

From Racial Laws to the Final Solution

By Walter S. Zapotoczny

The Nazi Party 1932 blueprint for dealing with the Jewish question had forecast legal action against Jews if the National Socialists achieved parliamentary majority. The use of laws to discriminate against Jews began on March 24, 1933, when the German Parliament (Reichstag) passed the Enabling Act giving the new Chancellor, Adolf Hitler, and the Nazi Party dictatorial powers. The Reichstag's action gave the government power to govern and legislate by decree, thereby providing the Nazis a cloak of legality with which to cover their official actions.

The biological premises of Nazi anti-Semitism prescribed a specific approach to anti-Jewish legislation. It would have been reasonable to predict in 1932 that the first anti-Jewish laws of a Nazi regime would be designed to halt the process of biological assimilation. It is not surprising, therefore, that the first concrete proposals for anti-Jewish legislation were aimed at de-assimilating the Jews from German. However, the set of four laws promulgated in April 1933 had little to do with what Nazi ideology proclaimed to be the heart of the Jewish question. Rather than comprising a frontal attack upon the blood aspects of assimilation, they were directed against the Jewish professionals who had been the object of party terrorism. The first two laws, both decreed on April 7, were aimed at the civil servants and legal profession. Two more laws, one affecting Jewish doctors practicing within the National Health Service, the other affecting Jewish teachers and students, went into effect on April 22 and April 25 respectively. The April Laws were followed on July 14 by a Denaturalization Law, which allowed the Reich government to revoke the citizenship of people it considered undesirable. Three further pieces of legislation affecting the Jews came into effect in 1933.

On September 29, a "Hereditary Farm Law" excluded Jews from owning farmland or engaging in agriculture. The remaining pieces of legislation in 1933 dealt a major blow to Germany's Jews. The first law established Chambers of culture within the Propaganda Ministry, to regulate the film, theater, music, fine arts, literature, broadcasting, and the press. The law establishing the Chambers of Culture contained no Aryan clause. None was necessary. Goebbels, Minister of Propaganda, had been granted authority to refuse admission of undesirable to any of the chambers. The second, a more specific law dealing with journalists, was effected on October 4. Its provisions were similar to the ones that established the chambers of culture. None of these laws though, were sufficient in defining the Jew.

During 1934, very few official measures of any public significance were taken against the Jew. Legislative action against the Jews was renewed on a very subdued scale in May 1935 with the announcement of a new Military Service Law. The new law reinforced general conscription. Its effect upon Jews centered on the question of who was eligible for military service. Aryan ancestry was made an absolute prerequisite for entry into the services. Although it reintroduced the Aryan paragraph for the first time since 1933, it still represented no progress in defining the Jew. The courts and Nazi party members were confused and looked to the Reichs Interior Ministry for guidance. The final and most complete attempt to arrive at a definition of the Jew began in September 1935, with the announcement of the spectacular anti-Jewish legislation to date at the Nuremberg Party Rally.

The first law, The Law for the Protection of German Blood and German Honor, prohibited marriages and extra-marital intercourse between "Jews" (the name was now officially used in place of "non-Aryans") and "Germans" and also the employment of "German" females under forty-five in Jewish households. The second law, The Reich Citizenship Law, stripped Jews of their German citizenship and introduced a new distinction between "Reich citizens" and "nationals." The laws created the racial categories of German Jew, half-Jew (Jewish *Mischlinge* first degree), and quarter-Jew (Jewish *Mischlinge* second degree), each with its own regulations. The Nuremberg Laws by their general nature formalized the unofficial and particular measures taken against Jews up to 1935. The Nazi leaders made a point of stressing the consistency of this legislation with the Party program which demanded that Jews should be deprived of their rights as citizens.

By the end of 1934, Hitler was in absolute control of Germany, and his campaign against the Jews was in full swing. The Nazis claimed the Jews corrupted pure German culture with their "foreign" and "mongrel" influence. They portrayed the Jews as evil and cowardly, and Germans as hardworking, courageous, and honest. The Jews, the Nazis claimed, who were heavily represented in finance,

commerce, the press, literature, theater, and the arts, had weakened Germany's economy and culture. The massive government-supported propaganda machine created a racial anti-Semitism, which was different from the longstanding anti-Semitic tradition of the Christian churches. The Nazis tried various policies to encourage the Jews to immigrate. An emigration policy which had not been able to keep pace with Hitler's peacetime acquisitions fell apart almost completely with the outbreak of war. Yet, with each wartime acquisition the Jewish problem took on larger and larger dimensions. The imminent collapse of Russia would bring another 4 million Jews under Nazi control. If there were to be a solution to the Jewish problem, it would require a drastically new approach.

The absolute objectives envisioned for Jewish policies prior to the war virtually insured their failure. No Jewish policy could be pursued in the fantasy world created by Nazi propaganda. Policies had to be pursued in a world structured by unemployment, foreign currency shortages, a need for imports, German military weakness, pressure from outside Germany, and the very real fact of bitter intra-party rivalries. The search for a solution to the Jewish problem had been set in motion by the anti-Semitic energies, which constituted the heart of Nazism. It was driven forward by the frustrations of every successive policy failure. A more extreme approach appeared to be the only alternative to the less-than-total solutions, which had proved unsatisfactory or un-workable.

On January, 20, 1942, Reinhard Heydrich, Himmler's second in command of the SS, convened the Wannsee Conference in Berlin with 15 top Nazi bureaucrats to coordinate the Final Solution in which the Nazis would attempt to exterminate the entire Jewish population of Europe, an estimated 11 million persons. Heydrich told the assembled senior civil servants of his appointment as Plenipotentiary for the Preparation of the Final Solution of the European Jewish Question. Heydrich went on to tell the conference that Goering had asked to see a 'draft project' of this 'final solution.' Heydrich told the conference attendees that in the course of the practical implementation of the 'final solution,' Europe would be combed from West to East. This conference set in motion the plan to eliminate the European Jews.

The Nazis, under cover of the war, developed the technology, bureaucracy, and psychology of hate to efficiently murder millions of 'undesirables' & Jews. Mass extermination of millions by shooting & gassing characterizes this 2nd phase, 1941-1945, of the period of World War II. In the months following Germany's invasion of the Soviet Union, on June 22, 1941, Jews, political leaders, communists, and many Gypsies were killed in mass executions at improvised sites throughout the Soviet Union by members of mobile killing squads (*Einsatzgruppen*). The overwhelming majority of those killed were Jews.

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