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The Status of Jews in Labor Relationships in the Protectorate of Bohemia and Moravia

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Summary

According to the German model, in the Protectorate of Bohemia and Moravia, there was enacted so-called racial legislation, which did not allow the persons to whom the racial laws applied to be engaged in certain professions. The Decree No. 136/1942 Coll. on Legal Status of Jews in Public Issues excluded Jews from public administration jobs, education jobs, legal professions, health service and journalism. The Decree No. 260/1942 Coll. on Employing Jews derogated the protective function of labor law. As it is shown in this contribution, in the Protectorate of Bohemia and Moravia, Jews were deprived of any kind of protection in labor relationships. Discrimination in labor law was however not the only example of interference with rights of the Jews living in Protectorate. As time went by, Jews were robbed of all property and soon they were deprived of the last thing they had: personal freedom and life.

I. Introduction

On March 15, 1939, the occupation of the Czech lands by the German army started and a new state entity called „Protectorate of Bohemia and Moravia”, which existed until the end of the World War II, was established. Slovakia separated off from the Czech lands and declared an independent state (Slovak Republic, also called Slovak State)².

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² Generally on law of the Protectorate see: K. Schelle, J. Tauchen, *Grundriss der Tschechoslowakischen Rechtsgeschichte*, Dr. Hut Verlag, München 2010, p. 63; eidem, *Recht und Verwaltung im Protektorat Böhmen und Mähren*, Dr. Hut Verlag, München 2009, p. 101; B. Rill, *Böhmen und Mähren*.

There were *de facto* three groups of residents in the Protectorate, each of them having a different legal status. In the first group were German Reich citizens, who were the former Czechoslovakian citizens having German nationality. Germans who lived in the Protectorate were subject only to the Reich's authorities and exclusive jurisdiction of German courts. Czechs were in the second group of Protectorate residents and in the third group, to which the racial laws applied and whose members were completely deprived of legal protection, were Jews and Romany³.

The field of labor law started to be hampered shortly after the Protectorate of Bohemia and Moravia had been established. Labor law was one of the branches of law that were strongly affected during German occupation, unlike civil law, which was not infringed too much. One of the very first steps taken by Nazis in Protectorate in the year of 1939 was gradual elimination of Jewish employees from position in state administration and judiciary as well as from economic professions and culture. The Nazis were inspired by the legal order which was in force in the German Reich⁴.

The ideology of National Socialism was based on the principle of so-called special legislation (*Prinzip der Sondergesetzgebung*)⁵. This principle and the „leader principle” and „the principle of uniformity of the Nazi party and the State” were the fundamental principles of the state machinery of the Third Reich and they were used to eliminate certain groups of citizens from social, cultural and political life in the State, which denied the principle of equality, which had been proclaimed for decades. The principle of special legislation may be found in Nuremberg's acts of September 15, 1935, which also adapted in Protectorate.

After the Protectorate of Bohemia and Moravia was established, one of the first objectives of the occupants was to bring a stop to any disposition of property of Jews. The area of the Protectorate was first under the direction of military administration. Under the order issued by the head of the civil administration at the military group 3 on March 29, 1939 on measures regarding property of any king belonging to Jews⁶, any disposition with property based on contract of

Geschichte im Herzen Mitteleuropas. Band II: Von der Romantik bis zur Gegenwart, Kazimir Katz Verlag, Gernsbach 2006, p. 904.

3 L. Vojáček, K. Schelle, V. Knoll, *České právní dějiny*, Aleš Čeněk, Plzeň 2008, p. 423.

4 See: J. Tauchen, *Einige Bemerkungen zur Entwicklung des Arbeitsrechts im Protektorat Böhmen und Mähren*, "Journal on European History of Law" 2010, Vol. 1, No. 2, p. 50–54; J. Tauchen, *Diskriminace Židů v pracovním právu v Protektorátu Čechy a Morava*, [w:] COFOLA 2010: the Conference Proceedings, Masarykova univerzita, Brno, 2010, p. 742–752; H. Petrův, *Právní postavení Židů v Protektorátu Čechy a Morava (1939–1941)*, Nakladatelství Sefer, Praha 2000.

5 For more about the principle of so-called special legislation see: J. Tauchen, *Princip zvláštního zákonodárství jako jeden z principů fungování státního aparátu nacistického Německa*, [w:] *Právní a ekonomické problémy VI*, Key Publishing, Ostrava 2008, p. 108–114.

