that the coverage provided by *The German Dictatorship* of the political structure of the Third Reich, foreign policy, economy and society, culture and the arts, the wartime regime, and the breakdown of the Nazi system now seems somewhat less extensive than that provided by Evans (2004, xvii) Bracher’s (1970, xi and 1995, p.4) portrayal of the ‘multicausal character of historical-political processes’ still provides an excellent insight into the factors that contributed to the rise of fascism in the Weimar Republic. Bracher’s *The German Dictatorship* furthermore encapsulates the totalitarian premise and the reasons for its adoption as a fundamental prop of scholarly interpretation accounting for the growth of the National Socialist movement.

The third school of thought discussed in this literature review is provided by Richard J. Evans’ *The Coming of the Third Reich* (2004). In *The Coming of the Third Reich* Evans shifts the point of departure for an analysis of the German tragedy to the politics and policies of Bismarck (Green, 2005). Evans argues that the problems of the Weimar era were related to Germany’s late development as a nation-state, drawing attention to Bismarck's problematic legacy, including brief analyses of the role of the military, the emasculation of liberal political institutions, the isolation of the Social Democratic party, and the opportunistic use of racism, which, he argues, were the main issues that plagued the development of the Weimar Republic (Large, 2005). However, Evans is quick to point out that; "the legacy of the German past was a burdensome one in many respects, but it did not make the rise and triumph of Nazism inevitable" (Evans, 2004, p.59).

Despite being aimed at the lay reader rather than simply for academic purposes *The Coming of the Third Reich* (2004) weaves from this starting point to the end of the Weimar system an updated version of the political and social circumstances in Germany that facilitated the rise to power of the National Socialist movement. In his analysis of these conditions, Evans gives a clear portrayal of the desperation among the German people, whilst also providing a clear

² For analysis of the economic crisis and its significance to the Nazi's economic policy, see James, *The German Slump. Politics and Economics 1924-1936* (1986)



insight into the brutalities of the Nazi storm-trooper divisions, a factor crucial in the Nazi Party's ability to become the largest group in the Reichstag in the early 1930s (Large, 2005) which is all too often glossed over (in many publications).³

Finally, in terms of this paper, Evan's coverage is also valuable, as he devotes the last part of *The Coming of the Third Reich* to the process by which he and his Nazi colleagues consolidated their hold on power and began establishing the institutions of the Third Reich, (Large, 2005) and the way in which he describes how Hitler, following his release from jail in 1924, refashioned the Nazi party as a "catch-all party of discontent" (Cesarani, 2003), that was in part a means of exploiting the deficiencies of the proportional representation voting system, as will be demonstrated later.

In this way this chapter has identified the three main schools of thought and their respective explanations for the success of the National Socialists in Weimar Germany. Needless to say, there are many more interpretations of events accounting for the rise of Nazism. However, in terms of this paper these three schools best represent the differences in opinion over the rise of Nazism, whether due to political, social, moral or other reasons.

Despite this vast array of research and opinion on the rise of fascism in the Weimar Republic, there nevertheless remain important questions to be discussed. The belief upheld here is that the Constitution of the Weimar Republic provides some important clues as to how an insignificant party of the radical right could rise to power with such dramatic suddenness. Yet scholars have for a long time shown only moderate interest in the Weimar constitution: a surprising fact when one considers the enormous importance of the constitution in general, and some of its clauses in particular, in the development of the Republic and finally its downfall (Kolb, 2005, p. 160).

Most accounts of the constitution come in a fairly summary manner, such as Eberhard Kolb's *The Weimar Republic* (2005), in which only fifteen pages of the comprehensive work are devoted to the Weimar Constitution. There have been a handful of political scientists that have attempted to link certain provisions within the constitution to the downfall of the republic; most notably F.A. Herman's *Democracy of Anarchy? A Study of Proportional*

³ See Burleigh, *The Third Reich: A New History*, (2000) for further incite into the brutalities of the Nazi seizure of power



Representation (1972), which concluded that the proportional representation electoral system was the main factor to blame the rise of Nazism and the subsequent fall of the Weimar Republic.

More recently, Cindy Skach, in *Borrowing Constitutional Designs: Constitutional Law in Weimar Germany and the French Fifth Republic* (2005), and Shugart and Carey's, *Presidents and Assemblies: Constitutional Design and Electoral Dynamics* (1992) have provided detailed accounts of the way in which semi-presidentialism⁴ may be seen as a factor that contributed to fall of the Weimar Republic.

Certainly, this paper draws useful elements from each of these accounts, such as the scrutiny over the proportional representation electoral system and the presidential powers, which will be elaborated on further over the next three chapters. However, it must be noted that these explanations, despite their extensive research, fail to take full account of the hammer blows that were dealt to the constitution. Bracher furthers this point providing an admirable, if somewhat lengthy, summation of the monumental issues plaguing the development of the Weimar Republic: 'Among these were the fragility of the democratic and social institutions before and after 1848; the susceptibility to nationalistic, imperialistic ideas, a product of the belated and never fully-realised creation of a German nation state; the problems arising out of the unexpected defeat and the resultant stab-in-the-back legend, and the widespread disgruntlement over the Versailles peace; the permanent crisis of a republic which never won the full support of the majority of the people; the explosive consequences of the Depression on this highly industrialised, socially and religiously divided state with fear of proletarianisation and Communism, and the added resentment and panic of a rural population threatened by the spread of modern technology' (Bracher, 1970, p. 46). These all took a heavy toll on the Weimar system and should be not be left out of any account on the rise of fascism in the Weimar Germany. Thus, with this in mind, the next chapter of this paper will discuss the strengths and weaknesses of constitutionalism.

⁴ For classification of 'semi-presidentialism' see Elgie, ed., *Semi-Presidentialism in Europe* (1999), which provides a discussion of the regimes he calls "semi-presidential," and calls for more competitive work on semi-presidential systems. For its application in the Weimar Republic see Skach, C: *Borrowing Constitutional Designs* (2005). Also see Duverger, 'A New Political System Model: Semi-Presidential Government' in *Parliament Versus Presidential Government*, eds., Lijphart, (1992).



Constitutionalism

This chapter will examine the weaknesses and strengths of constitutionalism. It will state that while there were severe weaknesses within the Weimar Constitution, it is unlikely that many constitutions could have withstood the social and economic circumstances experienced throughout the Weimar Republic. After all, constitutional government presupposes a certain set of virtues amongst the ruled; and these virtues must include self-restraint; a willingness not to push the pursuit of one's aims beyond a certain point (Bogdanor, 1988, p.3). It is unlikely that the National Socialist movement conformed to this criterion. Furthermore, this chapter will show how some authors have questioned the methodology behind the study and analyses of constitutional texts.

This chapter does not argue that the weaknesses within the constitution of the Weimar Republic, and the ways in which enemies of the Republic exploited these deficiencies, are not significant, it merely attempts to show that they should be understood within context, and not simply as a matter of cause and effect, that made the downfall of the Republic an inevitability, as some authors have stated. This chapter will therefore go on to state the importance of constitutional decision making and the reasons why this paper has chosen to examine the decision to include proportional representation and significant presidential powers into the Weimar Constitution.

An assessment of the Constitution of the Weimar Germany should begin by acknowledging that when the Weimar Republic was founded in 1919, Germany had just emerged from four years of devastating war. Many within the civil service, the landed classes and the ruling elite still harboured a strong affinity for the restoration of the monarchy, and were therefore opposed to any extension of the parliamentary system (Skach, 2005, 31).⁵

The constitution was strongly associated with the Versailles Treaty, which had forced Germany to accept full responsibility for the war, and perhaps more problematically, to compensate the Allied and Associated Powers for the damage inflicted upon their civilian populations (Skach, 2005, p. 31). Thus, "these international and socioeconomic constraints,

⁵ The battle over the colours of the official flag of Germany, for instance, gives some idea of the divisions within both civil and political society over Weimar's birth. See Stern, "Adenauer and a Crisis in Weimar Democracy," (1958), pp. 1-27, esp. p. 3.



as well as the persistence of anti-democratic forces, ideologies, and diverse social cleavages, were obstacles in Germany's transition to full democracy, and undoubtedly complicated the foundation of the Republic" (Skach, 2005, p. 31).

