

Exploration Version #2

Law on the Hitler Youth (December 1, 1936): not truly a compulsory law

- Originally printed in: *Reichsgesetzblatt*, 1936, T.I, No. 113, p. 993. (<http://alex.onb.ac.at/cgi`content/alex?aid=dra&datum=1936&size=45&page=1083>); reprinted in Friedrichs, Axel. *Deutschlands Aufstieg Zur Grossmacht*, 1936. 3rd ed. Berlin: Junker Und Dünnhaupt, 1939. pp. 333-34.
- The English translation comes from: Law on the Hitler Youth (December 1, 1936). In United States Chief Counsel for the Prosecution of Axis Criminality, *Nazi Conspiracy and Aggression*. Washington, DC: United States Government Printing Office, 1946. Volume 3, Document 001-PS – Document 1406-PS. Document 1392-PS, p. 972-73. (English translation accredited to Nuremberg Staff.)

This source, “Law on the Hitler Youth” was written by Adolf Hitler (1889-1945), the Fuhrer and Chancellor of the Reich, and Dr. Lammers (1879-1962), the Secretary of State and Chief of the Reich Chancellery. Hitler and Lammers also signed the Second Execution Order to the Law on the Hitler Youth (“Youth Service Regulation”) on March 25, 1939 together, which was the follow up to the 1936 Hitler Youth Law. The source publication was issued on December 1, 1936. It is an official German policy which made membership in the Hitler Youth, referred to as the HJ, compulsory for all German adolescents between the ages of 10 and 18 years. Initially this organization was voluntary, but by making membership mandatory, this law transformed the Hitler Youth from a party to a state organization. It was pushed by Baldur Von Schirach, one of the leaders of the HJ, and the law passed over the objections of the Reich Education Minister as Schirach was able to convince Hitler of its importance. In addition to making membership to the HJ compulsory for German youth, it also elevated Schirach to the position of head of an independent, supreme Reich agency and terminated his subordination to the Education and Interior Ministries (Horn 433). As early as 1933, Schirach ordered the dissolution of nearly all German youth organizations and worked to integrate them into the Hitler Youth which was the official youth organization of the Nazi Party. As this law shows, the Hitler Youth was concerned not only with political ideology, but also with physical education: “The German Youth... shall be educated physically, intellectually, and morally in the spirit of National Socialism” (Sect. 2). Within the Hitler Youth, physical training was very important as it took on paramilitary forms and emphasized strength of will, obedience, and the unconditional fulfillment of duty (GHDI).

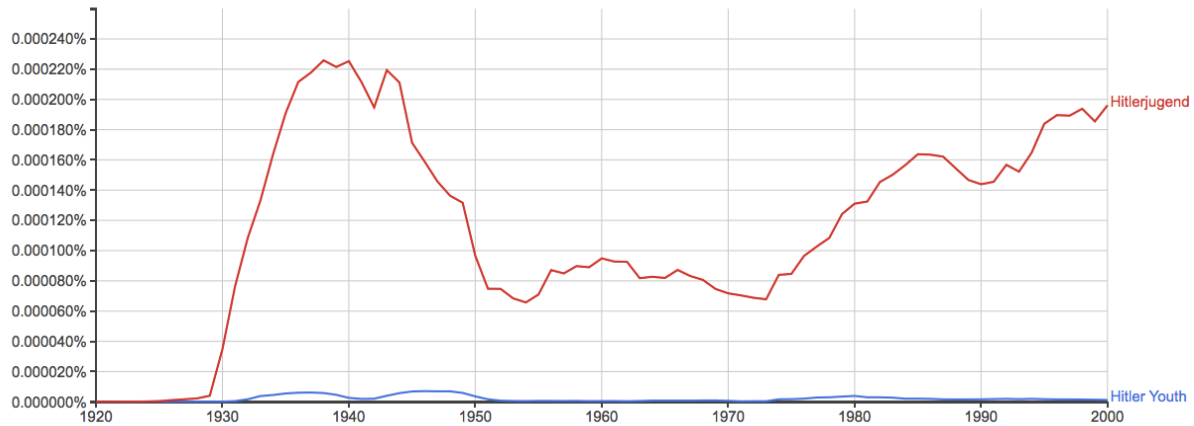
Throughout my research, I found that it was debated between historians whether it was the Law on the Hitler Youth of 1936 or the Law on the Hitler Youth of 1939, the Second Execution Order to the Law of the Hitler Youth, which made membership to the Hitler compulsory. No where within the Law of 1936 is it explicitly stated that membership to the HJ is compulsory for all German youths. It is vaguely hinted in section one: “All German youth is organized into the Hitler Youth” but this law does not provide any means of enforcing this statement, or punishments for parents of children or children who do not join the Hitler Youth. The second law published in March of 1939 is known as the Second Execution Order to the Law of the Hitler Youth. It specifically served as an amendment, the executive order needed, to enforce the 1936 law (Stachura). This law made it more clear that membership in the Hitler Youth was compulsory for all German youths: “Service in the Hitler Youth is honorary service to the