6 Published on April 1, 1939 in Official Paper No. 78.

sale and any other disposition with businesses and other assets in which Jews held a share was prohibited. In Moravia, there were in force two more orders issued by the head of civil administration on March 20 and 23, 1939, under which, any sales, lease and acts of donation or any kind of liens on property owned by Jews. This ban applied also to such businesses that were owned, both partially and completely, by Jews. In June 1939, the Reich Protector issued an order on property of Jews (VBIRProt., S. 45), which, aside from prohibiting any disposition with property of Jews, was the first measure which defined a legal concept of „Jew” and „Jewish business”⁷.

In the first two months following the establishment of the Protectorate of Bohemia and Moravia, a proposed draft of government decree on legal status of Jews was being deliberated. This decree applied to participation of Jews in public issues and had not been enacted until July. However since April 21, 1939, labor relationships of Jewish employees employed in judiciary were being terminated on the grounds of the government decree No. 123/1939 Coll. on excluding certain persons from public jobs in judiciary⁸. Measures taken on the ground of this decree was „justified” by a request of keeping public order. Nonetheless this decree did not apply only to professional judges, but also to lay judges (at business courts), associate judges (at labor courts), bankruptcy administrators and settlements administrators, mandatory administrators, interpreters, judicial experts and many others.

Restrictions on Jews being engaged in certain profession were carried out in two manners. Firstly, it was done on the basis of a decree issued by the Reich Protector on January 26, 1940 on excluding Jews from the economic sector (VBIRProt., S. 41). Under the implementing legislation, Jews were not allowed to be engaged in textile retail, footwear and leather retail, house-to-house selling, itinerant professions and movie business and secondly, under the government decree of July 4, 1939 No. 136/1939 Coll. on legal status of Jews in public issues, which was considered to be the fundamental law regulating execution of public professions by Jewish employees. Moreover, Jews were excluded (or the number of those who were allowed to stay was significantly limited) from so-called freelance occupations and, and in effect there were excluded from such

7 For details see: M. Kárný, „Konečné řešení”. *Genocida českých Židů v německé protektorátní politice*, Academia, Praha 1991; W. Utermöhle, H. Schmerling, *Die Rechtsstellung der Juden im Protektorat Böhmen und Mähren*, Böhmisches-Mährische Verlags- und Druckereigesellschaft, Prag 1940, p. 14; J. Medeazza, *Judenfrage und Judengesetzgebung in Europa*, „Deutsches Recht” 1941, Vol. 11, No. 13, p. 674–682; L. Svatuška, *Přehled právních předpisů o Židech v Protektorátu Čechy a Morava*, „Moderní stát” 1941, Vol. 14, No. 11, p. 277–283; S. Jurášek, *Právní a hospodářské postavení Židů v Protektorátě Čechy a Morava*, „Právník” 1940, Vol. 79, No. 7, p. 391–404; H. Petrův, op. cit.

8 J. Hoffmann et al., *Nové zákony a nařízení Protektorátu Čechy a Morava (a býv. Česko-Slovenské republiky)*. *Ročník I. (1939)*, V. Linhart, Praha 1939, p. 560.

cultural activities that could have influence general public, i.e. theater, movies and press⁹.

The abovementioned government decree also defined a scope of activities that Jews were no longer allowed to be engaged in. For instance, Jews could not be members of municipal governments nor members of bodies of public corporations; members of other boards and commissions established in connection with execution or support of public administration; teachers and private professors at universities or other public schools except those schools that were only for Jewish students; Jews were not allowed to be members of scientific institutes, lay judges, associate judges or juries, public notaries, sworn interpreters, judicial nor official experts, public guardians nor custodians, bankruptcy administrators, settlement nor sequestrators, civil technicians, etc. Further, Jews were not allowed to be attorneys-at-law or act as patent agents, doctors, doctors of veterinary medicine, pharmacists, artists and editors (except editors in journals for Jews).

Jewish lawyers were erased from a list of attorneys-at-law and they were only allowed to deal with issues of Jews and Jewish organizations. Thus they could only prepare certain documents for Jews and Jewish organizations and represent them before a court and act as their defendants. Jewish lawyers were appointed (allowed to act) according to the actual need. Nonetheless there could not be more than two per cent of Jewish attorneys recorded in the lists of Barr Associations in Prague and Brno. Jewish attorney had to use this title.

Jewish public notaries were deprived of their office within three months since this decree entered into force. Nevertheless, the Ministry of Justice was entitled, if there were special circumstances, to keep a Jewish notary public in his office permanently or for a limited period of time.

Jewish doctors were not allowed to be members of the Medical Chamber. The Ministry of Social and Health Administration cancelled the license given to Jewish doctors to render medical practice. Such doctors could have been given a license to perform such services but only for Jews. Here was also a limit of two per cent thus there could not be more than two per cent of Jewish doctors of all the doctors in Bohemia and Moravia. Similar rules applied to doctors of veterinary medicine.