The subsequent effects of hyperinflation and the depression of the late 1920s, the reparation payments to the allies, and the numerous errors by leaders, all conspired against the Weimar system for the duration of the Republic. It would have been difficult for even the strongest of constitutions, with an institutionalised party system and a traditionally democratic society, to survive the hammer blows that the Weimar Constitution had to cope with throughout its short life, never mind a fledgling democracy like the Weimar Republic.

Therefore, this paper does not claim that an alternative constitution would necessarily have prevented the rise of Nazism, although the failure to establish strong coalition government, dissolutions, and use of presidential emergency powers set the stage for the appointment of Adolf Hitler as chancellor, even though he had failed three times in bids for the presidency (Shugart and Carey, 1992, p.68). Constitutions, after all, can only provide a legal framework for those within a state to work to, if citizens choose to elect an anti-system party or elect a president that shows little interest in parliamentary politics, instead choosing to use autocratic means, then there is little any constitution can do.

Consequently, some political scientists have sought to downplay the study of constitutional texts. Finer, Bogdanor, and Rudden (1995) note that there are four main reasons for this. Firstly, it is argued, 'these documents are highly incomplete, if not misleading, guides to actual practice. In fact, while almost every state in the world today possesses a codified constitution, the vast majority of them are either suspended, or brazenly dishonoured' (Finer, et al., 1995, p.2).

Secondly, 'it is demonstrably the case that rules included in one constitution may be omitted from others' (Finer, et al., 1995, p.1). This seems rather obvious as no two states are the same. However, it should be recognised that this makes framing constitutions all the more difficult, as one will never truly know what provisions will work within certain states until they have been introduced. Moreover, one can also never be certain of whether a different provision would have changed any particular outcome.



Thirdly, 'in states that respect the rule of law, the constitutional text frequently becomes permeated with the interpretation given to it by the courts' (Finer, et al., 1995, p.1). This is of particular importance to those who argue that the right wing bias amongst the courts in Bavaria meant that Hitler and his Nazi colleagues were treated leniently following their failed Beer Hall Putsch in 1923 (Shirer, 1960 and Mommsen 1996). Furthermore, because provisions within constitutions are sometimes open to interpretation it is often possible for those in power to exploit them in ways for which they were never designed; this will be demonstrated later in this paper by President Hindenburg's, and to a lesser extent President Ebert's, interpretation of Article 48 and Article 25 of the Weimar Constitution.

Fourthly, 'the texts themselves say little of the extra-constitutional organisations which generate and conduct the political process: the churches, the pressure group, the bureaucracy, the great business corporations, ethnic and other minorities, the media, the armed forces, and so on' (Finer, et al., 1995, p.1) Therefore, asking for a constitution to potentially legislate against the future actions of these organisations is very difficult.

However, this does not mean that we should dismiss out of hand the study of constitutions. Indeed, as Stephen Holmes has suggested; 'constitutions contain various inducement mechanisms, devices for focusing attention, sharpening awareness of options, mobilising knowledge, involving citizens and guaranteeing the future choices will be made under conditions where alternatives are discussed, facts are marshalled and self-correction is possible' (Holmes, 2003, p. 237 cited in Elster and Slagstad, 1993). As such, constitutions are a valued means of limiting governmental power; and, in a democracy, limiting also the power of the people to whom government is responsible (Bogdanor, 1988, p.3).

Therefore, what this paper hopes to show over the next two chapters is that constitutional decisions are of fundamental importance to the future governing of a state. Clearly, there were some areas of success within the Weimar Constitution, and one should not forget the background within which it was created and the conditions that the Republic had to endure. Nonetheless, this paper shows two areas of weakness in the Weimar Constitution, which contributed to the growing frustration with the existing Weimar system, and its eventual breakdown. There are potentially other areas of the constitution that warrant further



examination, such as the failure by the authors of the constitution to break up the state of Prussia.⁶ However, it is undoubtedly the proportional representation voting system and the powers bestowed upon the president in the Weimar Constitution that must be deemed the principle weakness. What is more, it is from these two deficiencies within the constitution, as this paper will show, that the chronic instability of the early 1930s provided Hitler with the perfect opportunity to blame the current system for Germany's economic and political problems, and substantiated his claims that only through outright rejection of the democratic process, and under his leadership, could Germany prosper (Shugart and Carey, 1992, p.71).

Proportional Representation

This chapter of this paper will discuss the decision by the framers of the Weimar Constitution to include a proportional representation voting system into the constitution. It will examine the failure to add adequate thresholds, amongst other measures, that may have reduced the effects of pure proportionality, which, it will be argued, contributed to the fracturing of the party system and consequently the greater uncertainty amongst the electorate regarding the parliamentary system. However, it is noted that there has often been a danger by both contemporary and subsequent commentators to blame exclusively the electoral system for the weaknesses of the republic as a whole (Feuchtwanger, 1995, p.44). Therefore, while this chapter discusses the possible effects of such a pure form of proportional representation, and the ways in which Hitler and the Nazi party sought to exploit this weakness in the Weimar Constitution, it does not assert that it was this electoral formula that was the fundamental Achilles' heel of the Weimar Republic.

A fair electoral system, based on strict proportionality, with the inclusion of women, had been demanded by the Social Democratic party (SPD) in its Erfurt programme of 1891 (Feuchtwanger, 1995, p.44), and therefore became a core component of the Weimar Constitution. However, many commentators have seen in this system one of the major causes of Weimar's failure.⁷ It is argued that the precise method by which the seats were allocated

⁶ The land of Prussia remained essentially the same, save for the subsequent losses at Versailles, as it was in the former Kingdom of Prussia, as a consequence the problem of Germany and Prussia stood untouched in all its massive complexity after the one moment when it might have been solved had passed.

⁷ Most notably Hermens, *Democracy of Anarchy? A Study of Proportional Representation* (1972) and Eberhard Schanbacher (1982) in support of Hermens. However, it should be noted that the constitution did not lay down the exact details of the electoral system, only the principle of proportionality; the precise operation was defined in a law which went into force in time for the Reichstag elections of June 1920 (Feuchtwanger, 1995, p.42).



contributed to one of the Weimar Republics major downfalls; its failure to create credible coalition governments, which was capitalised upon by enemies of the Weimar system.

The Weimar system was undeniably precise because the distribution of seats among political parties in the Reichstag was almost exactly proportional to the percentage of votes won by these parties in elections. “This precision resulted from a combination of elements. First, the country was divided into thirty-five (rather large) electoral districts. Each electoral district had somewhere between 900,000 and 1.5 million constituents. There was no fixed number of seats for each district; rather, parties were awarded a seat in the Reichstag each time they hit the designated quota – 60,000 votes – in a district.” (Skach, 2005, p.38) Votes which were insufficient to qualify for a seat in one of the 35 constituencies could ultimately be applied to a different district by combining them into the national list ((Feuchtwanger, 1995, p. 42). This method of using up surplus votes by transferring them to other districts made it possible to achieve “almost exact mathematical representation” in the Reichstag (Skach, 2005, p.38).

However, adopting an electoral system that achieved almost one hundred percent proportionality brought with it significant implications which some authors have described as the fatal weakness that caused the destruction of the Weimar Republic.

Certainly, as Hermens (1972) explains, it encouraged the formation of new parties and splinter parties. Resultantly, he argues, the multiplicity of groups made it harder to form governments and finally led to the breakdown of the system. Indeed, according to Hermans, if a majority electoral system had been in force, ‘the NSDAP would certainly not have been a factor of national importance in 1932 and would have probably long since died of political anaemia’ (Kolb, 2005, p.164 citing Hermens, 1972).

It must be stated here that this argument has subsided since numerous states, including the Federal Republic of Germany, have subsequently gone on to prove that proportional representation can be used effectively as a voting system without leading to a rise of fascism. Furthermore, in common with the criticisms highlighted in the previous chapter, there are two main critiques provided against offering proportional representation as the main factor behind the rise of fascism in the Weimar Republic.



