

The “Third Reich” in the German Legal, Philosophical and Political Thinking

It is much less known that Adolf Hitler (1889-1945) himself was never in full support of this expression even though it proved quite effective both before and after the NSDAP (*Nationalsozialistische Deutsche Arbeiterpartei*) takeover.[2] A circular letter that was issued by the Ministry of People’s Education and Propaganda of the German Empire (*Reichsministerium für Volksaufklärung und Propaganda*) on July 10, 1939 explicitly forbade the official use of “Third Reich”. According to this circular letter Germany’s official name is from this point on “Greater German Empire” (*Großdeutsches Reich*).[3] It is worth pointing out that the “Greater German Empire” (*Großgermanisches Reich*) used by the SS cannot be considered official either.

Years later, on March 21, 1942 the Ministry of People’s Education and Propaganda issued a circular letter with provisions for the official name of the “new Germany”. It was to be called “Empire”, quite possibly modelled after the British Empire.[4] The goal of using the expression of “Empire” was to illustrate to the world that the newly acquired lands include territories annexed or occupied by Germany without any international validity, altogether ca. 841 000 sq. km.[5] The same circular letter limits the use of the expression to Germany, emphasizing that there is only *one* Empire and that is Germany.[6] The use of the term “Third Reich”, however, implied a serial empire which is comparable both in deeds and leaders to the empire, an idea that was entirely incompatible with the self-conscience of the imperialistic national-socialism which fancied to be looked upon as the pinnacle of German history.

In a historical sense the First Empire was established by Otto I in 962 who was crowned emperor by Pope John XII in Rome. This empire is also known as the Holy Roman Empire (*Sacrum Romanum Imperium, Heiliges Römisches Reich*) which existed till August 6, 1806.[7] The “Second Empire” was founded on January 18, 1871 in Versailles after the Franco-Prussian War and remained the most influential political and military power in Europe until its dissolution in November 1918. In a sense the Weimar Republic can be considered an “intermezzo” (*Zwischenreich*) between the “Second Empire” and the “Third Empire”. [8]

Following the Christian doctrine of Trinitarianism the three empires can be thought of in a religious and messianic way as follows: the “First Empire” is related to the Father, the “Second Empire” to the Son, while the “Third Empire” to the Holy Spirit. According to such an interpretation the “Third Empire” would constitute the zenith of history and the perfect symbiosis between the real and ideal, satisfying the prophetic requirement of Ibsen and Lessing[9] that the contradiction between Christianity and Antiquity be dissolved. This “Third Empire” would follow a distorted era of Christianity that would be realized by the

arrival of a new Messiah.

It is furthermore worth mentioning that in Ernst Krieck’s (1882-1947) *Die deutsche Staatsidee* (1917) the “Third Empire” appears not as a historical or political, but rather as a moral idea. Ernst Krieck alludes to Johann Gottlieb Fichte (1762-1814), the author of *Reden an die deutsche Nation*, a work that was highly influential in the latter’s era. Also, by 1919, Dietrich Eckart (1868-1923) uses the “Third Empire” with a clearly political and nationalistic content.[\[10\]](#)

Ernst Fraenkel (1898-1975) a lawyer who immigrated after the National Socialist takeover, quite rightly uses the term *Doppelstaat* (“Dual State”) to describe the autocratic national-socialist system, emphasizing the double nature of the national-socialist political rule. To insure the normal functioning of the economy an abstract *Normenstaat* is in effect in the areas of civil, trade, corporate and tax law. On the other hand only professional experience i.e. personal knowledge plays a part in securing political power (*Maßnahmenstaat*).[\[11\]](#)

In the preface of his work Arthur Moeller van den Bruck (1876-1925) emphasizes that the notion of the “Third Empire” is ideological (*Weltanschauungsgedanke*), hence it rises above reality. Moeller van den Bruck’s work quickly becomes widely known in Germany and has a large influence on the thinking of the young intellectual class with nationalistic feelings.[\[12\]](#) The disappointment felt after the very harsh political and economic terms of the Peace Treaty of Versailles that was imposed on Germany after the First World War undoubtedly helped shape the thinking of this class. The same work only very slowly becomes known outside of Germany.

