Nuremberg Laws The so-called Nuremberg Laws of 15 September 1935 derive their name from the annual Nuremberg rally of the Nazi party. The legislation was initiated by Adolf Hitler on that occasion and unanimously promulgated by a specially convened session of the Reichstag. The two explicitly racist laws—the
Reich Citizenship Law and the Law for the Protection of German Blood and Honor—soon became the chief legal instruments in Nazi Germany for defining and segregating the Jews.

The “Party Rally of Freedom”—the Orwellian twist of language is comparable only to that of the “Party Rally of Peace” of September 1939—took place in Nuremberg 10–16 September 1935. It was the third annual party rally since Hitler’s accession to power and even more spectacular than its predecessor, the 1934 rally filmed in Leni Riefenstahl’s Triumph of the Will. Hundreds of thousands of party members and sympathizers from throughout Germany poured into the Franconian capital to listen to the Führer’s speeches and to admire the mass parades and military drills on the Zeppelin field and in the newly renovated Luitpold arena. The highlight of the rally was the first public demonstration of the Third Reich’s new tanks and planes, products of the recent rearmament effort.

Ever since the brutal removal of Ernst Röhm and his “fellow-conspirators” from the SA on the so-called Night of the Long Knives, 30 June 1934, Hitler had been strengthening his grip on power. On the death of President Paul von Hindenburg on 30 August, he became Reich chancellor and Führer, sole ruler of the country. The results of the January 1935 plebiscite in the Saar, in which the overwhelming majority of the inhabitants (including 9,000 Jews) voted for a return of the region to the German homeland, was a resounding confirmation of his foreign policy. The restoration of universal military conscription (Jews excepted) on 16 March 1935, in blatant violation of Germany’s international commitments, passed with impunity. A naval agreement with Britain in May marked the de facto legitimation of German rearmament.

Emboldened by these successes, Hitler was ready
for a decisive blow against the emotional and ideological obsession of his adult life: the Jews. To crown the achievements of the young Nazi regime he had the Reichstag promulgate new antisemitic legislation. On the night of Sunday, 15 September 1935, emancipation and civic equality ended for the Jews of Germany, and they became legal pariahs in the land of their birth.

In their wide scope and clear racist terminology, the provisions of the Nuremberg Laws went beyond earlier discriminatory legislation in Nazi Germany, which had excluded Jews from the civil service and certain other professions but made exceptions for "special cases" such as front-line veterans and civil servants who had been in office before 1914. Henceforth the terms German blood and Jewish blood were to replace the earlier Aryan and non-Aryan in Nazi legislative language. The Reich Citizenship Law drew a distinction between two kinds of subjects of the state (Staatangehöriger). Only those of German or related blood were entitled to be Reich citizens (Reichsbürger) with full political rights. Jews were considered mere Reich subjects, devoid of the right to vote or to be elected to office. The acquisition of Reich citizenship was to be formally recognized by the granting of a Reich citizenship certificate, but in fact such certificates were never granted during the Third Reich. The more detailed Law for the Protection of German Blood and Honor stated in its preamble that the purity of German blood was an essential condition for the continued existence of the German people (Volk). It prohibited marriages and extramarital relations between Jews and Reich subjects of German and related blood, prescribing severe punishments for the violation. The underlying obscenity was reflected in a further clause prohibiting the employment in Jewish households of German maidservants under 45 years of age.

The clause relating to the protection of German honor forbade Jews to fly the German national flag (though it conceded the right for them to display their own national flag). This provision harked back to the first of the three laws promulgated by the Reichstag on the night of 15 September 1935, which provided for the adoption of black, white, and red as the German national colors and the swastika as the official emblem of the state. The connection of the ceremonial Flag Law to the two specifically racial laws was expounded by the president of the Reichstag, Hermann Göring, in his address to its members: "By the same token that it [the swastika] symbolized the struggle for our own race, so did it become a symbol of our fight against the Jews as race destroyers. It is therefore self-evident that no Jew should be allowed to display this flag in the future when it flies over Germany."

None of the hastily formulated laws offered any definition of the terms Jew and Jewish blood. The gap was filled only two months later, in the First Regulation to the Reich Citizenship Law of 14 November 1935. Failing to produce any credible racial criteria, the Nazi legal experts solved their problem, or rather sidestepped it, by defining a Jew essentially by the religion of his or her forebears. This resulted in a kind of circular definition. Thus, a Jew was defined as a person descended from at least three grandparents who were full Jews by race. The proof of the racial Jewishness of the grandparents, however, hinged on their affiliation to the Jewish religious community. On the other hand, a Mischling (mixed breed) was defined as a person descended from two full Jewish grandparents. However, a Mischling would be considered a Jew (1) if he or she belonged to the Jewish religious community at the time of the promulgation of the law, or subsequently was admitted to it; (2) if married to a Jew at the time of the promulgation of the law, or if subsequently married to one; (3) if born from a marriage between a Jew and a non-Jew contracted after 15 September 1935, or (4) if born after 31 July 1936 as the result of extramarital intercourse between a Jew and a non-Jew.