It is argued in the first instance that there is no way of knowing whether or not a majority system could have saved the Republic from dangers arising from radical change of view by the electorate (Kolb, 2005, p.164). As Evans correctly notes, an electoral system based on a first-past-the-post system, where the candidates who won the most votes in each constituency automatically won the seat, might well have given the Nazi Party even more seats than it eventually obtained in the last elections of the Weimar Republic (Evans, 2004, p. 85).

Secondly, critics state that the role of splinter parties in the Weimar period is often much exaggerated. They argue that the functioning of the parliamentary system was less impaired by the existence of a few small parties than by the difficulty of forming coalitions among the larger ones (Kolb, 2005, p. 165). This difficulty was largely due to the way in which bourgeois parties lost their enthusiasm for working with the Social Democrats by means of fair compromise (Kolb, 2005, p. 165), and vice-versa for much of the period following President Ebert's death.

However, while these remain important points, and help us recognize the context in which the effects of the electoral system should be placed in, they do not negate the significant mistake of opting for such an electoral system. Therefore, the next section will examine the nature of the proportional representation system used within the Weimar Republic and the possible effects that choosing such an electoral system may have provoked, as well as its exploitation by enemies of the Republic.

Proportional representation electoral systems vary in their degree of proportionality, depending on the mathematical method used to distribute seats, which varies from the very proportional Sainte-Lague method to the least proportional d'Hondt formula (Skach, 2005, p. 22). Moreover, proportional representation's fragmentation-permitting effect can be limited by a number of means: The d'Hondt method of seat allocation, a high threshold requiring the parties and party lists to meet a certain percentage of votes in order to be counted in the distribution of legislative seats, and reducing district magnitude, can all reduce proportionality by "weeding out" some of the smaller parties from the legislature (Skach, 2005, p. 22).



This is not to say that pure proportional representation is wrong or that a corrected proportional representation system, or majority system, would have been a better choice for the polity (Skach, 2005, p. 22). This point merely notes that in most democracies that use proportional representation, it is applied in a moderated form with small districts and minimum thresholds which discourage the formation of small parties (Myerson, 2004, p.194 citing Taagepera, and Shugart, 1991).

Taagepera and Shugart show in their study of numerous countries on the effects of electoral systems that Weimar Germany (elections from 1920 to 1933) was the most ‘proportional’ of all the profiles in their set of possible outcomes (Skach, 2005, p. 40 citing Taagepera, and Shugart, 1991). Therefore it is argued that while some electoral systems can be an important tool for manufacturing majorities in the legislature, in this manner, Weimar’s electoral system worked against majorities in both the party system and the legislature.⁸

Indeed, according to Cindy Skach, “in Weimar Germany, because of the three-tiered allocation mechanism, which distributed nationwide compensation seats to parties in order to approach a nearly ideal proportional representation, the country essentially became one large, single district.” (Skach, 2005, p.39) As a result, “proportionality was maximised rather than reduced. Moreover, the only threshold used was a requirement that party lists receive a minimum of 60,000 votes nationwide in order to partake in the allocation of seats. With an average eligible voting population of 40.838 million during the Republic, this meant that a party needed only 0.0015 percent of all votes cast in order to participate in the distribution of seats” (Skach, 2005, p.39). This absurdly low threshold only served to encourage the growth of small parties throughout the history of the Weimar Republic, as is graphically demonstrated within the graph on the following page.

⁸ The classic account is Hermens, *Democracy of Anarchy? A Study of Proportional Representation*, (1972); also see Myerson, ‘Political Economics and The Weimar Disaster’, 2004; Taagepera and Shugart, *Seats and Votes*, 1991, pp. 70-71; and Skach, *Borrowing Constitutional Designs*, 2005, pp. 38-41

Table 1 – Growth in political parties, 1919-1930

| Party Name | 1919 | 1920 | 1924 (I) | 1924 (II) | 1928 | 1930 |
|--|-------------|-------------|-----------------|------------------|-------------|-------------|
| National Socialists (NSDAP) | | | 32 | 14 | 12 | 107 |
| Nationalists (DNVP) | 44 | 71 | 95 | 103 | 73 | 41 |
| Agrarian League | | | 10 | 8 | 3 | |
| Saxonian Peasants | | | | | 2 | 22 |
| Christian National Peasants Party | | | | | 9 | |
| Christian Social People's Service | | | | | | 14 |
| Conservatives | | | | | | 4 |
| Bavarian Peasants League | 4 | 4 | 10 | 17 | 8 | 6 |
| Economic Party of the German Middle Classes | | | | | 23 | 23 |
| People's Party (DVP) | 19 | 65 | 45 | 51 | 45 | 30 |
| Revaluation Party | | | | | 2 | |
| Bavarian People's Party (BVP) | 91 | 21 | 16 | 19 | 17 | 19 |
| Centre Party (Ztr) | | 64 | 65 | 69 | 61 | 68 |
| Hanoverians | 1 | 5 | 5 | 4 | 4 | 3 |
| Democrats (DDP) | 75 | 39 | 28 | 32 | 25 | 14 |
| Popular Nationals | | | | | | 6 |
| Socialists (SDP) | 163 | 102 | 100 | 131 | 153 | 143 |
| Independents | 22 | 84 | | | | |
| Communists (KDP) | | 4 | 62 | 45 | 54 | 77 |
| Others | 2 | | 4 | | | |
| Total | 421 | 459 | 472 | 493 | 491 | 577 |
| Source: Table is quoted, with some changes, from Hermens 1972, p. 246 citing Braunias, 1932, vol. I, p. 88 | | | | | | |



This table reveals at a glance how from 1919-30 the political structure in Germany grew more and more complicated. In 1919 the picture was still comparatively simple, with the Right for example being represented by the Nationalists and the People's party (Hermens, 1972, p. 247). However, the increase in the number of parties, that began in 1924, would have certainly contributed to the public's deteriorating confidence in the capabilities of the parliamentary system.

As Joseph Goebbels pointed out, in what he referred to as "the stupidity of democracy" (Evans, 2004, p.451 quoting Goebbels, 1935, p.61), the way in which the electoral system facilitated the development of smaller parties offered a great many benefits to the Nazi party when it was in its infancy: "The NSDAP derived great advantage from the election of even a dozen or so of its members to the Reichstag and of several score of them to the parliaments of the Lander. These deputies had little interest in the work done by the parliaments to which they belonged. Instead they devoted most of their time to the agitation for their party" (Hermens, 1972, p.228). This was made all the more possible by the remuneration that they received, which enabled them to devote more time to campaigning against the Weimar system. Significantly, it also helped to keep the party solvent, for the party took a certain percentage of it for its upkeep; its finances were often so bad that the lack of this source of revenue might, on various occasions, have resulted in bankruptcy (Hermens, 1972, p.228).

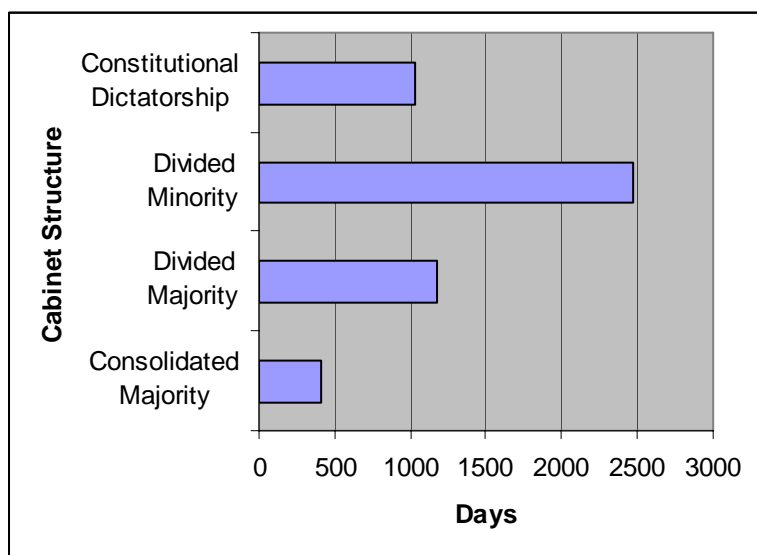
Moreover, the manner of proportional representation voting system offered the Nazi party the ability to present candidates on a large scale, and therefore greater opportunity to campaign both for its own electoral purposes and against the existing Weimar system. Hermens (1972, p.228) notes that; "as long as the NSDAP was a serious factor in elections, the other parties, and their press, had to take them into account. The result was that this little extremist group could not be "ignored to death." Hitler himself advocated the National Socialist party's requirement for publicity in his book, *Mein Kampf*: "In the early days, when our movement was only just beginning, we suffered from nothing so much as the fact that our names meant nothing – that we weren't even known. This fact was enough all by itself to make our success doubtful. If in those days people had attacked us, if they had even taken the trouble just to laugh at us, we would have been glad either way" (Hermens, 1972, p.228 quoting Hitler, 1935, p.388). The direct proportionality of the voting system was therefore exploited by the



National Socialist movement to raise their status, and in this way facilitated their early development.

