

The Nuremberg Race Laws

Conference on Law, Ethics and the Third Reich
Boston College, March 10-11, 2015

Raymond G. Helmick, S.J.

The anti-Jewish race laws, passed September 15th, 1935, at the Reichstag session in Nuremberg, the first time since 1543¹ that the Reichstag had met in Nuremberg, were very curiously an afterthought.²

No one can doubt the hatred of Jews that motivated Adolf Hitler from well before the actual years of the Nazi regime. The ferocity of his understanding of superior and inferior races stands out in *Mein Kampf*, the first of its three volumes, chapter 11, where he describes it as a law of nature that the superior should always hunt down and destroy the weaker: “The fox is always a fox, the goose a goose, the tiger a tiger, etc., and the difference can lie at most in the varying measure of force, strength, intelligence, dexterity, endurance, etc., of the individual specimens. But you will never find a fox who in his inner attitude might, for example, show humanitarian tendencies toward geese, as similarly there is no cat with a friendly inclination toward mice.”

Already on April 1st, 1933, just a few months after his appointment by President Hindenburg as *Reichskanzler* on January 30th and before the death of Hindenburg (August 2nd, 1934) had given him occasion to combine the offices of Chancellor and President, through a national referendum, into one fully dictatorial office of *Führer*, Hitler had ordered a boycott of all Jewish businesses. He then introduced, on April 7th, a *Law for the Restoration of the Civil Service* which banned Jews from any position in the civil service, extending that law in June '33 to include the spouses of civil servants, forcing all intermarried civil servants to resign. The racial character of these laws was of the essence of the new regime. Nordic Germans were the purest of the Aryan race, and therefore the Master Race. Not only the racially undesirable Jews, but also members of the liberal, socialist or Communist opposition could be killed, imprisoned or exiled. A National Socialist Student League took the initiative of removing books regarded as un-German from libraries, and a nationwide burning of books took place on May 10th. Further legislation of July '33 stripped all naturalized Germans of their citizenship, making it easy to deport new immigrants, particularly East European Jews. Towns began posting signs forbidding entry to Jews, and Jewish businesses were found no access to markets, could not advertise in newspapers, and lost all access to government **contracts**. Violent attacks became commonplace.

¹ Imperial Diet, Holy Roman Empire, https://en.wikipedia.org/wiki/Imperial_Diet_%28Holy_Roman_Empire%29

² *The History Place*, 2001, <http://www.historyplace.com/worldwar2/triumph/tr-nurem-laws.htm>

Christian churches, as potential ideological opposition, fell under oppression as well, with many leaders imprisoned. The regime set standards at once for education, concentrating on racial biology, population policy and fitness for military service. October and November of 1933 saw further laws, requiring all editors of German newspapers and their spouses to be Aryan, and prohibiting doctors or dentists married to Jews from receiving any health insurance payments.

As if the tendency to promote the Aryan and Aryan births were not clear, the Nazis instituted a program offering loans to women who would leave their jobs when married and lowering the loan repayment interest by 25% for each child born.

Why Nuremberg? The Nazi Party had held both rallies and Party Congresses since 1923, the first Congress in Munich that year marked by rioting, the arrest of Hitler, his conviction for treason and five years in prison, during which he dictated the text of *Mein Kampf* to his fellow prisoner, Rudolf Hess. The next Party Congress took place in Weimar in 1926 (a “refounding” of the party after the failure of the Beer Hall Putsch of 1923). But rallies were from the first in Nuremberg, and from 1927 the Party Congress and the “Deutsche Tag,” always held near the Autumn Equinox, coincided, always in Nuremberg. The city sat conveniently in the center of the Reich and had an ideal venue in its Luitpoldhain, where the Nazis created a gigantic stadium with a vast stone plaza for marching units, at its end a crescent-shaped *Ehrentribune* for the *Totenehrung*, the honoring of the dead. The city also had an enthusiastic Nazi party, the Franconia branch of the party led by Gauleiter Julius Streicher, and a police force massively friendly to the party. History also played its part, as Nuremberg had seen the Imperial Diet, the German *Reichstag*, in the time of what Hitler called the First Reich, the Holy Roman Empire, the last such meeting there in 1543. Wagner and his *Meistersinger von Nürnberg* must have counted with Hitler too.

