

Legislative Interventions into the Creation of Local Political Elites as an Instrument of Anti-Jewish Policy during the Holocaust (A Comparative View)*

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The extension of totalitarian and authoritarian regimes in the first half of the twentieth century, which hit most European states, required political interferences within the highest legislative and executive authorities of states as well as in local administrations and bodies of self-government. Legislative interventions resulted in the formation of new local political elites whose representatives, mostly recruited by the criterion of political reliability, held the defining positions and played the significant role in implementing anti-Jewish policy during the Holocaust era. The main aim of this contribution is the analysis of the mechanisms of legislative interventions into the creation of new local political elites in selected examples of Nazi-occupied countries (General Government, Protectorate of Bohemia and Moravia) and allied regimes (Slovak State and Hungary).

Keywords: Local Political Elites. Local Administration. Self-Government. Nazi-Occupied Countries. Legal Rules. Anti-Jewish Policy. Holocaust.

Introduction

In the short period from the German invasion of Poland and the outbreak of World War II in September 1939 until mid-1941, Nazi Germany was able to gain control over most of continental Europe. While some countries were fully incorporated into the Third Reich or were put under direct Nazi military occupation, other countries and newly-formed states became German war allies which, whilst being de jure independent of the Third Reich, were, however, fully serving its ideas. Nazi power or the newly-constituted non-democratic regimes in allied countries were accompanied by changes within the highest legislative and executive state authorities, which naturally resulted in political interferences at the lower levels of local administrations and the authorities of self-government. This process also resulted in the exchange of local political elites.

A thorough knowledge of the composition and tasks of local elites, as political authorities with various levels of political influence, is a key element in understanding the character and the diversity of the non-democratic regimes. The total scope of the application of non-democratic principles (the "success" or "effectiveness" of regimes) was significantly dependent not only on the central organs, but also on the performance, abilities, loyalty and behaviour of the elites at regional or local level, elites whose representatives were responsible for the process of local policy making and who played a significant role in implementing anti-Jewish policy during the Holocaust era.

The research on elites is currently multifaceted, and it can be analysed across several dimensions. One of these dimensions relates to the social background of an elite's members and the positions held preceding their entering the elite, the course of their careers or their personal characteristics. Another dimension refers to whether the members of an elite share common ideological models and styles of

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control. One specific dimension entails the study of circulation within an elite, not only how long members remain in their positions, but also how the exchange of that elite's membership takes place (evolutionary or revolutionary). A valid and important dimension of elite research refers to the interlinking of an elite (social, economic or ideological connection), that is, whether their members constitute a coherent elite or, on the contrary, are inconsistent. The communication and interaction of the members of elite with the masses, i.e., with people who do not belong among that elite (upward or downward communication, or the role played by mediating groups), and mechanisms leading to social interaction within the elite are also important in elite analysis.¹ One of the key problems in understanding the role of the political elite in a non-democratic regime is undoubtedly the role of the regime in the shaping of that elite and the regime's related legitimacy. The legitimacy of the elite in a non-democratic regime is ensured by ideology, which, enforcing universal moral principles, attempts to justify the existence of a ruling class and convinces the masses of the legitimacy of the power of the elite.²

In this paper, the focus of attention is on the role of non-democratic regimes in the formation or the exchange of local political elites in relation to the establishment and consolidation of non-democratic regimes and to the occupation by Nazi Germany. The main aim is the analysis of the mechanisms of the creation of new local political elites in selected countries of Nazi-occupied Europe during the Second World War.³ The subject of the research is legal rules adopted by the contemporary legislatures and by the occupying power (regulations, legal acts, governmental or other decrees, etc.). Through their example can be explored dynamics of the transfer of political power as well as accompanying features related to the exchange of local elites such as, for example, the implementation of anti-Jewish policies by the removal of Jewish members from executive components of administrations, possibly speeding up the implementation of anti-Jewish measures by the appointment of officials loyal to the over-arching Nazi regime. In individual countries of Nazi-dominated Europe, the mechanism of power transfer was characterized by those countries own rules and had their own historical, ideological and political backgrounds and forms depending on the degree of control by the Third Reich. In this paper I try to provide a comparative view on the scale of the legislative interventions in selected examples of Nazi-occupied countries (General Government, Protectorate of Bohemia and Moravia) and the allied regimes (Slovak State, Hungary).