Another, potentially more damaging, consequence of these multiple small interest parties was the effect that it had on coalition building. With so many small legislative parties, the likelihood of either a single party holding majority or even a majority coalition of only a couple of parties was severely limited. This was the case above all following the Social Democratic party's abdication from positions of responsibility. Consequently, as Skach (2005, p. 121) notes, 'the Weimar Republic was only in the most favourable form of governance, consolidated majority government, for eight percent of its lifetime. Divided majority government accounted for twenty-three percent of the Republic. Importantly, Weimar spent forty-nine percent of its lifespan in divided minority government.' This, as will be demonstrated within the following chapter, was of fundamental importance as it was often necessary for the president to force through legislation, which clearly undermined the parliamentary system.

Table 2 – Cabinet structure in the Weimar Republic



Source: Calculated from data included in Skach, 2005, p. 32 citing figures from Bracher, Funke, and Jacobsen, 1988

Of course, one cannot blame the failure to make enduring majority coalitions solely on the electoral system; the unwillingness of political parties to work with one another and, as



explored in the following chapter, the abdication from responsibility, were both prime reasons for the failure to build strong coalitions. However, it must be emphasised that the electoral system certainly acted as a contributory factor.

This failure to make strong coalition government, a major factor in the stagnation of the parliamentary system, was utilised by the enemies of the Republic as another reason to vote against the existing system and therefore vote for one of the anti-system parties. Indeed, as Evans (2004, p. 448) argues, 'the Nazi vote was above all a protest vote; and, after 1928, Hitler, Goebbels and the Party leadership recognised this implicitly by removing most of their specific policies, in so far as they had any, from the limelight, and concentrating on a vague, emotional appeal that emphasised little more than the Party's youth and dynamism, its determination to destroy the Weimar Republic, the Communist Party and the Social Democrats, and its belief that only through the unity of all social classes could Germany be reborn.' This is a sterling example of Hitler and the Nazi party's exploitation of the weakness of the Weimar system, which can be traced to a deficiency in the Weimar constitution.

Myerson (2004, p. 200) states that, 'any electoral system where voters vote for party lists, rather than for individual candidates, makes it easier for party leaders, who control renomination to the list, to maintain authority over the legislative representatives from their party.' Thus, he argues, to which this paper concurs, that the type of proportional representation system witnessed in the Weimar Republic was particularly well suited to the purposes of a party like the Nazis with their Fuhrer principle (Myerson, 2004, p. 200).

Indeed, Bracher (1970, p. 47) notes that one of the main factors contributing to the rise of the National Socialist movement was their utilisation of the Fuhrer principle, as facilitated by the list voting system described above. The organisation, structure and activities of this new type of movement were based completely on Adolf Hitler. The list system offered the Nazi party the opportunity to focus all the electorates attention on the central figure of the Fuhrer, instead of having to campaign for individual representatives in small districts, which was to prove invaluable to the rise of the movement.

This chapter therefore has sought to explain that proportional representation was not, as Hermans (1972) asserts, the main factor behind the downfall of the Weimar Republic. As



stated, numerous states have gone on to use proportional representation as an effective means of governance. However, the failure to implement safeguards, such as thresholds, or reduce district magnitude, almost guaranteed one hundred percent proportionality within the legislature. This, it has been argued, made it easier for small parties to gain seats within the Reichstag, which can be seen to have facilitated the development of the National Socialist movement in its infancy. Moreover, it has also been argued that the plethora of small parties within the legislature exacerbated the difficulty of forming enduring majority coalitions within the legislature, which helped lead to a breakdown in the parliamentary system. Hitler and the Nazi party were adept at capitalising on this breakdown. Through utilising the deficiencies of the electoral system, such as the party's adherence to the Fuhrer principle which was in part a response to the opportunities offered by the list voting system, they offered themselves as an anti-system party, which, if supplied with the means to do so, would dismantle the ineffectual Weimar system and instead bring forth a new dawn for Germany.

Presidential Power

This chapter of the paper will discuss the decision, by the authors of the constitution, to provide the president of the Weimar Republic with extensive constitutional powers that to a considerable extent undermined the position of the Reichstag. It will show that the failure to establish majority coalitions within the Reichstag, capable of making important decisions meant that presidential action became necessary. However, a further problem arose when the parties, upon seeing the president's ability to rule independently of the legislature, removed themselves from positions of responsibility thereby exacerbating the existing problems. It is argued that because of the minimal limitations placed upon the presidential office it was possible for Hindenburg to move the Weimar Republic away from the parliamentary system. This act was fundamentally illegitimate: a fact that was exploited by anti-system parties, such as the Nazi party, and granted Hitler all the precedent he needed in order to rule by presidential decree and therefore consolidate the National Socialist movement's seizure of power.

One of the main pillars of the constitution was the introduction of a president that would share executive power with the legislature. 'Parliamentary absolutism' was judged unsuitable for German conditions. The principle of author of the constitution, Hugo Preuss, believed that a balance in power from a president directly elected by the people would be a strong



counterweight to a directly elected parliament (Feuchtwanger, 1995, p.41). A statement by one of the deputies to the Eighth Commission of the Constituent Assembly reflects this:

“According to the intention of the Constituent Assembly, the President of the Reich was conceived of as a democratic counterweight of parliamentary omnipotence in order to avoid the excesses of French “absolute parliamentarism”... “inauthentic parliamentarism”... These two authorities, the legislature as well as the President, originate from the same source, that is, from the will of the people. Because of that, we have the guarantee that if the will of one these supreme organs go astray in some direction, the other could correct it. We wind up therefore having, in the person of the President, a counterweight to the omnipotence of the Reichstag.” (Deputy Ablass, quoted in Olivier Beaud’s preface to Carl Schmitt, *Théorie de la Constitution* (1993), p. 105 discovered in Skach, (2005), p. 43)

The constitution therefore stated that the national president would represent Germany in foreign affairs, appoint the chancellor as head of the national government, and be commander-in-chief of the armed forces. The constitution also gave him the power to dissolve the Reichstag and the broad dictatorial powers of Article 48 for emergencies. As such, the framers thought that they had satisfactorily grafted this sort of president onto a parliamentary system by requiring that all his emergency decrees must be counter-signed by either the chancellor or by the appropriate minister (Eyck, 1970, p. 71).

However, Shugart and Carey (1992) have observed that such presidential parliamentary systems with dual cabinet responsibility can force the government into a deadlock when the president and legislature make co-equal conflicting demands on it. The Weimar Constitution however, gave a substantial advantage to the President in the case of such conflict (Myerson, 2004, p.194, citing Shugart and Carey, 1992).

Of the powers assigned to the office of president in this system the most important were ultimately those of Article 48, which authorised the president to use force when “public security and order are seriously disturbed or endangered.” (Schmitt, 1988, xxix) Notably, there were virtually no effective safeguards against an abuse of Article 48 (Evans, 2004, p. 80). True, Article 48 stipulated that the Reichstag could order the repeal of such emergency



measures, but the President, thanks to his power to dissolve parliament, held the stronger cards. And since he also had the power to appoint or dismiss the Chancellor and the Government without parliamentary approval, he could in effect govern without parliamentary restraint (Bracher, 1970, p.217).⁹

Despite Peter Stirk's protestations that "the problem was not the president's role, as understood by Preuss and by the National Assembly, which authorized the constitution, but subsequent interpretation of the role, which was contrary to the spirit, and arguably the letter, of the constitution," (Stirk, 2002, p.499) it is argued here that the ambiguity over whether the phrase 'disturbance or danger to public security and order' could be extended to a constitutional crisis or later to an economic emergency, made it open to interpretation (Koch, 1984, p.291).