Numbers escalated once the party came to power, eventually to 700,000. Hitler had a keen sense of the value of youth enthusiasm, and in 1934 marshalled 50,000 members of the Hitler Youth in ordered ranks. The brilliant filmmaker Leni Riefenstahl produced stunning propaganda films from these rallies. I had thought to entertain you a bit with her films, but unfortunately the work she did at the 1934 rally was not repeated in 1935. Bits of film in very poor condition remain from the 1935 rally and the Reichstag meeting at which Hitler introduced the race laws, but their quality is too poor.

The Reichstag itself would meet in Nuremberg in 1935. In March the Nazi Party had renounced Part V of the Treaty of Versailles, which had called for the German disarmament. In July, anti-Nazi demonstrators in New York had torn the Nazi party flag from the jack-staff of the ocean liner *Bremen* and tossed it contemptuously into the Hudson. When the German Consul protested, U.S. officials declared that the national flag had not been harmed, but only a party symbol. In consequence, at the Reichstag, Hitler declared the Swastika banner the new national flag of Germany.

Hitler had planned his speech to the Reichstag as a defiant challenge, celebrating these events, passing a formal Flag Law and supporting Mussolini's planned invasion of Abyssinia. His recent speeches, however, had featured protests of Germany's peaceful intentions in the world, and his Foreign Minister, Baron Konstantin von Neurath persuaded him to withdraw that speech. That left Hitler in need of an alternative plan. He had invited all the foreign diplomats to this Reichstag session and promised them a major speech touching foreign policy, and needed something more substantive than the Flag Law. So he turned to his long-desired legislation against the Jews.

Hitler saw a need for it. The *Sturmabteilung*, the SA, anti-Semitic but never so disciplined as were the Gestapo and the SS, had been getting out of hand, mounting attacks on Jewish businesses on their own initiative. This had alarmed Dr. Hjalmar Schacht, Economics Minister and President of the Reichsbank, who found it hindered his policy of economic development. In Schacht's mind, Jews had entrepreneurial talents that he could usefully employ. Hitler, stickler for discipline, reluctantly ordered a stop to "individual acts" against the Jews on August 8th, and a Council of Ministers on August 20th had deplored the negative aspects of Party actions against the Jews. Interior Minister Dr. Wilhelm Frick threatened harsh penalties on those Party members who continued the attacks in disobedience to the August 8th decree. Hitler's sympathies were with the Party radicals, and he argued that the whole problem would dissolve once the government had harsh laws against the Jews. Here was the occasion to introduce them.

The Party Rally would last from September 10th to 16th. On the 12th, Nazi physician Gerhard Wagner made the surprise announcement that the government would soon issue a "law for the preservation of German blood" to prevent mixed marriages between Jews and Aryans in the future. Hitler decided to extend the scope of these laws, and on the 13th had Dr. Wilhelm Stuckart, State Secretary of the Interior, summon Dr. Bernhard Lösener, the Interior Ministry's drafter of anti-Semitic laws, to Nuremberg. Arrived by plane the morning of the 14th, Lösener began drafting at once the two laws for Hitler to present to the Reichstag the following day. Time was so short that he had to use the backs of menu cards in place of ordinary drafting paper. Most debate was over defining what constituted a Jew, i.e., how many Jewish grandparents one had to have in order to qualify as a Jew under Nazi racial theory. Hitler excused himself from this debate, but spent the night of 14-15 September undecided over which of several definitions to adopt. Finally, on September 15th, 1935, Hitler appeared before the Reichstag to introduce the laws. So improvised was the procedure that the Justice Minister, Franz Gürtner, only heard of the new laws the following day by radio.

Knowing how the story came out, we tend to watch the Hitler speeches and see them as the frantic ravings of a paranoid psychopath. In its time, Hitler's fascinating rhetoric was taken as hypnotic, and the barely decipherable film of this speech verifies both impressions. The film of the rally itself, with Hitler standing in an open car, giving and receiving the Hitler salute to the worshipping phalanxes of *Hitlerjugend*, was certainly hypnotic for himself. His speech finished, Hitler sat to the side as Field Marshall Hermann Goering read the text of the laws, the motions of

his fingers revealing his extreme agitation. There was no question of the Reichstag's passage of the laws as presented. Its members were there to say yes.