The Solingen-born author, who came partly from a traditional Prussian military family, was greatly influenced by the philosophy of Nietzsche. His affinity to the Pan-German ideas is also quite strong. He is rather well acquainted with the most influential European countries, since he visited England, France, Austria, Italy and Russia between the turn of the century and the outbreak of the First World War. He was never really concerned about the unique ethnic problems of the Austro-Hungarian Monarchy. With the exception of the Dual Monarchy and Germany, he vehemently criticizes the major Western European powers, especially their political system and structure. To him the ideal “power” is Germany, his homeland, without which – according to him – no stability can or will ever exist in Europe.

The "Third Reich" in the German Legal, Philosophical and Political Thinking

Moeller van den Bruck is convinced that Germany is predestined to lead Europe for the historical ties it has with the Holy Roman Empire (*Sacrum Romanum Imperium*). He states that in its history the Holy Roman Empire was never able to amalgamate itself into a real political community (*politische Gemeinschaft*). The Holy Roman Empire is, in his view, almost exclusively dominated by the notion of territoriality (*territorialitas*), the result of which is centurial territorial dismemberment. This limits the development of German ethnic identity. The birth of the "Second-Empire" - despite the given of political unity - failed to change this situation. The state further remains autocratic and is viewed as a "foreign body" by its citizens.

As a truly conservative philosopher, he feels deep antipathy for Western democracies, primarily towards France and England. He introduces the democratic system of these countries in an ironic, belittling way. According to him, it is only a fiction that the nation (*natio*) is made up of formally equal individuals. Consistently, Moeller van den Bruck condemns Weimar Germany too, in which all political views are superficial and not reflective of what he believes actual society to be like. He strongly criticizes the Weimar constitution of 1919 as well, since in his opinion it is unable to provide a united Germany with an acceptable constitutional framework. Only with the elimination of its pseudo-values can Germany fulfil its mission of reviving Europe; something it is obligated to do with its rich ties to the Holy Roman Empire. It is the duty of the young generation to revitalize the dormant German intellectuals. They have to intuitively oppose and revolt against the deceiving values. Only as a result of such a "revolution" can the "Third Empire" come into existence.

The birth of the Third Empire, however, automatically assumes the territorial unification of the German ethnic group, which implies the termination of the system of the Treaty of Versailles. The substantial growth of the German population can provide the nation with the necessary strength to attain its goal.

It is quite interesting from the viewpoint of the "Third Reich" to briefly analyze the Article 61 of the Weimar Constitution. According to this article German-Austria after joining Germany receives proportional representation in the Imperial Council (*Reichsrat*). Even till the accession German-Austria (*Deutsch-Österreich*) is endowed with the right of consultation (later Germany was forced to declare the passage void). According to Article 80 of the Treaty of Versailles, Germany binds itself to acknowledging and respecting the independence of Austria. Austria's independence is inviolable. Only with the consent of the

The “Third Reich” in the German Legal, Philosophical and Political Thinking

League of Nations (*Völkerbund*) can the status of Austria be modified. This condition, however, led the peace conference to the inclusion of article 88 in the text of the third draft of the peace treaty signed with Austria on September 2, 1919. According to this article Austria's independence is inviolable and is always dependant on the consent of the League of Nations. This article of the treaty is in unison with the decree that Austria must make a commitment to refrain from any action that could directly or indirectly threaten its independence.

It must be emphasized that this section opens the floor to a very wide range of interpretations. The expression “Jesuit section” used by John Maynard Keynes is quite telling of this section.[\[13\]](#) It was viewed positively by the followers of Pan-Germanism, since it left the door open for the unification with Germany (*Anschluß*) through a rather peculiar interpretation.