German people” (article 1) and “All juveniles are to be registered with the respective Hitler Youth, leader for induction into the Hitler Youth before 15 March of the calendar year during which they complete their 10th year of age” (article 9). This law was also important because in article seven it specifically excluded Jews from membership in the Hitler Youth. Despite discrepancies and debates between historians due to the vagueness of the Law on the Hitler Youth (December 1, 1936), through my research I have come to the conclusion that the Law on the Hitler Youth of 1936 made membership to the Hitler Youth compulsory (although quite vaguely) and was successful in increasing its membership by a huge amount, however it did not provide an enforcement mechanism. The law was compulsory in words, but not in practice. Therefore, it was the Second Execution Order to the Law of the Hitler Youth released in March of 1939 which clearly made membership to the HJ compulsory for all German youths, and provide enforcement mechanisms as well as punishments for those (both parents and children) who opposed the HJ.

Using Google N-grams I used the term “Hitler Youth”/ Hitlerjugend and searched both the English and German corpus. The term began appearing in books from the English collection around 1929, which was the year the Hitler Youth gained importance within the Nazi movement. It started appearing in the German corpus around the same time. In the English corpus, the term “Hitler Youth” was used increasingly throughout the 1930’s and most frequently in the year 1942 decreasing in its usage from that point on. It is interesting that although the term “Hitler Youth” was obviously known to English writers no intervention was taken to stop this youth movement. No American intervention was taken against the Nazi movement until the war ended, likely due to denial, ignorance, anti- Semitism existing within the US, and the fact that US did not want to take in a large number of refugees. The term Hitlerjugend was used in books from the German collection beginning in 1929, and increased through the 1930s as the Nazi regime gained power and prominence. Throughout the 1930s the Hitler Youth program was extremely popular among German youth, and propaganda promoted this program. One of the ways propaganda was likely spread throughout the 1930s was through books, newspapers and leaflets. I was able to find a limited number of these sources, all written in German, likely due to the fact that many were destroyed after the war. The Hitler Youth’s popularity grew throughout the 1930’s as more adolescents were mandated to be part of the program due to the 1936 and 1939 laws, and was increasingly mentioned in books due to this. The term was used often again, in the German corpus, in the 1970s, 80s and 90s as more people began to accept the events which took place within Germany and research the Holocaust.

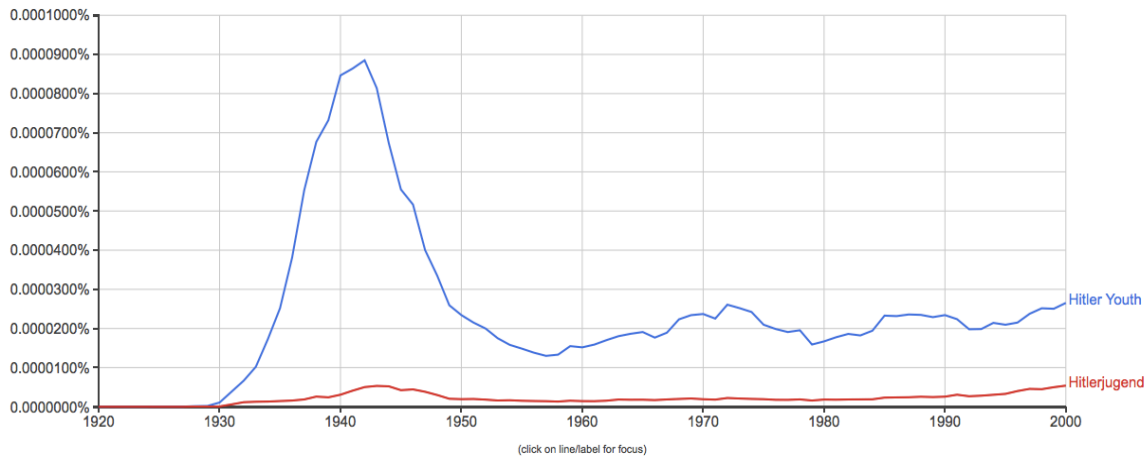
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Annotated Bibliography