It is therefore not surprising that we can see quite contrary interpretations of Article 48 throughout the course of the Weimar Republic. For instance, Ebert's application of Article 48 of the Constitution in order to govern by decree, in an effort to suppress the Kapp Putsch in Berlin is a clear example of applying this presidential power as it was intended by the drafters of the Weimar Constitution; that is to say, in attempt to protect the institutions of the Republic during an emergency situation. Use of Article 48 in these circumstances was dictated, and legitimated, by a severe internal crisis threatening the regime (Skach, 2005, p.49).

However, on other occasions, for example the situation described later on involving Bruning's economic legislation, Article 48 was used in the normal course of politics; it was employed by presidents and chancellors to legislate in the absence of a majority in the Reichstag. This meant that within the first five years of Weimar, more than half of which was spent in divided minority government¹⁰, Article 48 was used more than 130 times. This was under a president that was considered to be moderate; the later abuse of Article 48 that occurred under President Hindenburg meant that it had almost become the standard instrument of government for securing the safe passage of legislation, arguably to such an

⁹ See Koch, *A Constitutional History of Germany; In the Nineteenth and Twentieth Centuries*, (1984), esp. p. 306, for a complete breakdown of the emergency powers bestowed upon the President. Koch also provides a comparison the Prussian Constitution which provides an interesting clause against abuses of emergency power, which was not provided within the Weimar Constitution.

¹⁰ Specifically, 966 out of 1,636 days were spent in divided minority government (Skach, 2005, p. 50)



extent that Hitler's manipulation of it did not ring the alarm bells it otherwise should have done.

It was discussed in the previous chapter, and is graphically demonstrated within the cabinet history table below, that the fragmentation of the Weimar party system made forming and sustaining parliamentary coalitions exceedingly difficult. However, as the economic crisis escalated in Germany with the onset of the Great Depression, and the threat to the political system grew from antidemocratic movements – primarily the Nazis – President Hindenburg began to rely more heavily on his formal powers to create governments, and to forge efforts at building parliamentary support (Shugart and Carey, 1992, p.70).

See following page for Table 3.

Table 3 – Weimar cabinet history

| Cabinet Dates | President/Party Affiliation | Prime Minister | Government Majority | Parties in Government | Coalition Structure |
|-------------------|-----------------------------|----------------|---------------------|-----------------------|---------------------|
| 2/3/19 – 6/20/19 | Ebert/SPD | Scheidmann/SPD | 0.60 | SPD/Ztr/DDP | CMG |
| 6/21/19-3/26/20 | Ebert/SPD | Bauer/SPD | 0.79 | SPD/Ztr | CMG |
| 3/27/20-6/20/20 | Ebert/SPD | Muller/SPD | 0.37 | SPD/Ztr/DDP | DMG |
| 6/21/20-5/9/21 | Ebert/SPD | Fehrenbach/Ztr | 0.45 | Ztr | DMG |
| 5/10/21-10/25/21 | Ebert/SPD | Wirth/Ztr | 0.45 | DVP/Ztr/DDP | DMG |
| 10/26/21-11/21/22 | Ebert/SPD | Wirth/Ztr | 0.37 | SPD/Ztr/DDP | DMG |
| 11/21/22-8/12/23 | Ebert/SPD | Cuno/np | 0.59 | DVP/Ztr/DDP | DM |
| 8/13/23-10/5/23 | Ebert/SPD | Stresemann/DVP | 0.59 | SPD/Ztr/DDP/DVP | DM |
| 10/6/23-11/29/23 | Ebert/SPD | Stresemann/DVP | 0.41 | SPD/Ztr/DDP/DVP | DMG |
| 11/30/23-6/2/24 | Ebert/SPD | Marx/Ztr | 0.29 | Ztr/BVP/DVP/DDP | DMG |
| 6/3/24-1/14/25 | Hindenburg/np | Marx/Ztr | 0.29 | Ztr/DDP/DVP | DM |
| 1/15/25-1/19/26 | Hindenburg/np | Luther/np | 0.35 | Ztr/DDP/DVP/DNVP | DMG |
| 1/20/26-5/16/26 | Hindenburg/np | Luther/np | 0.61 | Ztr/BVP/DVP/DDP | DM |
| 5/17/26-1/28/27 | Hindenburg/np | Marx/Ztr | 0.31 | Ztr/DVP/DDP | DMG |
| 1/29/27-6/28/28 | Hindenburg/np | Marx/Ztr | 0.52 | Ztr/BVP/DVP/DNVP | DM |



| | | | | | |
|-----------------|---------------|-------------------|------|---------------------|-----|
| 6/29/28-3/29/30 | Hindenburg/np | Muller/SPD | 0.35 | SPD/Ztr/BVP/DVP/DDP | DMG |
| 3/30/30-10/9/31 | Hindenburg/np | Bruning/Ztr | - | Nonparty | CD |
| 10/9/31-6/1/32 | Hindenburg/np | Bruning/Ztr | - | Nonparty | CD |
| 6/1/32-12/3/32 | Hindenburg/np | Von Papen/np | - | Nonparty | CD |
| 12/3/32-1/30/33 | Hindenburg/np | Von Schleicher/np | - | Nonparty | CD |
| 1/30/1933 | Hindenburg/np | Hitler/NSDAP | 0.42 | NSDAP | - |

Source: Data from Bracher, Funke, and Jacobsen, 1988 cited in Skach 2005, p. 51
 np = non-party; CMG – Consolidated majority government; DM – Divided majority government; DMG – Divided minority government; CD – Constitutional dictatorship; for all party abbreviations, see Table 1.

The weak restraints upon the presidential office meant that Hindenburg often responded to opposition in the Reichstag by exercising his power of dissolution (Shugart and Carey, 1992, p.70). The only limitation was that the Reichstag not be dissolved more than once “for any one reason” (Article 25). Only the most unimaginative of presidents could not conjure up unlimited “reasons” for dissolution. Indeed, as conflict grew more intense and chronic between president and Reichstag in the 1920s and early 1930s, President Paul von Hindenburg relied repeatedly on dissolution (Shugart and Carey, 1992, p.68). Lepsius (1978) provides the following data on the explosion of presidential decree activity, and the corresponding decline of assembly activity in the years 1930-2:

Table 4 – Presidential decrees and parliamentary dissolutions

| | Laws passed by parliament | Presidential decree | Days in session, Reichstag |
|------|---------------------------|---------------------|----------------------------|
| 1930 | 98 | 5 | 94 |
| 1931 | 34 | 44 | 41 |
| 1932 | 5 | 66 | 13 |

Source: Data from Lepsius 1978, cited in Shugart and Carey, 1991, p.70

While such figures are by nature impressionistic, and do not illustrate the content of the various laws, the pattern is nevertheless shocking, and provides a clear indication on the abuses of presidential power (Shugart and Carey, 1992, p.69).

As if this did not undermine the Reichstag enough the Weimar president possessed in addition the authority to refer any law passed by the Reichstag to popular referendum



(Shugart and Carey, 1992, p.69). Clearly, it would require a whole alternative paper to cover the effects of referenda on party politics. In fact, the destabilising effect of the constitution's provision for referenda or plebiscites has often been exaggerated; other political systems have existed perfectly happily with such a provision (Evans, 2004, p.85).

However, in terms of this paper, the use of referenda as a weapon of agitation, particularly by extremists, is of high importance. Indeed, in 1929 the National Socialists gained national prominence in campaigning, alongside the Nationalists, for a law imposing penal sanctions on any member of the cabinet or their plenipotentiaries who signed the Young Plan decisions (Feuchtwanger, 1995, p.45). Although less than 14% of the electorate voted for the referendum, the Nazis gained respect as the main political organization to repudiate the reparations, and therefore notoriety as the chief anti-system party (Myerson, 2004, p. 208). This therefore represents a dramatic example of the way in which an area of weakness in the Weimar Constitution was exploited by the most determined opponents of democracy. Indeed, as noted by Kurt Sontheimer (1988, p.11), in recognition of this weakness in the Weimar Constitution, the Constitution of the Federal German Republic deprived the people of any plebiscitary instruments of the kind which had existed under Weimar which, it was held, encouraged the growth of extremist demagoguery.