The achievement of the above-mentioned aim can facilitate the fulfilment of the following research objectives: to analyse the nature of legislative measures taken in the field of executive units of individual countries; to explore the chronology of the legislative processes in selected countries; and to assess similarities and differences between the power transfer mechanisms in the four selected countries depending on the influence of Nazi Germany. The purpose of this research is not the analysis of the specific personnel changes at the district or municipality level in the form of microstudies, which are beyond the scope of this discussion. The analysis according

1 On issues of theoretical concepts of elite research see: WASNER, *Eliten in Europa*, 23–27.

2 Blackwellova encyklopedie, 99.

3 The analysis of the mechanism in individual countries cannot be strictly linked to the defined time frame of the duration of the Second World War (1939-1945) and must be exceeded. The attention is therefore paid also to the period before the outbreak of World War II (meaning the autumn of 1938).

to the above-mentioned objectives is perceived as a precursor to, and as a basis for, further research towards the understanding and knowledge of the nature of non-democratic regimes, knowledge which can help to shed new light on the process of German Gleichschaltung.

In terms of methodology, the research is based primarily on content and contextual analysis of the legal rules, allowing the assessment of historical and political factors and circumstances and the nature of the power transfer mechanisms at a local level as well as the consequences of the adoption of legislative measures. Legal rules adopted in the individual countries are available in preserved contemporary period collections of laws and regulations.⁴ The content and contextual analysis is further supplemented by comparative analysis on selected examples of Nazi-occupied countries. The selection of countries is built on Hagen Fleischer's concept, which distinguishes between countries of Nazi occupation and domination in Europe according to the political-ideological motives and the military-strategic interests of Germany. It was political, military-strategic and economic as well as ideological factors that determined the various forms of Nazi occupation and administration during World War II. Within the categories laid down in Fleischer's concept, this study analyses countries from both groups defined – Czechoslovakia (the Slovak State and the Protectorate of Bohemia and Moravia) represents a country whose conquest was based on the hegemonic interests of the Third Reich while Hungary is one of the countries whose occupation was considered militarily necessary or which were occupied during the war to ensure the original "possession". In the analysis is included also Poland, in whose case not only strategic but also racially-ideological, political, economic and psychopathological

4 The official publication of German laws with validity in the occupied territories was the German official gazette *Deutsches Reichsgesetzblatt*. Legal rules adopted for the territory of the General Government were formally published in *Das Recht des Generalgouvernements*. In addition, Polish law remained in force and it was published in 1939-1940 in *Verordnungsblatt des Generalgouverneurs für die Besetzten Polnischen Gebiete* with the Polish title *Dziennik Rozporządzeń Generalnego Gubernatora dla Okupowanych Polskich Obszarów*. After September 1940 the collection was renamed to *Verordnungsblatt für das Generalgouvernement* with the Polish title *Dziennik rozporządzeń dla Generalnego Gubernatorstwa*. The Reich laws applicable to the Protectorate of Bohemia and Moravia became valid through publication in the *Deutsches Reichsgesetzblatt*, or in the legal bulletins of its various ministries. The collection of regulations, decrees and orders for the Protectorate of Bohemia and Moravia issued by the Reich Protector valid within the protectorate was the official gazette of the Reich Protector *Verordnungsblatt des Reichsprotectors in Böhmen und Mähren* with the Czech title *Věstník nařízení Reichsprotectora in Böhmen und Mähren*. In March 1941, the Czech title of the collection was modified to *Věstník nařízení říšského protektora v Čechách a na Moravě* and after 1942 the Czech title was removed. During the military occupation in 1939, until entering Constantine von Neurath as the first Reich Protector, the legislation was issued by the German Minister of State for Bohemia and Moravia in the collection of regulations for Bohemia and Moravia *Verordnungsblatt für Böhmen und Mähren*. The regulations issued during the military occupation by the Chiefs of Civil Administration were published in *Ústřední list* for the territory of Bohemia and for the territory of Moravia in *Ústřední list zemského úradu v Brně*. In addition, there was issued Czech autonomous legislation in the collection of laws and regulations with the name *Sbírka zákonů a nařízení státu česko-slovenského*. In 1939 the collection was renamed to *Sbírka zákonů a nařízení republiky Česko-Slovenské* [Sammlung der Gesetze und Verordnungen]. On 15 March 1939 the collection was retitled *Sbírka zákonů a nařízení* and from the end of September 1939 the collection was called *Sbírka zákonů a nařízení Protektorátu Čechy a Morava*. From August 1940 the collection was bilingual with the German name *Sammlung der Gesetze und Verordnungen des Protektorates Böhmen und Mähren*. The autonomous legislation was published also in *Nové zákony a nařízení Protektorátu Čechy a Morava*, *Věstník ministerstva vnitra*, the gazette of the Protectorate of Bohemia and Moravia with the title *Úřední list Protektorátu Čechy a Morava* [Amtsblatt des Protektorates Böhmen und Mähren], etc. In the Slovak State the legal rules were published in *Slovenský zákonník*, *Úradné noviny* or *Krajinský vestník pre Slovensko*. In Hungary the legal rules were published in *Magyar Törvénytár*, *Országos Törvénytár* or *Belügyi Közlöny*, etc.