Wunderlich, Frieda. "Education in Nazi Germany." *Social Research* (1937): 347-360.

This source does not explicitly state ‘the Hitler Youth Law of 1936’ but cites Hitler Youth several times, and is one of the earliest references to Hitler Youth in writing. I have found it difficult to find early references to the law in writing.

“Every Youth Now a Nazi.” *New York Times*, 1939,

<https://news.google.com/newspapers?nid=1499&dat=19390405&id=16lQAAAAIBAJ&sjid=ECIEAAAAIBAJ&pg=6720,2523367&hl=en>

I found it extremely difficult to find newspaper sources published around 1936- 37 regarding the Law on Hitler Youth. This article was posted in 1939 about the 1939 Law on Hitler Youth claiming that it was this law, and not the 1936 law which made membership to the Hitler Youth compulsory for all German youth. It is debated between historians, and sources whether it was the 1936 law or the 1939 law which made membership compulsory.

Shirer, William L. *The Rise and Fall of the Third Reich; a History of Nazi Germany*. New York: Simon and Schuster, 1960.

This source claims that the Hitler Youth Law of 1936 outlawed the Catholic Youth Association and all other non- Nazi organizations for young people, however according to other sources the Catholic Youth associations were able to exist until 1939 with the suppression of the Jungmannerverband (JMV). There are many discrepancies between works that cite this law over the specifics of what of the law called for. The brevity of the law left it up to different interpretations.

Remak, Joachim. *The Nazi Years: A Documentary History*. Englewood Cliffs, NJ: Prentice-Hall, 1969.

This source includes the law. The law was part of the transition from chancellorship to Gleichschaltung in which the state wished to see no part of the private sphere preserved, which applied “with particular force to the education of youth” (57). Existing schools were “Nazified” so that all teachers and curriculum was in line with Nazi ideology, and the after school activities of children were controlled through the Nazi youth organization, Hitler Youth (57).

Fest, Joachim C. *The Face of the Third Reich: Portraits of the Nazi Leadership*. New York: Pantheon Books, 1970.

Fest believes that the 1936 Hitler Youth Law “merely legalised something that had really taken place long before,” (230). Hitler Youth’s organization, style of activity and leadership principle were all derived from the Bünde. Regulations following the 1936 law put service in the HJ on the same footing as service in the Labour Corps and the Wehrmacht. When the law was passed Schirach declared, “The battle for the unification of youth is at an end” (230). As the 1936 legislation added a large number of young people to the HJ including, according to Fest, those from the remaining ranks of the Catholic youth groups although it is still up to debate among historians whether Catholic youth groups were able to survive until 1939 or disintegrated in 1936 due to this law. Youth and parents were convinced by Adolf Hitler that joining the HJ would be young people’s only means to a successful future.

Hitler Youth and Catholic Youth, 1933-1936: A Study in Totalitarian Conquest. By Lawrence D. Walker. Washington, D. C.: Catholic University of America Press, 1970. 203 pp. n.p.

This book documents the effect of the Hitler Youth Law of December 1936 on Catholic Youth organizations. The Hitler Youth sought to eliminate all Catholic Youth organizations as competition. Although the Law of December 1, 1936 incorporated all German youth into the HJ, it was ineffective in ending Catholic youth organizations which continued to survive as an enclave of resistance to the Nazi movement. Catholic youth organizations were able to exist for so long due to their relationships to various social structures and backing from the Catholic Church, which had considerable strength including support from Pope Pius XI. The formal end

of these organizations did not come until February of 1939 with the suppression of the Jungmannerverband (JMV).

Horn, Daniel. "The Hitler Youth and educational decline in the Third Reich." *History of Education Quarterly* (1976): 425-447.