At this point it is important to state that there have been authors, such as Duverger (1980, p.173), who claims that, 'with conventional parliamentary government, the Weimar Republic would probably have collapsed sooner than it did.' Sartori (1994, P. 129 cited in Skach, 2005, p.10) concurs, noting that, 'had Germany adopted in 1919 a parliamentary type of constitution, I believe that Weimar would have collapsed much earlier than it did.' For these authors it was only through the use of presidential decrees that the Weimar system managed to last so long.

This though brings up the secondary effect of presidential rule by decree. Whether the President was forced to take action as the constitution intended or the president elected to take action because he felt it was in the state's best interest, it had an effect on the parties' willingness to take responsibility. Skach (2005, p.52) demonstrates, that this abdication of parliamentary responsibility is best witnessed by the behaviour of the Social Democratic party (SPD) over the course of the Republic (refer to cabinet history table). The SPD's



centre-left and prosystem placement made it one of the most important, and most viable, coalition partners throughout the Republic. In terms of both votes in the national elections and seats in the Reichstag, the SPD remained the strongest party until the penultimate year of the Republic, 1932. However, from November 1923 onward the SPD remained in the opposition (with the exception of the last attempt to ward off fascism in 1928 with the formation of the Grand Coalition) (Skach, 2005, p.52). By taking the this path and remaining in the opposition, given that the SPD was still the largest party in the Reichstag, and centrally located in the Weimar's multiple party structure, the SPD actually acted as a block against the formation of majority coalitions (Skach, 2005, p.52).

Indeed, the difficulty in establishing majority coalitions capable of making tough decisions, arguably, on some occasions, justified the use of Article 48 for the good of the Republic and its institutions. However, presidential action as a result of legislative weakness can create a vicious cycle. The greater the legislative immobility, governmental instability, and cabinet reshuffling resulting from the minority position of the government (Skach, 2005, p.18), the more justified or pressured the president may feel to use his powers, for a prolonged period of time. This is particularly true when a country's economic situation demands rapid legislation to solve crises, as was the case in Weimar Germany in the 1920s and 1930s (Skach, 2005, p.18).

In fact, according to Sir John Wheeler-Bennett (1972, p.368) it was the handling of the economic crisis, under the Bruning government, that played directly into the hands of Hitler and the Nazi party, and which provides an excellent example of the vicious cycle described above.

Bruning presented his first proposals for coping with the economic crisis to the Reichstag in June. When a month later the dilatory tactics of the political parties had resulted in no decisions and, by reason of the delay, the economic conditions of the country daily worsened, Chancellor Bruning advised President von Hindenburg to invoke the provisions of Article 48 of the Constitution and promulgate the necessary measures by decree. This the President did. However, Article 48 also dictated that presidential decrees must be at once submitted to the Reichstag and withdrawn if it so demanded. This the Reichstag did, by refusing the decree by



a two-thirds majority. Brüning promptly asked the President to dissolve the Reichstag and, as soon as this was done, reissued the decree (Wheeler-Bennett, 1972, p. 368).

In the general election which followed the National Socialists were the most efficient of the anti-system parties in capitalising on the situation. The Nazi party's unparalleled propaganda techniques and ability to campaign against the system has been well documented by historians and political scientists alike. Hermens (1972, p. 275) remarks; 'they told the population that Dr. Brüning was robbing the German people of their money in the interest of international Jewry. The middle class voters of the Right for the most part did not go so far as to believe this, but they resented the high taxes, the 'cuts' in salaries, the low prices for their goods, and the fact that their parties in parliament cooperated with the Social-Democrats.' Hermens goes on to argue that it is because of this that citizens lost faith in their traditional parties, and it was not long before all the little groups of the Right and Centre were obliged to realise that their voters had deserted them for the National Socialists (Hermens, 1972, p. 275).

In the event the Nazi Party obtained 18 percent of the votes cast and 107 seats in the new Reichstag (as against 12 in the old) becoming the second largest political party in Germany (Wheeler-Bennett, 1972, p. 368). In the subsequent period from 1930 to 1933, as the Weimar Republic slipped ever closer to fully fledged constitutional dictatorship, the Nazi party was able to further utilise its position as an anti-system party and ridicule those working within the 'illegitimate' system, a position from which they derived great support from the electorate (Skach, 2005). This was all the more possible because the Weimar Constitution contained no provisions against political parties or movements intent on changing or even overthrowing it, providing this was done constitutionally, as defined by Article 76. Few in positions of power in 1933 could protest that they did not know what Hitler intended (Koch, 1984, p.298). Hitler was appointed Chancellor on the basis that the Reichstag would be dissolved, that new elections would be carried out and that an Enabling Bill would be introduced. Everyone knew that Hitler's appointment was likely to involve profound changes. After all, the Nazi party programme profoundly differed from those of any of the other parties (Koch, 1984, p.307).

Thus, the second way by which the National Socialists were able to manipulate the use of presidential powers was far more explicit. Upon Hitler's appointment as Chancellor, on 28 January 1933, whatever the background behind the decision, he was quick to consolidate the



Nazi seizure of power. After the Reichstag fire and the subsequent dissolution of the parliament the general election of March 5th 1933, had given Hitler and his coalition government of Nazis and Nationalists only a fifty-one percent majority. Consequently the Communist Party was outlawed and some 26 Social Democrat deputies were either arrested or terrorized into flight and hiding, thus giving the Fuhrer a possible two-thirds majority for any legislation he might feel inclined to enforce. The Chancellor proposed to enact emergency legislation for a period of four years which would transfer the power of legislation from the Reichstag to the government of the Reich, which in turn would be even empowered to change the Constitution if it saw fit to do so, in order to legalize such measures as might otherwise be held as unconstitutional (Wheeler-Bennett, 1972, p.371). The Enabling Act was passed on 23 March 1933 thus in essence ending the Weimar republic and securing for Hitler and the Nazi party dictatorial rule.

This chapter has considered the reasons for the creation of a presidential system in collaboration with the parliamentary system. However, it has gone on to show that the powers entrusted to the president, within the Weimar constitution, gave rise to two key weaknesses in the Republic. Firstly, the powers provided were weighted heavily in favour of the president. This would not have been such an issue had the powers been used in same manner as President Ebert used his. Field Marshall von Hindenburg, though, did not do this. He was able to utilise lack of safeguards against the abuse of Article 48, in collaboration with the power to dissolve the Reichstag, and effectively rule by decree. The facts were sharply formulated thus: 'The use of the same instrument, which saved the Republic under Ebert, destroyed it under Hindenburg. It depended, therefore, how the emergency authority was used. Precisely because it was supposed to be so effective and had, therefore, so few limitations, it was at the same time easy to abuse. Here, strength and mortal weakness of the Republic lay side by side' (Kolb, 2005, p.163).

The secondary harmful effect of the rule by presidential decree was that to a certain extent it enabled parties to abdicate from positions of responsibility. This inevitably helped create a vicious circle: the immobility of the legislature required the president to take action, but the subsequent action by the president highlighted to the parties that should they remove themselves from responsibility that the president would step in. Thus, as Shugart and Carey (1992, p. 71) note; 'even at a time when the Nazis' rise to power was far from inevitable, and



while politics conducted within the constitutional framework was predominant, the position of the Weimar president rendered the Reichstag ineffectual.’

Finally, the last section of this chapter has shown the ways in which the National Socialist movement was able to utilise the power of presidential decrees in order to consolidate their seizure of power. This was also affected in two ways. Firstly, the illegitimate way in which the governments from the 1930 to 1933 acted fuelled the National Socialist movement with ammunition to deride the government’s actions and concurrently offered them the opportunity to appeal as an alternative to the failings of the current system. Secondly, upon appointment as Chancellor by President von Hindenburg, Hitler was provided with ample precedent by which to rule by presidential decree, and was able to instigate the end of the Weimar system with the implementation of the Enabling Act, on 23 March 1933.