The emphasis of Moeller van den Bruck's philosophy is on social or more specifically nationalistic demagogy. According to Moeller van den Bruck the integration of the peripheral classes into society and the German nation would be the solution to serious differences within the society of the Weimar Republic. Closely related to this idea, of course, is the goal of developing a national identity as soon as and as efficiently as possible. All this is a kind of anti-capitalist reaction and a significant contribution to the conservative and heterogeneous trend of both the conservative and the popular revolutions. The author of *Das dritte Reich* is an active supporter of only the first one.

Moeller van den Bruck's idea of a “perfect” empire had already been present in Lessing's and Ibsen's thoughts concerning the “Third Reich”, but was influenced primarily by Gerhard von Mutius' (1872-1934) value-ideal worldview.[\[14\]](#) Despite the rejection of modern liberalist ideals and the formulation of a plan for a “new European order”, the leaders of Germany's political and ideological life refused to accept Moeller van den Bruck's idea of the “Third Empire” that was originally trademarked by idealistic rather than politically relevant thoughts. This general hostility was further reinforced by the publication of a strong critique of Moeller van den Bruck's views in 1939. Still, the ideas of the conservative intellectual philosopher are especially popular with the conservative German “national” intellectuals.[\[15\]](#) During the Great Depression of the early 30's Moeller van den Bruck is often cited by many adherents of this group. It may also be worth mentioning that the expression “Prussian style” (*Preußischer Stil*) comes from Moeller van den Bruck.

The “Third Reich” in the German Legal, Philosophical and Political Thinking

Followers of the idea of conservative revolution are the writers, historians, economists, and lawyers who had close ties with the *Die Tat* cultural journal published by Ernst Horneffer (1871-1954) in Jena between 1909 and 1939. A majority of these people consider themselves to be the intellectual successor of Horneffer in some way.^[16] After Horneffer, Eugen Diederichs (1867-1930) takes over as the magazine’s editor. During Diederich’s editorial years the paper gains a more religious, social and cultural political appearance. From April 1913 the sub-title of *Die Tat* becomes “Social-religiöse Monatschrift für deutsche Kultur”, well reflecting the changes in ideology of the paper. During the First World War the paper is out of print. In 1921 the sub-title of *Die Tat* is changed by Diederichs to “*Monatschrift für die Zukunft deutscher Kultur*”, implying a change in style once again. The goal of the paper is changing Germany’s political and cultural life.^[17] The articles published in the *Die Tat* welcome the fall of the empire and follow a new socio-religious aristocratic thinking. Diederichs provides space for both the national-socialists and the liberals.^[18] The “community of people” (*Volksgemeinschaft*) wishes to bring a halt to the social and political decline of the bourgeoisie through the simultaneous creation of a national-socialist and authoritarian state. He furthermore demands a “revolution from the top” (*Revolution von oben*).

It is necessary to mention Eugen Rosenstock (1888-1973) who further developed the ideas of Diederichs. His work on the European revolutions, published in the early 1930’s was quite influential. The same can be said about economist Ferdinand Fried (1898-1967), who used empirical research to demonstrate the serious crisis of capitalist production in his main work, eloquently entitled *Ende des Kapitalismus* (Jena, 1931). According to Rosenstock, the solution to this problem is an authoritarian economic system. He is further disturbed by the gradual impoverishment of the middle-class, and the drastic strengthening of a rather small elite in the political and cultural life of Germany. This evermore powerful group barely constitutes one-tenth percent of a 60 million large Germany, yet it seems to create an unbridgeable gap between itself and the rest of society. He believes that the only solution to this problem is not only economic expansion, but also a substantial increase in exports. In order to achieve this Germany needs to become self-sufficient economically and must switch to an authoritarian system politically.