Under this decree, Jewish state employees or employees of public corporations were assigned to permanent pension. Aspirants were dismissed and compensated with sum of one month pay.

In October 1940, the ban expanded to Jewish dental technicians¹⁰. Unlike the abovementioned decree, this ban was general and entered into force as of

9 J. Hoffmann et al., *Nové zákony a nařízení Protektorátu Čechy a Morava (a býv. Česko-Slovenské republiky)*. Ročník II. (1940), V. Linhart, Praha 1940, p. 1859.

10 Government decree of October 10, 1940 No. 421/1940 Coll. on rendering dentist services by Jews.

January 10, 1941. Jewish employees were also being dismissed on the grounds of the decree issued by the Reich Protector on dismissal of Jewish employees in the Protectorate of Bohemia and Moravia of October 23, 1939 (VBIRProt., S. 281). Employment contracts could have been terminated as of first day of every month, but a six week period had to be respected. After this period all rights that employees had by virtue of the contract of employment were expired. Although this decree did not provide that all Jewish employees ought to be dismissed, in most cases they were.

If such an employment relationship was terminated, lump-sum compensation up to the amount of six month pay could be paid to such dismissed employees and if Jewish employees contributed to works pension fund, they had to be given back what they paid. The previous laws and contract regulating any forms of compensation in case of terminating government employment relationships or private employment relationships lost their force, except the Act No. 26/1929 Coll. on Pension Insurance of Private Employees in Higher Services. This decree was amended in September 1940. This amendment precisely defined employee's rights and rights of their descendants arising out of their works and public pension insurance. This amending decree of Protector was „special” also because of its retroactivity (entered into force as of November 11, 1939¹¹).

Jews were limited in disposition with pension payments provided by public offices, institutes and enterprises; these amounts had to be sent to a special account. Jewish recipients were obliged to send to such offices a declaration that they were Jews by February 22, 1940, which had to be accompanied by a request of sending money to the special account¹². Jewish recipients could only withdraw 1500 CZK a week and higher amount could only be withdrawn if approved by the Ministry of Finance¹³.

Just a month later, similar measure was taken in respect of recipients of other functional income, i.e. especially wages. Ministry of Finance ordered that all governmental offices which paid functional income payments or wages to employees considered to be Jews would, on the term of the nearest payment day, let the employees confirm by their own original signature that they were Jews according to decrees applied on Jews. Wages of employees that have confirmed being Jews were adverted to special accounts at one of the exchange banks¹⁴.

11 Reich Protector's decree on legal status of Jewish employees in the Protectorate of Bohemia and Moravia of September 14, 1940 (VBIRProt., S. 475).

12 J. Hoffmann et al., *Nové zákony a nařízení Protektorátu Čechy a Morava (a býv. Česko-Slovenské republiky)*. Ročník II. (1940), V. Linhart, Praha 1940, p. 731.

13 Ibidem.

14 A decree issued by the Ministry of Finance on January 23, 1940, No. 25. 761/39 (published on January 27, 1940 in the Official Papers No. 22, p. 490).

A decree of August 27, 1943 No. 250/1943 Coll. on incorporation into work has given some Protectorate members several types of benefits that were supposed to ease finding a position. For example, a benefit could be a subsidy for special trainings, purchasing of working equipment, medical examination, schooling or travel expenses. According to Section 60, the Jews were deprived of the benefits mentioned above¹⁵.

II. Legal adjustments in employment of jews

Employment of Jews by private employers has been adjusted according to a decree of December 18, 1941 No. 58/1942 Coll. which dealt with proceedings for incorporation into work. The forth part of the regulation dealt with the employment of Jews. The employment had to be approved by the Bureau of Labor. A written request had to be given to the Bureau of Labor which was relevant for the specific position. An approval for an employment of a Jew has been given only to a certain employer for a certain Jewish employee. It has been given only for a limited time period and had been conditioned by several factors. The decree has aligned a special notice period for the Jewish employees; for hand workers it has been set till the end of the working week and for employees on higher positions it has been set until the end of the month. Wages and social-politic area were set according to government decree of June 17, 1942 No. 260/1942 Coll. on employment of Jews. It has been a derogation of the protective role of the Labor Law which was considered to be one of its main pillars. The employment of an individual of a Jewish origin has been assigned as a special type of employment. For example, those individuals were not entitled to receive additional payment for overtime, night or Sunday shifts and paid holidays. Any social allowances (such as bonuses for family or for children, support for new mothers or for new weds, burial allowance or other payments related to the death of the employee) were impermissible.