Conclusion

This paper has sought to examine the weaknesses of the Constitution of the Weimar Republic, and the ways in which Hitler and the Nazi party utilised these weaknesses in order to consolidate their seizure of power. This concluding chapter will provide an overview of the findings portrayed within this paper and offer a few important implications derived from these findings.

Firstly, the literature review has showed that multiple conflicting interpretations remain for the rise of fascism in Weimar Germany. It therefore divided these interpretation into three broad threads; those represented by William L. Shirer’s *The Rise of Fall of the Third Reich* (1960), Karl Dietrich Bracher’s *The German Dictatorship* (1970); and Richard J. Evans’ *The Coming of the Third Reich* (2004) respectively. From evaluating these three interpretations it was argued that the ‘Luther to Hitler’ approach taken by Shirer and many other Anglo-American authors of the period, which presented the process of the rise of Nazism as an inevitability, failed to acknowledge the many ways in which the rise of fascism could have been averted. The assessment was therefore made that Bracher and Evans’ presentation of the multiple conditions and causes conversely offers a far better understanding of how it was that an insignificant party from the right could seize power in such a short space of time.



Nevertheless, despite Bracher and Evans' thorough explanations for the rise of fascism in the Weimar Republic, it is the finding of this paper that the Constitution of the Weimar Republic remains, given its enormous importance, an under-researched area of scholarly study, and which can offer important further understanding of the rise of National Socialism. Most accounts of the Weimar Constitution either come in a summary manner, like that of Eberhard Kolb's *The Weimar Republic* (2005), or seek to demonstrate how the fault of a single provision within the constitution led to the downfall of the Republic, such as F.A. Herman's *Democracy of Anarchy? A Study of Proportional Representation* (1972), which fail to fully account for the weaknesses of constitutionalism.

The second chapter concerned itself with an overview of these strengths and weaknesses, balanced with an indication of the troubled beginnings of the Weimar Republic and the continuation of these problems throughout the short history of the Republic. Consequently, at no stage does this paper claim that an alternative constitution would necessarily have prevented the rise of Nazism.

This paper has found nevertheless that constitutional decisions are of fundamental importance to the future development of a state, and that poor decisions by the framers of constitutions will be exploited by enemies of the system. Analysis focused on two particular areas of weakness within the Constitution of the Weimar Republic; that of the proportional representation electoral system, and that of the powers of the president, and established the various ways in which Hitler and the Nazi party were adept at exploiting these weaknesses. It was emphasised that there were many further areas of weakness within the Weimar Constitution, such as the failure to break up the state of Prussia that that would warrant further investigation.

The first shortcoming discussed at length within this paper was the decision by the architects of the Weimar Constitution to include such a pure form of proportional representation electoral system as part of the constitution. It was argued that the failure to include safeguards, such as thresholds, reducing district magnitude and other measures that may have reduced the splintering of parties, were a clear sign of weakness within the constitution, and contributed to the inability to create consolidated majority coalitions and therefore to the eventual break down of the parliamentary system.



It has been explained that the form of proportional representation chosen by the creators of the constitution encouraged the formation of new, small-interest parties, which facilitated the early development of the National Socialist movement. Moreover, the multiplicity of these small interest parties contributed the subsequent breakdown in the party system, which gave Hitler and the Nazi party substantial fuel for agitation against the Weimar system.

In addition, the type of proportional representation electoral system was particularly useful for the Nazi party in organisational terms, in the way that voters were asked to vote for party lists rather than individual candidates; of great benefit to a party that was built around the Fuhrer principle. This list system offered the Nazi party the opportunity to focus all the electorates attention on the central figure of the Fuhrer, instead of having to campaign for individual representatives in small districts.

The fourth chapter of the paper discussed the decision, by the authors of the constitution, to bestow upon the president of the Weimar Republic extensive constitutional powers. It was argued that this decision to a great extent undermined the position of the Reichstag, and further promulgated the failure to establish majority coalitions, within the legislature. This, it was argued, meant that the president was forced to take action in order to drive through important legislation. The consequent application of many of these presidential powers, especially Article 25 and 48 by President Hindenburg, because of the minimal limitations placed upon the presidential office, further encouraged the breakdown of the parliamentary system.

Hindenburg's rule by presidential decree served to rob the Weimar Republic of its legitimacy, which provided the National Socialist movement with ample material to campaign against the government's performance, in this way appealing to the electorate as the only party capable of offering an alternative to the failings of the current system. In addition, the actions of President Hindenburg provided Hitler, upon appointment as Chancellor, with sufficient precedent to by-pass the legislature and rule by decree.

It is therefore concluded that while there were undoubtedly multiple factors leading to the rise of the Nazi party, certain specific weaknesses within the constitution of the Weimar Republic



were taken advantage of in order to make this dramatic rise possible. The extensive powers, with which the office of the president was charged, for instance, were by no means the chief factor that led to the demise of the Weimar Republic. However, the manner in which they were applied, along with the other detrimental factors plaguing the Republic, led to a weakening of the parliamentary system, and destruction of its legitimacy. This combination contributed to the uncertainty within the German electorate over the established system, which, in turn, can be seen as a catalyst to cast protest votes. Hitler and the Nazi party, with the various means highlighted throughout this paper, were the party most adept at harnessing the bitter sentiment towards the Weimar system, and were therefore able to capture these protest votes and cause further damage to the existing political system.

Whilst, as argued within the chapter on constitutionalism, one must be cautionary when trying to apply the lessons learnt from one constitution to another constitution (as the likelihood of the exact conditions found in Weimar are unlikely to rise again, and therefore, it would never be possible to know what constitutional amendments may have made any difference to forestall the rise of fascism), I consider that there are further implications to the findings of this paper that warrant further investigation.

Firstly, the very suggestion that there may be a connection between electoral rules and Hitler's political success indicates that electoral rules might have a serious consequence not only for a party but even for an entire country, its neighbour – and even the world (Taagepera and Shugart, 1991, p.3). This surely suggests that further research should be spent on understanding what alternative electoral factors, other than higher thresholds, limiting the number of parties and reducing district magnitude, have been effective in preventing the rise of extremist political parties, for instance do older electoral systems offer more voting stability in times of crisis? And are these other factors the reason why comparative trends have not been witnessed in countries, such as, according to Taagepera and Shugart (1991, p.235), Finland and the Netherlands, with similar proportional representation profiles?

The second considerable implication of the findings within this paper is born out of the chapter on presidential powers. This was that bestowing great powers upon a president can, in times of crisis, lead to conflict or competition between the parliament and the president, a



situation often noted by authors of 'semi-presidentialism'¹¹, and which, depending on the strength of the powers provided to the president, could in extreme circumstances lead to a breakdown in the parliamentary system. Considering the great many states that conform to the so-called 'semi-presidential' type¹², this implication is potentially far reaching.

Therefore, while this paper has achieved what it set out to, to discuss the weaknesses within the Constitution of the Weimar Republic, and the ways in which Hitler and the Nazi party were able to exploit these weak points, in terms of constitutional designs, it has also discovered further areas for investigation. Firstly, bearing in mind the weaknesses of constitutionalism, what, if any, greater electoral measures can be taken in order to limit the rise of extremist parties? And secondly, if there is this so called 'semi-presidential' style of system, and the Weimar system does conform to it, what does this mean in terms of those other states that also utilise this form of governance: are there comparisons to be made, and lessons to be learnt?¹³

Bibliography

Arendt, H.: *The Origins of Totalitarianism*, New York: Schocken Books, 1951

Bogdanor, V.: *Constitutions in Democratic Politics*, Aldershot: Policy Studies Institute, Gower, 1988

Boyd, K.: *Encyclopaedia of Historians & Historical Writing*, Volume I A –L, London: Fitzroy Dearborn Publishers, 1999

Bracher, K. D.: *The German Dictatorship: The Origins, Structure, and Effects of National Socialism*, Translated from the German by Jean Steinberg with an Introduction by Peter Gay, London: Penguin University Books, 1970

Bracher, K.D. and Gleason, A.: *Turning Points in Modern Times: Essays on German and European History*, translated by Thomas Dunlap, Cambridge: Harvard University Press, 1995

Bracher, K.D., Funke, M, and Jacobsen H.A, eds: *Die Weimarer Republik, 1918-1933: Politik, Wirtschaft, Gesellschaft*, Bonn: Bundeszentrale für politische Bildung, 1988

Braunias, K.: *Das parlamentarische Wahlrecht*, vol. I, Berlin: de Gruyter 1932

Burleigh, M.: *The Third Reich: A New History*, London: Pan, 2000

¹¹ As mentioned in the literature review, for classification of 'semi-presidentialism' see Elgie (1999), which calls for more competitive work on semi-presidential systems.