There were two laws, recorded in the *Reichsgesetzblatt*, volume I, for 1935. First the

Reich Citizenship Law:

Article 1

1. A subject of the state is a person who enjoys the protection of the German Reich and who in consequence has specific obligations toward it.
2. The status of subject of the state is acquired in accordance with the provisions of the Reich and the Reich Citizenship Law.

Article 2

1. A Reich citizen is a subject of the state who is of German or related blood, and proves by his conduct that he is willing and fit to faithfully serve the German people and Reich.
2. Reich citizenship is acquired through the granting of a Reich citizenship certificate.
3. The Reich citizen is the sole bearer of full political rights in accordance with the law.

Article 3

The Reich Minister of the Interior, in coordination with the Deputy of the Führer, will issue the legal and administrative orders required to implement and complete this law. [The listing of those defined as Jews, in terms of their ancestry, would follow.]

Nuremberg, September 15, 1935
At the Reich Party Congress of Freedom

The Führer and Reich Chancellor
[signed] Adolf Hitler

The Reich Minister of the Interior
[signed] Frick

A second law followed,

The Law for the Protection of German Blood and German Honor:

Moved by the understanding that purity of German blood is the essential condition for the continued existence of the German people, and inspired by the inflexible determination to ensure the existence of the German nation for all time,

the Reichstag has unanimously adopted the following law, which is promulgated herewith:

Article 1

1. Marriages between Jews and subjects of the state of German or related blood are forbidden. Marriages nevertheless concluded are invalid, even if concluded abroad to circumvent this law.
2. Annulment proceedings can be initiated only by the state prosecutor.

Article 2

Extramarital relations between Jews and subjects of the state of German or related blood are forbidden.

Article 3

Jews may not employ in their households female subjects of the state of German or related blood who are under 45 years old.

Article 4

1. Jews are forbidden to fly the Reich or national flag or display Reich colors.
2. They are, on the other hand, permitted to display the Jewish colors. The exercise of this right is protected by the state.

Article 5

1. Any person who violates the prohibition under Article 1 will be punished with a prison sentence.
2. A male who violates the prohibition under Article 2 will be punished with a jail term or a prison sentence.
3. Any person violating the provisions under Articles 3 or 4 will be punished with a jail term of up to one year and a fine, or with one or the other of these penalties.

Article 6

The Reich Minister of the Interior, in coordination with the Deputy of the Führer and the Reich Minister of Justice, will issue the legal and administrative regulations required to implement and complete this law.