Carl Schmitt (1888-1985), a renowned professor of law and the author of the well-known work *Der Hüter der Verfassung* (1931) was also a person with close ties to the *Die Tat*. In this greatly influential work, through closely studying the Weimar Republic, he reaches the conclusion that in historic dimensions the state becomes “overpowering”, directly leading to the rise of a totalitarian state. In many respects Carl Schmitt’s *Gegenspieler* is Hermann

The “Third Reich” in the German Legal, Philosophical and Political Thinking

Ignatz Heller (1891-1933) who quite appropriately writes that “the need for a strong person is the bourgeoisie’s way of expressing its desperation. Through the strengthening of the working masses they feel that not only their own political and economic interests, but also the entire European culture is threatened... The only thing left for the desperate bourgeoisie is to place all their faith into a strong person.”[\[19\]](#)

Heller, who becomes a full professor of public law at Frankfurt am Main University in 1932, is a committed supporter of the Weimar Republic. The fact that in the same year he was the legal representative of the faction of the social democrats of the Prussian provincial diet in the so-called *Preußenschlagverfahren* seems to only reinforce this fact. It must be pointed out that Heller thinks that the modern state and its era are entirely incompatible with the class-stratification. As he indicated in his rather fragmented work, *Staatslehre* which was published after his early death, a modern state is both a social and democratic constitutional state, which by definition excludes the possibility of a strong person-led authoritarian state.[\[20\]](#)

Certainly worth mentioning is Hans Zehrer (1899-1966), who became the editor of the *Die Tat* in October 1929.[\[21\]](#) He is regarded as a supporter of the “conservative revolution” and the opponent of parliamentary democracy. After World War II Zehrer becomes the editor-in-chief of the *Die Welt*, and modifies the sub-title (“*Monatsschrift zur Gestaltung neuer Wirklichkeit*”) established by his predecessor Adam Kuckhoff (1888-1943). In 1932 he adds the adjective “independent” (*unabhängig*) to the original subtitle. The *Die Tat* becomes the intellectual interpretative forum for national-socialist ideas although keeping a distance of from Hitler and underestimating the dangerousness of the NSDAP. As the solution to the instable political and economic system of the Weimar Republic, Zehrer envisioned a new system, the “Third Reich”, as a fundamentally different, religion based corporate political system. This new system, which is in essence a 20th century version of Luther’s directorate, would be led by a new elite with “folk roots”. In Zehrer’s opinion only a return to the Lutheran Reformation can stop both communism and national-socialism from fulfilling their ultimate goal of establishing an authoritarian system. In accordance with Zehrer’s interpretation the “Third Reich” would have an eschatological political structure that had its foundations in the Reformation.

The intellectuals of the *Die Tat*, especially Giselher Wirsing (1907-1975), the person who becomes the editor of the review after the Nazi takeover in 1933, concentrate on Germany’s relations with Central Europe. Starting 1934-5 Wirsing shortens the review sub-title to

“Unabhängige Monatsschrift”. This is “confirmed” or seems to be confirmed by the unique, yet already true fact that the “transformation of reality” has already taken place. From 1936 the word “independent” disappears and only “Deutsche Monatsschrift” appears on the cover of the paper. In March 1939 the publication of the *Die Tat* comes to an end by merging with the *Das XX. Jahrhundert* magazine. Despite the political, ideological changes it has gone through the years the *Die Tat* becomes very popular in Germany, especially during Zehrer’s editorial years. The circulation of the paper reaches a yet unprecedented 30 000 copies. In addition Tat-clubs (*Tat-Kreise*) are born all throughout Germany, forming intellectual debate forums. According to Wirsing, Germany’s future is primarily influenced by South-eastern Europe (*Südost-Europa*). He is convinced that the goal of Germany’s enemies or perceived enemies is to encircle the country. It is for this reason that Germany needs to establish a closed national “living-space” (*Lebensraum*). He is convinced that self-sufficient German economy should open towards South-eastern Europe instead of the increasingly hostile financial world. At the same time Wirsing, similarly to most of his colleagues of the *Die Tat*, does not wish to continue or renew the old policy of annexation. Wirsing essentially revives the *Mitteuropa-Plan* (1848-50) which states that Germany’s expansion should be directed towards Central Europe instead of the West. This latter option has been limited, anyway, by the Locarno Treaty in 1925. The ultimate goal of the expansion is to establish the so-called *Großwirtschaftsraum* (Greater Economic Space). The *Mitteuropa-Plan* is generally associated with Friedrich Naumann (1860-1919); however, it was the Prussian-born Karl von Bruck (representative of Trieste in 1848 in the Viennese Parliament and financial minister of Austria between 1855 and 1859) who first developed the financial aspect of the plan.[\[22\]](#)