This concept of Jewishness reflected the tug-of-war between two contrasting approaches: that of the race fanatics of the Nazi party, led by Hitler's intimate associate, the chief Nazi doctor Gerhard Wagner; and the ministerial bureaucracy, represented by State Secretaries Hans Pfundtner and Wilhelm Stuckart and the race expert of the Interior Ministry, Bernhard Lösener. Whereas the Nazi party radicals would have stretched the definition to encompass anybody "tinged" with Jewish blood, however remotely, the more cautious and pragmatic bureaucrats strove to limit the law to exclude all but "full Jews" from its discriminatory provisions. The bureaucrats, most notably Lösener (who was entrusted with the actual drafting of the regulation), had their way in the end and succeeded in shielding most Mischlinge in the Third Reich from sharing the fate of the Jews. (Estimates of the number of half-Jews in Germany and Austria varied between 78,000 and 100,000.) Lösener's retrospective version of the gene-
sis of the laws, as a surprise coup launched by Hitler and the party radicals against the unsuspecting and recalcitrant professional bureaucracy, carries little conviction. Not only did the German bureaucrats—not least Lössener himself—prove to be fully accommodating fellow travelers of the regime, but they could hardly have been taken by surprise when Hitler demanded legislation for which they themselves had been preparing various drafts since 1933. Furthermore, the timing of the antisemitic laws, preceded by a prolonged wave of anti-Jewish agitation and "spontaneous" violence throughout the summer of 1935, fitted into a well-established pattern from the early years of the Third Reich. The likelihood of an anti-Jewish law had even been discussed in the foreign press in August 1935.

The Nuremberg Laws provided a framework that acquired practical, operative force through supplementary decrees. The vaguely formulated Reich Citizenship Law, in particular, was conveniently seized upon by the Nazi legal experts as an all-purpose peg on which to hang no less than 13 measures relating to the Jewish Sonderrecht (the special legal position of the Jews) in Nazi Germany. The so-called Thirteenth Regulation to the Reich Citizenship Law (it was in fact the 12th) was published on 25 April 1943, after the deportation of the German Jews to the ghettos and death camps in the East had already been completed. It declared that no Jew, Mischling of the first degree, or Gypsy could become a Reich subject—a superfluous and anachronistic precaution considering the ongoing campaign of extermination.

Viewed retrospectively, the legal definition of the racial victim contained in the Nuremberg Laws—although flawed and self-contradictory—was an essential and logical step in the process of destruction unleashed against the European Jews. Historically, however, it would be a mistake to construe the enactment of the 15 September laws as a direct prologue to the Final Solution. Their real historical significance lies within the realm of the prewar Nazi drive against the Jews of Germany. They represented an act of public and symbolic humiliation of German Jews, rather than a frontal assault on the physical foundations of Jewish existence. It is indeed arguable that, in the context of the Jewish situation in Germany in the third year of Hitler's rule, the enactment of the laws, which spelled an official end to the "wild" antisemitic agitation that had been associated with uncontrolled street violence and physical assaults on Jewish life and property, was perceived by the Jewish victims as some kind of stabilization and hence a relief. But there can be no doubt that Hitler, anxious to avoid any interference with Germany's hosting of the forthcoming Olympic games, in his public utterances deliberately soft-pedaled the potential threat to the Jews. "The German government," he declared in presenting the racial legislation to the Reichstag, "is guided by the thought that through a single secular solution it may still be possible to create a basis for a tolerable relation between the German people and the Jewish people." Speaking shortly after the Reichstag session to a large gathering of Nazi party notables from all over Germany—as prominently reported on the front page of the Völkischer Beobachter (16 September 1935)—he sounded even more conciliatory, claiming "that after these laws the Jews in Germany have been given the possibility, unparalleled in any other land, of leading their own national [völkisch] life in all spheres." Thus...
was nurtured the fatal delusion that the Nuremberg Laws, although they put the final seal on the era of German Jewish emancipation, still left some room for a marginalized Jewish existence within the Third Reich. Daniel Fraenkel