Article 7

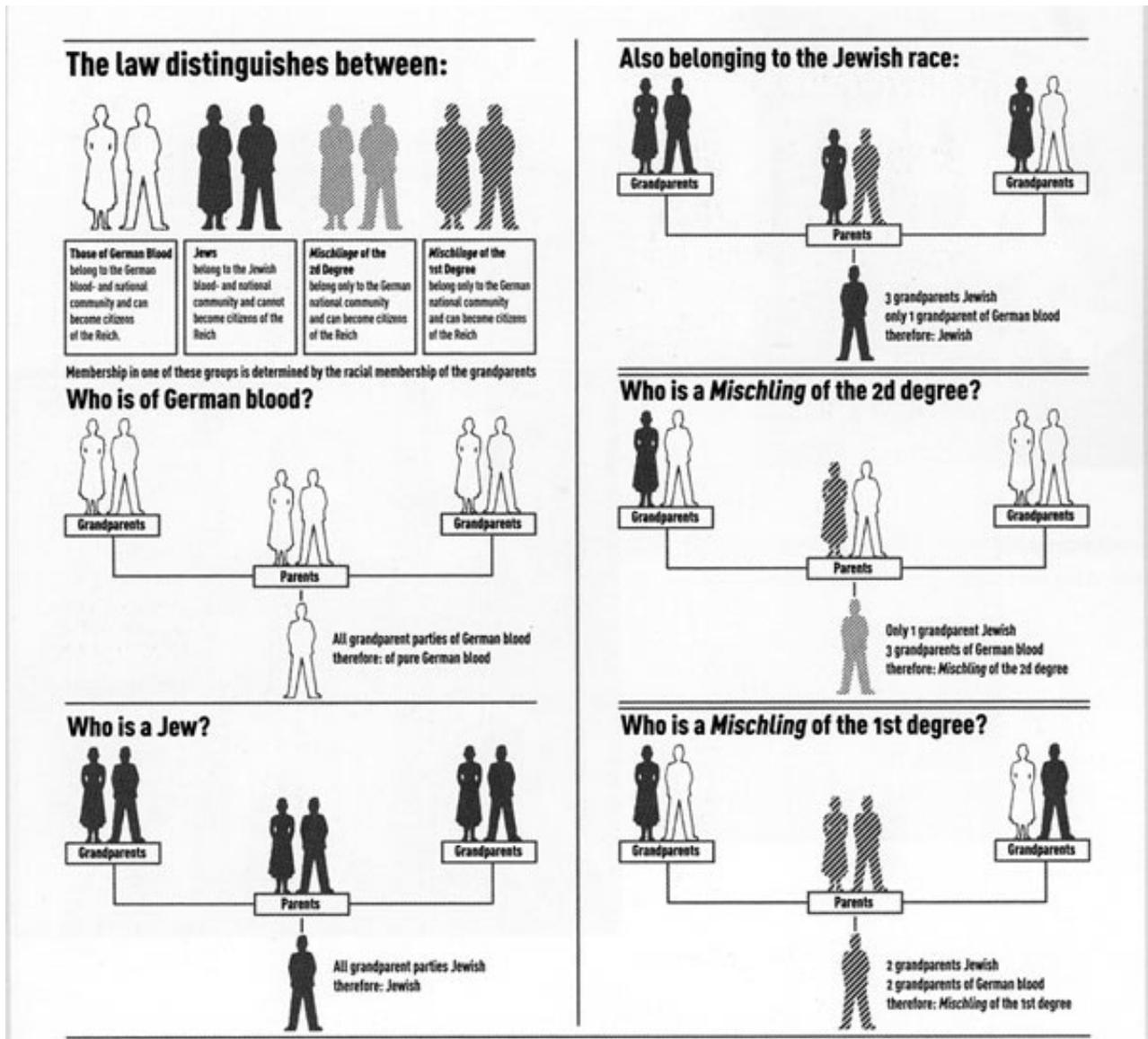
The law takes effect on the day following promulgation, except for Article 3, which goes into force on January 1, 1936.

Nuremberg, September 15, 1935
At the Reich Party Congress of Freedom

The Führer and Reich Chancellor
[signed] Adolf Hitler
The Reich Minister of the Interior
[signed] Frick

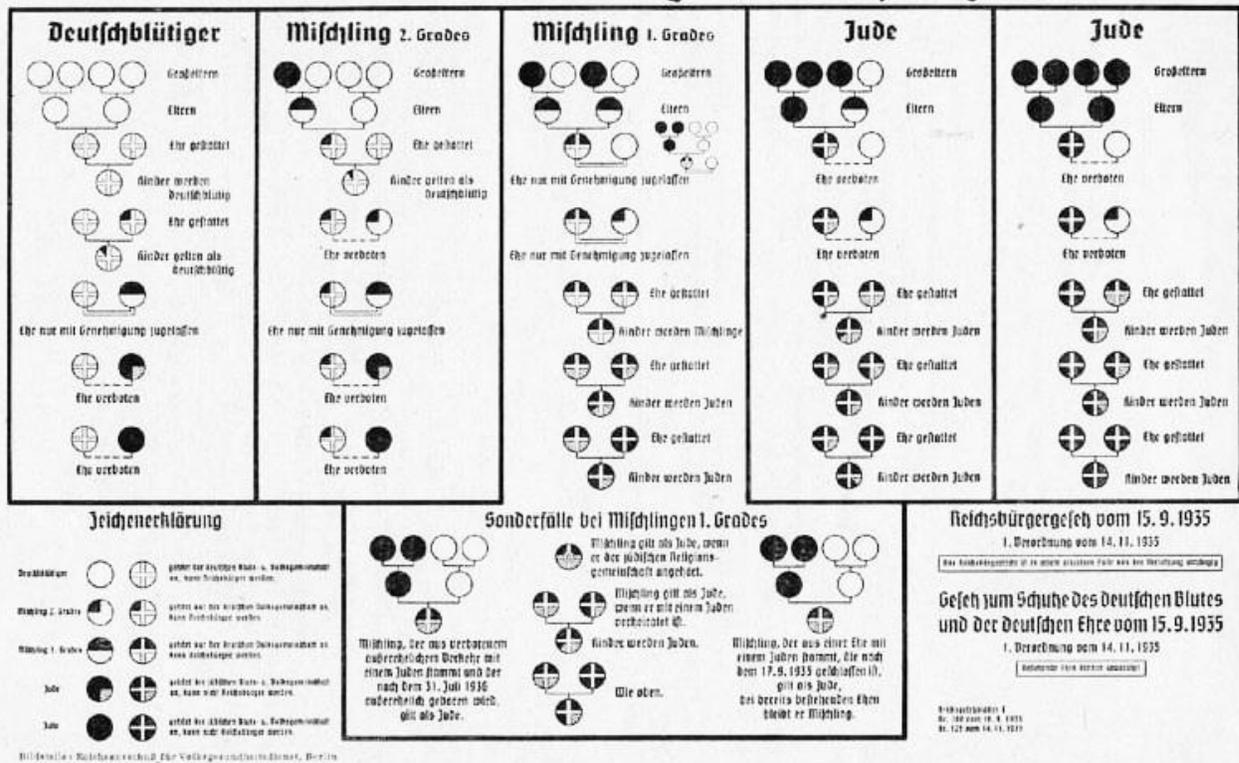
The Reich Minister of Justice
 [signed] Dr. Gürtner
 The Deputy of the Führer
 [signed] R. Hess