reasons for occupation prevailed.⁵ On the one hand, each of the countries analysed was politically autonomous; on the other hand, the level of influence of the Third Reich and the direct interventions of the German authorities into political events and the countries' administrations, with respect to the aforementioned interests and motives of Germany, differed. Grounds for comparison are also based upon significant differences in the national compositions of the countries, differing systems of administration and differing stages of political development and methods of government relating to political developments in the preceding, interwar period. Whereas in Poland (after the establishment of military dictatorship of Piłsudski in 1926) and in Hungary (after Miklós Horthy became a regent of the Hungarian Kingdom in 1920) authoritarian regimes were established, interwar Czechoslovakia, as a multi-ethnic country with a pluralist democracy, guaranteed the protection of minority rights in its Constitutional Act of 1920 including the same political rights for all groups within the population. In connection with the above-mentioned analysis a diachronic approach is used, which allows us to observe the changes that occurred in each country over a specified period in parallel with the thought timeline. The diachronic approach is combined with a *synchronic approach* allowing us to confront transformations in several locations (countries) within the same time frame and playing a key role in the application of the aforementioned comparative analysis.

Methodologically, the research is built also on the study of the results of previous research and current debates. The issue of the national-socialist German occupation policy in western, central and central-eastern Europe is a relatively well-explored area.⁶ Similarly, nowadays, we can find valuable results from systematic research focused on the issue of the interaction of Nazi Germany with local politics in occupied countries, offering a multifaceted view of their relationships and collaboration with occupation forces.⁷ A special topic deserving wider examination, especially in terms of a comparative perspective, is the issue of the support of local elites concerning anti-Jewish policy, since their having a key role in general is indisputable and it is an important subject in the broader field of Holocaust research. Therefore, more attention is being given, at present, to research on the involvement and accountability of the civil administrators and state officials of local bureaucratic apparatuses, the matter being covered in an increasing number of case studies. These very effectively offer well documented cases at the level of regions and cities in the individual Nazi occupied

5 For more on Fleischer's concept and the policy of national-socialist domination see: HIRSCHFELD, *Formy nacjonalno-socialistycznej okupačnej polityki*, 12–13; or FLEISCHER, *Nationalsozialistische Besatzungsherrschaft im Vergleich*, 257–302.

6 See, e.g.: LEMKIN, *Axis Rule*. KROENER – MÜLLER – UMBREIT, *Germany and the Second World War*. MAJER, "Non-Germans" Under the Third Reich. WEVER – GOETHEM – WOUTERS, *Local Government in Occupied Europe*. A systematic view on the development of the German administration of individual occupied territories or allied countries is provided also in older but still valuable studies, e.g.: GROSS, *Polish Society under German Occupation*. BROZAT, *Nationalsozialistische Polenpolitik*. BERENSTEIN – RUTKOWSKI, *Niemiecka administracja wojskowa na okupowanych ziemiach polskich*. BÜHLER, *Das Generalgouvernement*. KONIECZNY – KRUSZEWSKI, *Historia administracji na ziemiach polskich*. UMBREIT, *Deutsche Militärverwaltungen*. BRANDES, *Die Tschechen unter deutschem Protektorat*. MASTNY, *The Czechs Under Nazi Rule*.