Moeller van den Bruck was the intellectual centre for the other group of intellectuals who sympathized with the idea of a “conservative revolution”. These people were united under the Berlin-based *Juni-Club* and were led by Moeller van den Bruck’s friend Heinrich von Gleichen. There is a close relationship between the *Juni-Club*, organized around figures of Moeller van den Bruck, Heinrich von Gleichen and Martin Spahn from Berlin and the *Deutscher Hochschulring* (DHR), an organization established and actively participating at most German universities after World War I.[\[23\]](#) The *Ring-Bewegung* is primarily characterized by conservatism, a nationalistic attitude and - due to disorientation - a trend-seeking at the beginning. The ties are particularly strong in Berlin which is illustrated by the fact that the centres of the *Hochschulring* are in the headquarters of the *Juni-Club*. The *Juni-Club* is rather active in Berlin, in particular it exhibits educational activities of political nature. In November 1922 Martin Spahn, one of the leading figures of the *Juni-Club* establishes a “Political Collegium”, where he regularly organizes lectures. From 1923 the

The “Third Reich” in the German Legal, Philosophical and Political Thinking

Collegium’s name changes to “*Hochschule für nationale Politik*”, where he holds “private university” classes. These classes are visited primarily by youth who sympathize with nationalist ideals, such as Werner Best, a lawyer and one of the most well-known national-socialists having a law degree.[\[24\]](#)

A prominent member of the *Juni-Club* is Edgar Jung (1894-1934). The Austrian economist, philosopher and sociologist, through the influence of Othmar Spann (1878-1950), propagates the rebirth and revival of the Holy Roman Empire of the German Nation.[\[25\]](#) This view is quite similar to Moeller van den Bruck’s call for the establishment of the “Third Reich”, since both of them reach back to the Holy Roman Empire for ideological support. Without going into an extensive analysis of the question, it must be pointed out that the linking of the Holy Roman Empire with the Germans as an ethnic group is entirely unhistorical.

Even based on this brief summary it can be ascertained that the idea of the “Third Reich” dates back a long time. In traces it is already present in Fichte’s philosophy. The idea of the “Third Reich” has quite an influence on the thinking of the conservative cultural philosophers, primarily Arthur Moeller van den Bruck. It is also present in the works of the era’s most influential literary, political and economic scholars. However, not even the often eschatological “Third Reich” is a uniformly interpreted idea. For political and philosophical reasons the national-socialist regime isolates itself from the idea of “Third Reich” already by the end of the 1930s. The “conservative revolutionary” branch of the *Deutsche Bewegung* (“German Movement”) - including all branches of the “conservative revolution” - becomes then unacceptable as an ideological base for the national-socialist rulers.

The “völkisch” branch of the *Deutsche Bewegung* is an entirely different matter. This latter one cannot be considered a uniform movement either, since it includes the *Schwarze Front* trend that later comes into conflict with the national-socialist ideals and the *Landvolkbewegung*,[\[26\]](#) a movement unfolding at the end of the 1920s in Schleswig-Holstein and one that wobbles between anarchy and corporatism as well. Of all these different movements, it is the *Führerprinzip* (“the leader’s principle”), espoused by Hans F. K. Günther (1891-1968), Richard Walter Darré (1895-1953) and Alfred Rosenberg (1893-1946), which becomes the official ideology of national-socialist Germany, in which the idea of the “Third Reich” no longer plays a role.

[1] An earlier version of this essay was published in *Acta Juridica Hungarica* 42(1-2), 2001, pp. 91-101.

[2] During Hitler’s official visit to Italy in May 1938, the German press repeatedly referred to the Holy Roman Empire of the German nation (*Heiliges Römisches Reich Deutscher Nation*). See V. Klemperer: *LTI. La langue du IIIe Reich*, Paris, 1996. p. 158 (In German original: *LTI - Notizbuch eines Philologen*. Leipzig, 1975.)