Implementation of the laws required the definition of the degrees of Jewish blood, as follows:



As promulgated in Germany, these classifications were shown thus:

Die Nürnberger Gesetze



- o An individual with three or more Jewish grandparents was classified as a full Jew.
- o An individual with two Jewish grandparents was considered a *Mischling* of the first degree, or half Jew.

Mischlinge of the first degree were broken down into two sub-groups:

- 1) Individuals who were married to a Jew or had been members in the Jewish community were referred to as *Geltungsjuden*. These people were treated as full Jews and subject to the same persecution and restrictive laws. They could only marry other Jews or other *Geltungsjuden*.
- 2) Individuals with two Jewish grandparents who were baptized into the Protestant or Catholic tradition were known simply as *Mischlinge*. Under the original Nuremberg Laws, *Mischlinge* were able to keep their citizenship; however, eventually their rights were taken away and they were treated like the *Geltungsjuden*.

- o Someone with one Jewish grandparent was considered a *Mischling* of the second degree, or quarter Jew.

These individuals were allowed to keep German citizenship but experienced many handicaps in the workplace. After Hitler issued an order on April 8, 1940, quarter Jews could not receive promotions in the military (Stoltzfus 71). Also, they could be barred from educational establishments if their attendance would cause a problem for the facility. They were only allowed to marry Germans.

Such are the Nuremberg Racial Laws. After their promulgation on September 15th, 1935, they still underwent the following modifications:

1937

- January: All intermarried civil servants are forced to resign with the passage of the *German Civil Service Law*
- June: Hitler begins slowly applying pressure to [Mischlinge](#) to resign from civil service jobs

1938

- July: The *National Marriage Law* is passed; the Gestapo begins directly pressuring intermarried couples to divorce through required "consultations" and other intimidations
- August: 24th—All registered Jews must legally change their middle names to "Sara" (for females) or "Israel" (for males)

Ever since 1933 the Nazis had constructed special Concentration Camps, the first at Dachau, to make use of Jews and other "enemies of the State" as forced labor. Only after the outbreak of war in 1939 were Jews forced to live in "ghettos." In 1941 when the first specialized paramilitary units, *Einsatzgruppen*, were used to murder Jews and "partisans," generally by shooting. Some two million died in this way. By 1942 Hitler and his underlings had found what they saw as a more efficient system. They transported their victims in freight trains to specially constructed extermination camps.

By the end of the war, in 1945, six million Jews, a million and a half of them children, and five million others had died in this way. World wide, the war had taken 60 million lives. Responsibility for this has to be shared with the perpetrators of the punitive Treaty of Versailles, who had so calculatedly reduced the German people to despair. But it is the fruit of paranoid ferocity and rage projected onto the German people by the processes we have seen in these Nuremberg Laws.