7 On the issue of collaboration with occupants see e.g.: POHL, *Collaboration and the Holocaust*. QUINKERT – DIECKMANN – TÖNSMEYER, *Kooperation und Verbrechen*. FELDMAN – SEIBEL, *Networks of Nazi Persecution*, 141–258.

territories and allied countries.⁸ Despite the growing interest of historians, this question remains far from exhausted and further systematic and in-depth analysis of data collected from direct archival research, along with comparative-oriented research as well as detailed case studies, is needed. We cannot yet, in the current state of knowledge, answer all the major questions relating to such a wide and complicated issue and long-term research is required.

Theoretical Framework

Before analysing the legislative measures adopted in individual countries, I will try to briefly define the concept of local elites for the purposes of this contribution, with regard to the absence of a generally valid and common theory for the definition of the term "elite".

The theoretical framework to define the term "elite"⁹ in this paper is based on the so-called power line of elite concepts relating to the theories of Gaetano Mosca, Robert Michels, Sorel von Wiese, C. Wright Mills, James Burnham and, partially, Vilfredo Pareto.¹⁰ According to this power line, the term "elite" is identified with the "ruling class" and restricted only to the field of power in the meaning of the Mosca concept.¹¹ Therefore, I define the term "elite" as a small group with a dominant influence in whose hands is concentrated the political authority and whose influence determines the further direction of social and political development. Similarly, a "power elite" is defined by Mills as "composed of men whose positions enable them to transcend the ordinary environments of ordinary men and women; they are in positions to make decisions having major consequences".¹² In the literature, we can also see the term "strategic elite" because this grouping has more social weight and its activities have greater significance for society than other elite groupings (e.g., economic elite).¹³

In this meaning, the term "elite" covers a privileged functional elite whose members hold the highest positions at the state level, but also at the level of local politics, and monopolize power and enjoy its advantages while, in contrast, there are numerous groups of politically inactive people controlled and directed by this elite.¹⁴ An important role is played by the fact that access to political offices is strictly limited to this relatively small and cohesive social group whose members have a commonality of interests¹⁵ and participate (or are at least close to) political decision-making on serious matters of society's development (economic, political, cultural, etc.).

With respect to the above-mentioned definition, local political elites include the members of local government and self-government authorities holding executive or

8 On the issue of local initiatives in the implementation of anti-Jewish policy in Nazi Germany see for example case-studies by Wolf Gruner: GRUNER, *Öffentliche Wohlfahrt Und Judenverfolgung*. GRUNER, *The German Council of Municipalities*; or GRUNER, *Local Initiatives*, 269–294.

9 In the 17th century, the term "élite" referred to commodities of extraordinary quality, later it referred to higher social classes, e.g. higher nobility or prestigious military units. For more see: BOTTOMORE, *Elites and Society*, 1–14.

10 BIRCH, *The Concepts & Theories*, 228. JODL, *Teorie elity*, 74.

11 For more about the Mosca concept see, e.g.: MOSCA, *The Ruling Class*.

12 MILLS, *The Power Elite*, 3–4.

13 KELLER, *Elites*, 26.

14 MOSCA, *The Ruling Class*, 50. NÁRTA, *Teorie elit*, 77–78.

15 BIRCH, *The Concepts & Theories*, 227.

regulatory competencies within their political area¹⁶ (civil servants appointed to their positions at the level of counties, districts or municipalities, and elected members of self-governing bodies).

Interventions in the German-Occupied Countries (General Government and Protectorate of Bohemia and Moravia)

As already mentioned, the mechanism and scope of interventions both in the composition of local and municipal self-government authorities and in the formation of new local political elites were different in individual countries and depended on the scale of German influence. In the incorporated countries (in which the Nazi aim was the total assimilation of all political, social, economic and cultural institutions) an administrative system was automatically established according to the German pattern of administration. A slightly different situation existed in non-incorporated areas, for example, the General Government or the Protectorate of Bohemia and Moravia, which were not directly attached to the Reich, but were occupied by German forces. In the case of the Protectorate, this meant full economic cooperation and, partially, also political cooperation as well. In the General Government, as an area of German interest, this meant the intention of Germany to draw from this territory raw materials, food, labour, etc. In these countries Nazi rule was introduced in the form of the civil administration, which was deployed in "areas of settlement" with the colonization which had already begun during the war. Germany usurped the sovereignty by various legislative acts, which created the fundamental framework for the German occupational administration, by changing laws or by introducing a German pattern of administration, despite the fact that, after the start of the occupation, Germany had initially declared that the local legislation and law would remain in force unless it was contrary to Germany's occupation policy, the security of German troops and the purpose of warfare.¹⁷

