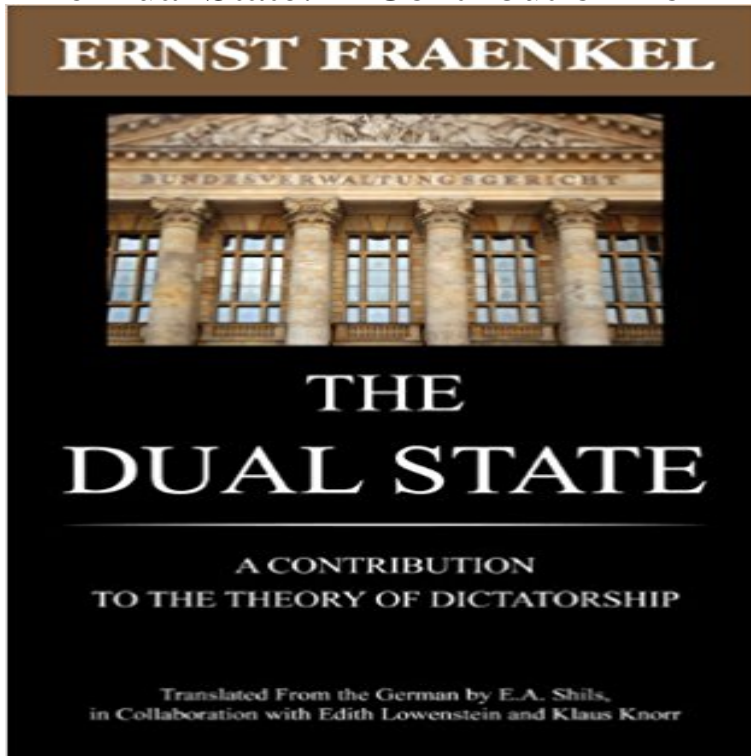


# The Dual State: A Contribution To The Theory Of Dictatorship



Originally published: New York: Oxford University Press, 1941. xvi, 248 pp. This classic study is one of the standard works on constitutional law, jurisprudence and judicial administration in Nazi Germany. Also considered one of the finest analyses of totalitarianism, it was written in Germany in the late 1930s and completed in the United States in 1940, where Fraenkel [1898-1975] lived after fleeing the Nazis in 1938. The title derives from Fraenkel's thesis that National Socialism divided the law into two co-existing areas. The first of these, The Normative State, protects the legal order as expressed in statutes, decisions of courts and the activities of administrative agencies. Its counterpart is the Prerogative State, which is governed by the party. It exercised unlimited arbitrariness and violence unchecked by any legal guarantees (xiii).

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