[3] In contemporary German legal textbooks the term “Greater German Empire” (*Großdeutsches Reich*) was used instead of Germany. See E.R. Huber: *Verfassungsrecht des Großdeutschen Reiches*, Hamburg, 1939.

[4] It is noteworthy that the name of the weekly paper released by Germany for foreign countries between 1940 and 1945 was *Das Reich*. This paper of the Nazi Germany contained a wide range of political, historical and literary information and was in print even in April 1945.

[5] According to a German official statement the territory of Germany in 1942 without Elsass, Lorraine, Luxembourg, the Czech-Moravian Protectorate (*Reichsprotectorat Böhmen und Mähren*) and Poland (the total size of these lands was 160 000 sq. km) was 681 000 sq. km. Previous to the Peace Treaty of Versailles the size of the “Second Reich” (which is often called “altes Reich”) was 540 000 sq. km. This substantial change is primarily due to the annexation of Austria (*Anschluß*), the Czech-Moravian regions following the Munich Agreement and the Polish regions (e. g. Warthegau) after the beginning of World War II. After the creation of the “Social Republic of Salò” (*Repubblica Sociale di Salò*) a part of Northern Italy, the so-called “*Voralpenland*” which includes Southern Tirol and the coastline of the Adriatic (“*Adriatisches Küstenland*”), became part of Germany. It is, however, difficult to decide whether these territorial acquisitions, from a legal viewpoint, were occupied or annexed.

[6] In legal terminology, primarily in administration, one comes across the euphemistic expression “*Verreichlichung*” quite often.

The “Third Reich” in the German Legal, Philosophical and Political Thinking

[7] For the international legal status of the Holy Roman Empire see *F. Berber: Internationale Aspekte des Heiligen Römischen Reiches*. In: *Festschrift für Th. Maunz zum 80. Geburtstag*, München, 1981, pp. 17-25. Regarding the relationship between the idea of the *renovatio imperii* and the Holy Roman Empire see *Földi A. - Hamza G.: The History and Institutes of Roman Law*, 5th revised and enlarged edition, Budapest, 2000, p. 114.

[8] For the most recent literature see R. Dufraisse: *Le Troisième Reich*. In: *Les empires occidentaux de Rome à Berlin*. Sous la direction de J. Tulard, Paris, 1997, p. 449.

[9] In his work “*L’éducation du genre humain*” (p. 86) Gotthold Ephraim Lessing foretells the “new eternal Gospel”, which means the “third era” (p. 90).

[10] It is worth pointing out that the title of Stefan George’s (1868-1933) work is “*Das neue Reich*” in which the expression “*völkisch*” occurs.

[11] See: E. Fraenkel: *The Dual State*, New York, 1941. (reprint: 1969). This work only appears in German translation in 1974 (*Der Doppelstaat*, Frankfurt am Main-Köln). For Ernst Fraenkel’s view of the state see: A. v. Brünneck: *Ernst Fraenkel (1898-1975), Soziale Gerechtigkeit und pluralistische Demokratie*. In: *Streitbare Juristen, Eine andere Tradition*, Baden-Baden, 1988, pp. 415-425.

[12] In the 3rd edition of *Das dritte Reich* (1931) Hans Schwarz emphasizes that national-socialism accepts the name “Third Reich” and named the federation’s paper “*Oberland*” based on the title of Moeller van den Bruck’s work.

[13] The decision, formulated by the Supreme Council on December 16, 1919 deals with the interpretation of the mentioned article. It was sent to Chancellor Karl Renner on the same day with a *lettre d’envoi*, that included the Allied Powers’ guarantee for the territorial integrity of Austria.