Immediately after the start of the Nazi occupation of the Polish territory, a military administration [Militärverwaltung] was established in Poland, lasting to 25 October 1939.¹⁸ In the first weeks of the war, preparations for the organization of the occupation administration began. The draft on the establishment of a military administration in occupied eastern territories was issued by Adolf Hitler on 8 September 1939. It became the basis for the Führer Decree on the organization of the military administration in the occupied former Polish territories issued on 25 September 1939.¹⁹ Based on the afore-mentioned decree, in addition to establishing the military administration, the territorial organization of the civil administration, its hierarchical structure and also the engagement of former Polish officials were regulated.²⁰ The civil administration was headed by the Chiefs of Civil Administration [Chef der Zivilverwaltung], whose task was, in close cooperation with the army and the police, to secure the uniform management and administration of their area.²¹ The original German plans for administration of

16 See: ŘÍCHOVÁ, *Analýza politiky*, 21.

17 LEMKIN, *Axis Rule*, 8–9, 25. HIRSCHFELD, *Formy nacionálno-socialistickej okupačnej politiky*, 14.

18 After 25 October 1939, the German military government was dissolved and simultaneously on the occupied Polish territory the civil administration structures were established.

19 Erlaß des Führers über die Organisation der Militärverwaltung in den besetzten ehemals polnischen Gebieten von 25. September 1939. See: MOLL, *Führer Erlasse*, 97–99.

20 More see: KOZYRA, *Okupacyjna administracja*, 37–38.

21 BÖHLER, *Ordinary Clerks*. See also e.g.: MUSIAL, *Deutsche Zivilverwaltung*.

occupied Poland assumed that all top administrative posts would be staffed by Germans, and former Polish civil servants would be employed in subordinate posts as an auxiliary staff. One of the main intentions was also the introduction of a unified law throughout the territory of the Reich, including the occupied territories. The concept of the unified administration²² (the most eager supporter of this principle being the Governor General Hans Frank) was based on the elimination of the departmental principle and of special administration, and their consolidation under a single leadership. This meant that, at all levels, the administration was to be headed by a Chief Administrator, who was to hold all the power and responsibility in his hands. The intended principle of the unified administration was also characterized by the politicization of administration, which meant that administrative leadership at all levels was also to be the party leadership, and, consequently, the dualism of state and Party was to be removed. For several reasons the principle of unified administration was not fully implemented.²³ The original plans remained at the theoretical stage, not only for political reasons, but also because of high demands on the leader's position, and ultimately also for a lack of qualified staff.²⁴

Later, after the abolition of the military administration, according to the Decree of the Führer and Reich Chancellor concerning the administration of the occupied Polish territories of 12 October 1939, taking effect on 25 October 1939, all branches of the administration in the newly established General Government for the occupied Polish territories [Generalgouvernement für die besetzten polnischen Gebiete] were directed by the Governor General for the occupied Polish territories.²⁵ The decree was based on the leadership principle [Führerprinzip] as well as the principle of unified administration.²⁶ The basic principles of the civil administrative structure in the General Government were defined by the First Decree on the Development of the Administration in the Occupied Polish Territories, issued by the Governor General on 26 October 1939.²⁷ According to this decree, the four districts [dystrykt/Distrikt] of the General Government into which the territory was divided²⁸ were headed by the District Chiefs [szef dystryktu/Distriktschef],²⁹ who were subordinate to the Governor General and were responsible for managing the district's entire administration. These senior posts

22 In 1935 the unified regulation of public administration was introduced by the German Municipal Code of 30 January 1935 for the whole territory of Germany. The activity of the self-government bodies was entirely subordinate to the state and Party. The introduction of this act meant the intervention of the state and Party in the personal composition of the Municipal Assembly, and also the replacement of previous structures of eligibility by direct appointment. See: Deutsches Reichsgesetzblatt (hereinafter RGBl.) I, 1935, 49 (Die Deutsche Gemeindeordnung vom 30. Januar 1935).