¹² According to Skach (2005, p.1) seventeen of the post-communist states chose semi-presidentialism, include Armenia, Azerbaijan, Belarus, Bulgaria, Georgia, Kazakhstan, Kyrgyzstan, Lithuania, Macedonia, Moldova, Poland, Romania, Russia, Slovenia, Ukraine, and Uzbekistan.

¹³ In reference to this point Cindy Skach (2005) has drawn parallels between the 'semi-presidentialism' seen in Weimar and that of the French Fifth Republic, and Shugart, and Carey (1992) have also sought to apply it to other states but it is certainly an under-researched phenomenon.



- Cesarani, D.: 'The Resistible Rise of a Demagogue', 'Review of Evans, R.J., The Coming of the Third Reich', *The Independent*, 24 October 2003
- Duverger, M.: "A New Political System Model: Semi Presidential Government," *European Journal of Political Research*, vol. 8, no.2 (June 1980), pp. 165-187
- Duverger, M.: 'A New Political System Model: Semi-Presidential Government' in *Parliament versus Presidential Government*, eds., Lijphart, A, Oxford: Oxford University Press, 1992
- Elgie, R.: *Semi-Presidentialism in Europe*, Oxford: Oxford University Press, 1999
- Epstein, K.: 'Shirer's History of Nazi Germany', *The Review of Politics*, Vol. 23, No. 2 (Apr., 1961), pp. 230-245
- Evans, R.: *The Coming of the Third Reich*, London: Penguin Books, 2004
- Eyck, E.: *A History of the Weimar Republic*, Translated by Harlan P. Hanson and Robert G. L. Waite, New York: Athenium, 1970
- Feuchtwanger, E. J.: *From Weimar to Hitler; Germany 1918-33*, Second Edition, Basingstoke: Macmillan, 1995
- Finer, S. E., Bogdanor, V. and Rudden, B.: *Comparing Constitutions*, Oxford: Clarendon Press, 1995
- Friedrich, C. J.: *Constitutional Government and Democracy*, Boston: Little, Brown, 1941
- Friedrich, C. J. and Brzezinski, Z.: *Totalitarian Dictatorship and Autocracy*, Cambridge: Mass, 1956
- Geary, G.: 'The Industrial Elite and the Nazis in the Weimar Republic', in Peter D. Stachura, ed., *The Nazi Machtergreifung*, London: Unwin Hyman, 1983, pp. 85-100
- Goebbels, J.: *Der Angriff: Aufsätze aus der Kampfzeit*, Munich, 1935
- Green, H.M.: 'Review of Evans, R.J., The Coming of the Third Reich', *International Social Science Review*, Fall-Winter 2005
- Hamilton, R.: *Who Voted for Hitler?* Princeton: Princeton University Press, 1982
- Hermens, F.A.: *Democracy or anarchy? : A Study of Proportional Representation*, New York: Johnson Reprint, 1972
- Hitler, A.: *Mein Kampf*, Munich, 1935
- Holmes, F.S.: "Precommitment and the Paradox of Democracy," in Joe Elster and Rune Slagstad, eds., *Constitutional Democracy*, Cambridge: Cambridge University Press, 1993, pp. 195-240
- James, H.: *The German Slump. Politics and Economics 1924-1936*, Oxford: Oxford University Press, 1986
- Kershaw, I: *The Nazi Dictatorship, Problems and Perspectives of Interpretation*, Fourth Edition, London: Arnold, 2000
- Koch, H. W.: *A Constitutional History of Germany: In the Nineteenth and Twentieth Centuries*, London/New York: Longman, 1984
- Kolb, E.: *The Weimar Republic*, Translated by P.S. Falla and R.J. Park, London: Routledge, 2005
- Large, D.: 'Review of Evans, R.J., The Coming of the Third Reich', H-German, *H-Net Reviews*. December, 2005



Lepsius, R.: "From Fragmented Party Democracy to Government by Emergency Decree and National Socialist Takeover: Germany," in Linz and Stepan., *The Breakdown of Democratic Regimes: Europe*, Baltimore: John Hopkins University Press, 1978

Lijphart, A.: *Electoral Systems and Party Systems: A Study of Twenty Seven Democracies, 1945-1990*, Oxford: Oxford University Press, 1994

Magee, F.D.: *The British Government, the last Weimar Government and the rise of Hitler, 1929 – 1933*, Leeds: University of Leeds, 1991

McGovern, W.M.: *From Luther to Hitler. The History of Nazi-Fascist Philosophy*, London: George Harrap & Co, 1946

Mommsen, H.: *The Rise and Fall of Weimar Democracy*, Translated by Elborg Forster & Larry Eugene Jones, Chapel Hill & London: The University of North Carolina Press, 1996

Myerson, R.: 'Political Economics and the Weimar Disaster', *Journal of Institutional and Theoretical Economics*, Volume 160, Number 2, 1 June 2004, pp. 187-209

O'Butler, R.: *The Roots of National Socialism*, London: Faber and Faber, 1941

Rae, D.W.: *The Political Consequences of Electoral Laws*, New Haven: Yale University Press, 1967

Rosenfeld, G.D.: 'The Reception of William L. Shirer's the Rise and Fall of the Third Reich in the United States and West Germany, 1960-62', *Journal of Contemporary History*, Vol. 29, No. 1 (January, 1994), pp. 95-128

Ruck, M.: *Bibliographie zum Nationalsozialismus*, Vol. 2, Darmstadt: Wiss Buchges, 2000

Sartori, G.: *Comparative Constitutional Engineering: An Inquiry into Structures, Incentives, and Outcomes*, New York: New York University Press, 1994

Schanbacher, E.: *Parlamentarische Wahlen und Wahlssystem in der Weimarer Republik: Wahlgesetzgebung und Wahlreform im Reich und in den Ländern*, Dusseldorf, 1982

Schmitt, C.: *The Crisis of Parliamentary Democracy*, translated by Ellen Kennedy, Cambridge, Mass: London : The MIT Press, 1988, c1985

Schmitt, C.: *Théorie de la Constitution*, Paris: PUF, 1993

Shirer, W. L.: *The Rise and Fall of the Third Reich: A History of Nazi Germany*, Touchstone Edition, New York: Simon & Schuster, 1960

Shugart, M.S. and Carey, J.M.: *Presidents and Assemblies: Constitutional Design and Electoral Dynamics*, Cambridge: Cambridge University Press, 1992

Sontheimer, K.: "Anti-democratic Thought in the Weimar Republic," in Theodor Eschenburg et al., *The Road to Dictatorship: Germany 1918 to 1933*, London: Oswald Wolff, 1977, pp. 39-56.

Sontheimer, K.: 'The Federal Republic of Germany (1949): Restoring the Rechtsstaat' in *Constitutions in Democratic Politics*, eds., Vernon Bogdanor, Aldershot: Policy Studies Institute, Gower, 1988

Skach, C.: *Borrowing Constitutional Designs: Constitutional Law In Weimar Germany And The French Fifth Republic*, Princeton: Princeton University Press, 2005

Stern, F.: "Adenauer and a Crisis in Weimar Democracy," *Political Science Quarterly*, vol. 73, no. 1 (March 1958), pp. 1-27

Stirk, P.: 'Hugo Preuss, German political thought and the Weimar constitution', *History of Political Thought*, Volume 23, Number 3, 2002, pp. 497-516

Taagepera, R. and Shugart, M.S.: *Seats and Votes: The Effects and Determinants of Electoral Systems*, New Haven: Yale University Press, 1991

Wheeler-Bennett, Sir J.: "The End of the Weimar Republic," *Foreign Affairs*, 50 (January 1972): pp. 368–71