It has been forbidden to give the Jews special bonuses (such as Christmas bonus, 13th monthly wage, jubilee presents or bonuses for the employee of the month). Compensations for termination of an employment have been banned too.

Jewish employees were excluded from enterprise pension funds. Employers had no right to offer the Jewish employees any additional provisory care except the existing statutory provisory care and disability insurance. The employer could

¹⁵ Circular of the Ministry of Finance of February 23, 1940, No. 25.599/40-VII/20, o ensuring assets of Jews. Published in J. Hoffmann et al., *Nové zákony a nařízení Protektorátu Čechy a Morava (a býv. Česko-Slovenské republiky). Ročník II. (1940)*, V. Linhart, Praha 1940, p. 731.

give the Jew a notice and terminate the employment at the end of the following working day. A Jewish employee had to keep the relevant notice period.

Labor hours of juvenile Jewish employees (14 till 18 years old) was governed by the regulation on labor hours for adults and protective regulations dealing with labor hours of adult Jewish employees were not asserted at all. Financial means which were saved by the means of this regulation had to be diverted to the Central Office for Jewish Emigration – Emigration Fond for Bohemia and Moravia.

III. Status of „Jewish half-bloods”

From the year 1942 the regulations applied not only to Jews but also to so-called „half-blood Jews”. They were gradually expelled not only from public service, but also from professional occupations and public life in general. The first change of status of “Jewish half-bloods” was done by government decree of March 7, 1942 No. 85/1942 Coll. which had set additional rules regarding Jews and Jewish half-bloods. Jewish half-bloods were classified into „first and second degrees”. According to the model borrowed from Nuremberg laws, a Protectorate female member younger than 45 years old could not be employed in Jewish household, unless she herself was a Jew or Jewish half-blood. Nevertheless, Protectorate female member could keep her present position if she was older than 35 years old. Government decree from April 9th 1942 No. 137/1942 Coll. on Jewish half-bloods in public service terminated the employment in public service not only of half-bloods, but also of spouses of Jews.

Henceforward, a person who wanted to become public service employee could not be „Jewish half-blood”. For married applicants, the wife could not be a Jew or „Jewish half-blood”. The public office could make an exception in the case that the wife was a „half-blood of second degree”. This government decree has also set up a rule, according to which a public servant was not allowed to enter the marriage with a Jewish or „Jewish half-blood” person. In the case when the fiancée has been a half-blood of second degree, the relevant public office could approve the marriage. Employees in public service had to confirm their ancestry again, since they have done so before according to the government decree No. 136/1940 Coll. on legal status of Jews in public life¹⁶. Also public employees who wanted to marry a person whose previous spouse has been a Jew were damaged. As the speaker of the Ministry of Interior has announced: „it is

¹⁶ Details were in the circular of the Ministry of Interior of August 13, No. B.-3393-1/8-40-3 published in the Journal of the Ministry of Interior (1940) on the page 344. And in the circular of the Ministry of Interior of May 29, 1942, No. B.-3393-22/5-42-II/3 published in the Journal of the Ministry of Interior (1942) on the page 229.

incompatible that the respect and the trust which are given to a public service employee would be aimed at the person who married a woman that used to be wed to a Jew. Public service employees who want to marry a woman which has been married before, must keep that in mind. When informing about their marriage, they must present a confirmation that future wife has not been married to a Jew¹⁷.

By the end of the year 1942, notaries who were „Jewish half-bloods” or individuals whose wife was a Jew or a „Jewish half-blood of first degree” were discharged of their functions by the Minister of Justice¹⁸. In the year 1944, those individuals were expelled also from exercise of a profession of civil engineers¹⁹. Owners of business that were married to a Jew were, from the year 1944, limited and could not train and tutor trainees. Trainees had to be released immediately. The release had to be announced to the Labor Office.

IV. Conclusion

As shown is this contribution, during the times of Protectorate of Bohemia and Moravia, the Jews were deprived of any protection in labor relationships and, thus, were completely dependent on the wills and wishes of the occupants. Jews and „Jewish half-breeds” were completely expelled from public services and so called freelance occupations. Many of the Jews remained without any means for existence. Discrimination in labor has been only one of the examples of right loss of Jewish inhabitants of the Protectorate. Jews were robbed of all property and soon they were deprived of the last thing they had: personal freedom and life.

17 The circular of the Ministry of Interior of January 18, 1944, No. B-3393-16/1-43-II/1.

18 A government decree of December 11, 1942 No. 51/1943 Sb., on Jewish half-breeds being engaged in Public Notary.

19 A government decree of May 11, 1944 No. 118/1944 Sb., on Jewish half-breeds being engaged in civil technical jobs.