23 MAJER, "Non-Germans", 275–279.

24 For more see: ROTH, Herrenmenschen, 69.

25 RGBl. I, 1939, 2077 (Erlaß des Führers und Reichskanzlers über die Verwaltung der besetzten polnischen Gebiete vom 12. Oktober 1939). It was partially modified by a decree of 7 May 1942. See: RGBl. I, 1942, 294 (Erlaß des Führers über die Verwaltung im Generalgouvernement vom 7. Mai 1942).

26 KOZYRA, Okupacyjna administracja, 42–44.

27 Verordnungsblatt des Generalgouverneurs für die Besetzten Polnischen Gebiete (hereinafter VOBL. GG)I, 1939, 3 (Erste Verordnung über den Aufbau der Verwaltung der besetzten polnischen Gebiete vom 26. Oktober 1939 = Pierwsze rozporządzenie o odbudowie administracji okupowanych polskich obszarów z dnia 26 października 1939 r).

28 The territory of the General Government was divided into districts: Krakow, Lublin, Radom and Warsaw. After the attack on the Soviet Union, newly conquered Galicia was added as the fifth district of the General Government.

29 In 1940 this post was re-assigned to the Governor [Gouverneur/Gubernator].

in the civil administration were occupied by Germans³⁰ – naturally, only longstanding party members. At the lower and lowest levels, the German administration supervised and controlled the Polish local community administration,³¹ the structure of which was prescribed by a regulation of 28 November 1939.³² The districts were divided into rural and urban counties [powiat/Landkreis und Stadtkreis] administered by the Offices of the County Governor [Kreishauptmannschaft] or in larger autonomous cities by the Offices of the City Governor [Stadthauptmannschaft]. Counties were further divided into municipal and village communes [miasto, wieś] headed by appointed Mayors or Commune and Village Administrators [burmistrz, wójt or sołtys].³³ The Mayors appointed five or ten advisers (depending on the number of inhabitants) who were to assist them in the administration of the municipalities. In addition, a Special Commissioner was also appointed (by the District Chiefs/Governor) to act in the municipalities with the Mayor.³⁴ The immediate superior bodies to the Village Councils and Administrators were the County/City Governors [Kreishauptmann/Stadthauptmann], who as the functionaries of the occupying administration utilized these units as an executive arm. The County/City Governors had the power to abolish, modify, replace or forbid all self-government regulations. Thus, Polish, Ukrainian or ethnic German officials were subject to unlimited control by the German authorities. The structure created in this way was intended to eliminate Polish autonomy and to prevent the formation of a Polish elite from the beginning of Poland's occupation.³⁵ Interestingly, according to research by Markus Roth, the group of County/City Governors was relatively homogeneous in terms of social background, education and training. Despite the fact that one of the main selection criteria was NSDAP membership, the vast majority of individuals included in these posts came from a middle-class bourgeois background and had a good education, though almost half of them achieved office without prior administrative experience.³⁶

In the period that followed, further steps were taken to build up the occupational administration and end self-government. On 27 June 1940 the Regulation on Creation and Administration of Municipal Associations in the General Government was issued,³⁷ on the basis of which the Municipal Associations [związek gmin] in each county were established as "territorial public corporations" and they were to be self-government bodies with their own responsibility. Although the Municipal Associations acted as self-governing units and took over the assets of previous self-governing units, according to § 2, item. 3, they were not their predecessors' legal successors. According to § 6 of this regulation, it was possible for these bodies to establish their own legal advisory boards, but in practice this was not allowed. As a result, Mayors and Village Administrators

30 SKIBIŃSKA, Guide to the Sources, 192–194.

31 KROENER – MÜLLER – UMBREIT, Germany and the Second World War.

32 VOBL. GG I, 1939, 71 (Verordnung über die Verwaltung der polnischen Gemeinden vom 28. November 1939 = Rozporządzenie o zarządzie gmin polskich z dnia 28 listopada 1939 r).

33 The Mayors, who headed the municipal administration, were appointed by the Governor General in communities of over 20,000 inhabitants (in smaller communities they were appointed by the Governor). VOBL. GG I, 1939, 71. See also: KOZYRA, Okupacyjna administracja, 42–44. SKIBIŃSKA, Guide to the Sources, 192–194.