[14] See G. von Mutius: *Die drei Reiche*, Berlin, 1920, p. 226. Von Mutius writes: “One who frees himself of his own self stands in the Third Reich.” (*Wer sich von seinem Selbst geschieden hat, der steht im dritten Reich.*)

[15] Carlo Schmid writes in his memoirs, that in the 1930's the members of Tübingen Wiking-Bund, a nationalistic student group, read the works of Moeller van den Bruck. See C. Schmid: *Erinnerungen*, Bern-München, 1979, p. 143.

[16] Essays and critiques are published in the *Die Tat* by distinguished writers and philosophers such as Hermann Bahr (1863-1934), Paul Ernst (1866-1933) and George Simmel (1858-1918).

[17] According to Diederichs the current leading bourgeoisie (*bisher geistige Schicht des Bürgertums*) cannot be the carrier of culture in the future. (*Träger der Kultur nicht walten kann*). See: E. Diederichs: *Die neue „Tat“*. In: *Die Tat*, Heft 7, October 1929, p. 481.

[18] K. Fritsche: *Politische Romantik und Gegenrevolution. Fluchtwege in der Krise der bürgerlichen Gesellschaft: Das Beispiel des „Tat“-Krisen*, Frankfurt am Main, 1976, p. 45.

[19] Hermann Heller writes: "*Von grosser Wichtigkeit ist es, dass neufeudale Kraftpose und den Schrei nach dem starken Mann als den Ausdruck einer Verzweiflungsstimmung des Bürgers zu erkennen. Erschreckt durch das Avancieren der Arbeitermassen, glaubt er nicht nur seine eigenen politischen und ökonomischen Herrschaftsansprüche bedroht, sondern sieht zugleich das Ende der gesamten europäischen Kultur nahe. [...] Begreiflich, dass diesem verzweifelten Bürger nur die Hoffnung auf den starken Mann übrig bleibt.*" See H. I. Heller: *Rechtsstaat oder Diktatur?* Tübingen, 1930, pp. 17-18.

[20] For the importance of Heller's view of the social state with respect to the German constitutional thinking see: *Staatslehre in der Weimarer Republik. Hermann Heller zu ehren*, Hrsg. von Ch. Müller und I. Staff, Köln, 1985.

[21] Adam Kuckhoff takes over the editing of the *Die Tat* from Diederichs in April 1928. Kuckhoff only works at the journal for one year. In August 1943 he gets executed by the Nazis as a member of the "Rote Kapelle".

[22] It must be mentioned that Constantin Frantz, a political opponent of Bismarck, feels nostalgic towards the Holy Roman Empire. According to Frantz the three "Germanies"

The “Third Reich” in the German Legal, Philosophical and Political Thinking

(Prussia, Austria, and the “third Germany”), which include the South and Central German states, may provide the real defence against the French and Russian expansion. Frantz’s idea is anti-Nazi and was rather popular in German circles outside of Germany. See: F. Genton: *L’Europe Centrale, une idée d’Europe*, Dijon, 1997, p. 362.

[23] At some universities the name of the *Deutscher Hochschulring* is *Hochschulring Deutscher Art* (HDA).

[24] See: U. Herbert: *Best. Biographische Studien über Radikalismus, Weltanschauung und Vernunft. 1903-1989*, 2. durchg. Aufl. Bonn, 1996, p. 55.

[25] In contrast with Adam Smith and David Ricardo’s liberal economics Othmar Spann, the founder of social economics and universalism in philosophy, develops a new view for studying the so-called *Ganzheitslehre*. In his opinion the construction of a “real state” (*wahrer Staat*) assumes the new, profession based establishment of the economy and the state (*Ständestaat auf berufsständiger Grundlage*). Through opposing the various trends of liberalism and Marxism Spann exerts great influence on the conservative Austrian thinkers. Following the *Anschluß* Spann was stripped of his professorship in Vienna. Thereafter he took an active part in the formulation of the so-called *Korneuburger Eid*, an oath of the Austrofascist *Heimwehr*.

[26] Here we point out that the trend represented by Ernst Niekisch (1889-1967) is part of the *Deutsche Bewegung*’s “völkisch” revolutionary branch. Ernst Niekisch is also one of Moeller van den Bruck’s students.

Share this:

- [Share](#)