Daniel Horn was a Professor of History who wrote many novels and articles regarding the German Reich. He wrote the novel "Adolf Hitler and the History of the Third Reich", "The Case of the Nazi Professor", "The National Socialist Schulerbund and the Hitler Youth, 1929-1933". Horn claims that the 1936 law "made membership in the HJ compulsory for all German youngsters between the ages of 10 and 18 and elevated Schirach to the position of head of an independent, supreme Reich agency and terminated his subordination to the Education and Interior ministries" (433).

Stachura, Peter D. *The German Youth Movement, 1900-1945: An Interpretative and Documentary History*. Macmillan, 1981.

This book interestingly tells something which I did not find in any of my other sources. Von Schirach's policy was to keep membership to the Hitler Youth movement theoretically voluntary writing "In the National Socialist State it would be not only practically superfluous but also ideologically false to commandeer the youth by force for service in the Youth Movement... Only he who voluntarily joins the organization of the Hitler Youth and voluntarily dedicates his young life for National Socialism strengthens the Movement" (132). There was both a propagandistic motive for keeping membership voluntary in the early years, and a practical motive. Von Schirach wanted the organization to grow on a "mammoth scale" and demonstrate to the world the huge amount of support for Hitler among young Germans, while practically if membership was made voluntary the movement would be stretching its resources beyond breaking-point. For a short period of time in 1934/ 35 Schirach even instituted a membership ban. By 1935/ 36 the HJ was able to take in new members again, but new members did not join as quickly as expected. In 1936, powerful youth Catholic groups with comparatively large memberships still existed despite the regime's attempt to get rid of them. In 1936, HJ membership in predominantly Catholic regions was well below the national average. In 1935, Schirach attempted to do something drastic to bring the opposing youths into the Hitler Youth organization using terror tactics, intense propaganda, expanding social and recreational amenities and government pressure, but these techniques proved ineffective so it was decided to invoke a judicial expedient, the Hitler Youth Law of December 1936. Schirach convinced Hitler this was necessary over the opposition of Reich Education Minister Bernhard Rust. A law of this type had been actively discussed by Schirach and other leading officials since 1935, and a number of drafts had been produced. Around this time, there was also discussion about dropping the name 'Hitler-Jugend' for 'Deutsche Reichsjugend' but Schirach was able to convince Hitler to keep the original name of the organization. There were long drawn-out negotiations on the law, and the final draft was agreed upon in November of 1936 and published on December 1, 1936. This law confirmed in legal terms that the HJ was a State youth organization, and recognized it as an education institution alongside the school and parental home for the German youth, made Schirach Supreme Reich Authority directly answerable to Hitler, and "laid down that the entire youth of Germany aged 10-18 years was to be organized in the HJ" (134). Membership of the HJ did not become legally compulsory in 1936, the executive orders necessary for its enforcement were not issued until March 1939. This source provides the most thorough explanation of the

1936 Hitler Youth law, why it was enacted, and what it meant as compared to the 1939 law. The entire law is contained within the Documentary Appendix (180).

Rempel, Gerhard. *Hitler's Children: The Hitler Youth and the SS*. UNC Press Books, 1989.

The HJ Law of 1936 was a “sterner method of social control” (59). Continued opposition despite increased SRD surveillance and police control, decreasing HJ growth and membership losses, continuing leadership problems noted and reported by the SD despite systematic training programs, and high levels of delinquent and criminal activity among youth both within and outside the HJ led to the passage of this law. The SRD (HJ- Streifendienst) was a selective group of youth within the Hitler Youth who were in charge of finding and disciplining disobedient members of the HJ. It gave legal recognition to its exclusive claim for all youth work outside of home and school. During 1936, a Disciplinary Code was issued as well which enhanced SRD authority by turning it into a juvenile police force backed by state authority. Due to these measures, “there was to be no significant life for young people outside the HJ”: most vocations required previous membership in the HJ (59).

Kaplan, Marion. 1997. “The School Lives of Jewish Children and Youth in the Third Reich”.

Jewish History 11 (2). Springer: 41–52. <http://www.jstor.org/stable/20101300>.