34 LEMKIN, Axis Rule, 10–13, 225–226.

35 ROTH, Herrenmenschen, 83–84.

36 ROTH, Herrenmenschen, 426–427.

37 VOBL. GG I, 1940, 208 (Verordnung über Bildung und Verwaltung von Gemeindeverbänden im Generalgouvernement vom 27. Juni 1940 = Rozporządzenie o tworzeniu i administracji związków gmin w Generalnym Gubernatorstwie z dnia 27 czerwca 1940 r).

became officials of the occupational administration, and the Municipal Councils, which had initially in 1939 continued to operate, were liquidated along with the whole Polish local self-government structure.³⁸

In an effort to introduce full centralization and unified administration in the General Government, there were issued two further regulations by the Governor General: the Second Decree on the Development of the Administration in the General Government (Decree on the Unified Administration), on 1 December 1940,³⁹ and the Third Decree on the Development of the Administration in the General Government, on 16 March 1941,⁴⁰ with effect from 1 April 1941.⁴¹ The afore-mentioned decrees regulated the responsibilities and subordination within the civil administration and confirmed that the District Chiefs and the County/City Governors were, as the administrative authority, the sole representative of the General Government.⁴²

Introducing Nazi rules generally meant the removing of the eligibility of local representative bodies, which were replaced by appointment, and they allowed not only central offices, but also local and municipal administrative positions to be occupied by local Germans, Volksdeutsche or Poles with pro-German sympathies.⁴³ This ensured the implementation of anti-Jewish legal regulations (for example, introducing the marking of Jewish people with an armband, the prohibition of staying at an indicated place of accommodation, the prohibition of performing certain professions, etc.). The Jewish population was naturally excluded from any public positions, although it can be assumed that only a very small number of civil positions were occupied by members of the Jewish minority in the preceding years. Already early in the interwar period, only 2.23 % of Jews were working in the state administration in Poland and, at the beginning of the 1930s, this number decreased to 1 %, which represented a significant disparity with regard to the high percentage of Jewish population in Polish society.⁴⁴ With regards to the composition of the administrative authorities at the lower level, all members of public administration in the General Government had to submit proof of Aryan descent [Ariernachweis] and, on 31 July 1942, the Governor General issued

38 VOBL. GG I, 1940, 208–210 (Verordnung über Bildung und Verwaltung von Gemeindeverbänden im Generalgouvernement vom 27. Juni 1940 = Rozporządzenie o tworzeniu i administracji związków gmin w Generalnym Gubernatorstwie z dnia 27 czerwca 1940 r). KOZYRA, Okupacyjna administracja, 46.

39 VOBL. GG I, 1940, 357 (Zweite Verordnung über den Aufbau der Verwaltung des Generalgouvernements (Verordnung über die Einheit der Verwaltung) vom 1. Dezember 1940 = Drugie rozporządzenie o odbudowie a Administracji Generalnego Gubernatorstwa (Rozporządzenie o jednolitości Administracji) z dnia 1 grudnia 1940 r).

40 VOBL. GG I, 1941, 99 (Dritte Verordnung über den Aufbau der Verwaltung des Generalgouvernements (Gliederung der Regierung des Generalgouvernements) vom 16. März 1941 = Trzecie rozporządzenie o odbudowie Administracji Generalnego Gubernatorstwa (Organizacja Rządu Generalnego Gubernatorstwa) z dnia 16 marca 1941 r).

41 KOZYRA, Okupacyjna administracja, 46–47.

42 VOBL. GG I, 1940, 357 (Zweite Verordnung über den Aufbau der Verwaltung des Generalgouvernements (Verordnung über die Einheit der Verwaltung) vom 1. Dezember 1940 = Drugie rozporządzenie o odbudowie a Administracji Generalnego Gubernatorstwa (Rozporządzenie o jednolitości Administracji) z dnia 1 grudnia 1940 r).

43 See: Poland under Nazi Rule. Confidential Required Report Written by Vice Consul T. H. Chylinski, 1941, 44. Accessed January 20, 2018. https://www.cia.gov/library/readingroom/docs/POLAND%20UNDER%20NAZI%20RULE%201941_0001.pdf. See also: KROENER – MÜLLER – UMBREIT, Germany and the Second World War.