This source cites the Hitler Youth Law of 1936 describing it as calling for the incorporation of all German youth, and claiming that it was the law of 1939 which made “youth service” compulsory. There is debate between historians over whether it was the 1936 law and 1939 law which made membership to the HJ compulsory for German youths. Kaplan describes how Jewish children were not able to take part in school festivities within the building, and whenever “Aryan” children had the opportunity to they would arrive to school in their HJ uniforms to make it clear to the Jewish students that they did not belong.

Johnson, Eric A. *Nazi Terror: The Gestapo, Jews, and Ordinary Germans*. New York: Persus Books Group, 2000.

This source references the Hitler Youth law of 1936. The Hitler Youth law passed on December 1, 1936 caused a great increase in membership in the Hitler Youth increasing the organization’s membership to nearly five and a half million by the end of that year. However, this source explains that although the 1936 law “called for the incorporation of all German youth between the ages of ten and eighteen into the Hitler Youth organization” (264) it was not until an amendment to it was passed in March of 1939 that the Hitler Youth became compulsory. Beginning in March 1939, all children were required to register for admission to the Hitler Youth by March 15th of the year when they turned ten years old. Parents and legal guardians were responsible for the registration of their children, and it was a criminal offense if their children did not join on time.

Pagaard, Stephen. 2005. “Teaching the Nazi Dictatorship: Focus on Youth”. *The History Teacher* 38 (2). Society for History Education: 189–207. doi:10.2307/1555719.

This text describes Baldur von Schirach’s success in reorganizing German youth through applying the principles of Gleichschaltung (the process by which Nazi Germany successively established a system of totalitarian control and coordination over all aspects of society). The Hitler Youth took over the place of Buende, Free Youth Movement, groups which were suspicious of the Nazi youth. He sought to create a generation: “swift, tough and hard” as Hitler

had imagined. Schirach organized boys ages 10 through 14 in the Deutsches Jungvolk (German Young People), and boys ages 14 through 18 in the Hitlerjugend (HJ). While girls ages 10 through 14 were organized in the Jungmaedelbund (Federation of Young Maidens) and girls ages 14 through 18 were organized in the Bund deutscher Maedel (Federation of German maidens). Due to this reorganization, membership in the HJ grew from a few hundred thousand to about six million by 1936. In December of 1936, the "Hitler Youth Law" was decreed and by the outbreak of WWII (1939), more than ninety percent of German youth were members (Pagaard 194-95). This law was successful in increasing the number of HJ members within Germany.

Kater, Michael H. *Hitler Youth*. Harvard University Press, 2009.

Kater believes that the 1936 Law was a "quasi-legal" claim to be responsible for all the youths in Germany under eighteen stating that "the entire German youth within the territory of the Reich is coordinated in the Hitler Youth." But according to Kater, this did not end up being accomplished due to this law. In 1934, the SRD (HJ- Streifendienst) was established. They were specially selected youths whom the HJ leadership had reliably indoctrinated, and were in charge of finding and disciplining misbehaving members of the HJ. By the time that the Law on Hitler Youth of 1936 was passed, the HJ leadership was using the SRD against lapsed or non- HJ members.

Heberer, Patricia. *Children during the Holocaust*. Lanham: AltaMira Press, 2011.

One of the sections of the Hitler Youth Law of 1936 specified that "it is the specific duty of the parents to bring their children up in a way which does not alienate them from their German nature, to raise their children according to German customs and precepts, and to educate them spiritually and morally in the spirit of National Socialism in the service of the people [Volk] and the Volksgemeinschaft" (271). An offense against this was seen as a failure of the parents, as it was believed that youth could not think for themselves but rather they adopted the conviction of their parents, and disobeyed the Civil Code of Germany.

Mezger, Caroline E. "Hitler's Messengers: The Hitler Youth and the Propagation of Nazi Ideology Amongst Ethnic Germans of the Batschka." PhD diss., Central European University, 2012.

The Hitler Youth program became an important part of the Nazi program during the 1920s. However, the regime was not satisfied with the progress they were making for the recruitment of new Hitler Youth members, so they passed increasingly restrictive legislation over the 1930s including the Hitler Youth Law of 1936. During the 1930s the Hitler Youth groups were transformed from voluntary to legally compulsory organizations for youth living within Germany. According to this dissertation, the 1936 law made all other youth organizations illegal including those of the rival Catholic Center Party but it was the 1939 law which made service in the HJ mandatory for all "Aryan" boys and girls, which is important to note as Jewish children were excluded (55-56).