44 In the interwar period, the most numerous Jewish communities in Central Europe lived in Poland; for example, in 1931 the Jewish population represented 9.8 % of the population in the country. NIŽŇANSKY, Židovská komunita na Slovensku, 223–224.

a decree which ordered that all Polish servants still employed in the civil administration were to be dismissed.⁴⁵

Case-studies investigating the civil administration in the districts of the General Government using a mostly a group-biographical and institutional approach of research confirm the opinion that there is no doubt about the involvement of a significant share of the civil administration and local administrative officers in the systematic implementation of anti-Jewish genocide policy.⁴⁶ Various case studies provide convincing evidence from a detailed analysis of specific authorities and officials that it was not an anonymous bureaucratic apparatus with minimal freedom to carry out its activities. Bogdan Musial, on the basis of his research on civil administration on the selected example of the Lublin district, expresses the opinion that the majority of the civil authorities in the investigated district were directly involved in the implementation of anti-Jewish policy in order to isolate the Jewish population and remove their influence from the economy. Like members of the Schutzstaffel (SS) or police, members of the civil administration at all levels of the local bureaucracy were aware of their decisions, and were willing or even active in the persecution of the Jewish population, whereat the implementation of a local politics which was mainly based on decisions of the County/City Governors. The day-to-day implementation of the anti-Jewish policy was largely decentralized, and the County/City Governors had a high degree of freedom in their actions within the districts.⁴⁷ A similar conclusion is the result of research by Markus Roth reconstructing the social and political profiles of the County/City Governors in the General Government and examining their role and importance in the German occupation policy of Poland. Roth demonstrated the direct involvement of the County/City Governors in the persecution of the Jewish population and showed that they had relatively great room for manoeuvre and freedom of choice in pursuing anti-Jewish policies.⁴⁸ Therefore, the intensity of the anti-Jewish measures at a regional level was largely dependent on the personalities of County/City Governors. Many of them took office with anti-Semitism already rooted and spontaneously took their own initiatives, which were not ordered by central authorities and which sometimes even conflicted with the basic lines of central anti-Jewish policy. They were gradually guiding the occupation policy in an increasingly radical direction, sometimes even beyond their competence. The prevailing anti-Semitic consensus within the administration, with a corrupt and violent social environment acting as a catalyst, significantly accelerated sociological changes in values.⁴⁹

The appointment of Germans to central authorities and local administrative offices was similarly allowed in the Protectorate of Bohemia and Moravia. The first significant personnel changes had already taken place during the post-Munich Second Republic, not only in the posts of the highest state authorities, but also in the field of local administration and self-government. These changes were related to the formation of a new regime and the attempt to remove the exponents of the former "Beneš regime" and persons of Jewish origin. In December 1938, several District Assemblies were

45 If they or their spouses were of Jewish or half-Jewish descent. MAJER, "Non-Germans", 298.

46 See, e.g.: POHL, *The Murder of Jews*, 92.

47 MUSIAL, *Deutsche Zivilverwaltung*, 4, 61.

48 ROTH, *Herrenmenschen*, 72.

49 ROTH, *Herrenmenschen*, 430–432. For further case studies see also, e.g.: POHL, *Von der "Judenpolitik" zum Judenmord*. SEIDEL, *Deutsche Besatzungspolitik in Polen*. MŁYNARCZYK, *Judenmord in Zentralpolen*.

dissolved by the Ministry of the Interior with the statement that the seats of these offices were outside the territory of Czecho-Slovakia, or that their composition no longer corresponded to the new political and national composition that had occurred in the republic as a result of the border changes after the Munich Agreement. These District Assemblies were replaced by the Administrative Committee.⁵⁰ These and similar measures were adopted under the Constitutional Act of 1938 Sb. z. a n.⁵¹ and, on 27 January 1939, the Government Decree, which did not allow Jewish civil servants to remain in active service, was adopted.⁵² During January and February 1939, in several cities there were changes in the posts of Mayors who were forced to resign as unsatisfactory persons, and Municipal Councils were disbanded on the grounds that they were unable to perform the tasks assigned to them.⁵³ According to the Government Decree of 3 February 1939, Municipal or (in more instances) District Secretaries were appointed in municipalities as stated by the government. The Secretaries (civil servants who exercised the transferred competence of the municipality and who had significant supervisory and advisory powers) were authorised to propose the annulment of any orders of Mayors, Municipal Assemblies and Councils which they considered a threat to municipal or state interests.⁵⁴

After the start of the Nazi occupation of this territory by German military units on 15 March 1939, the area was, for several weeks, as the General Government, subjected to a military administration led by the Commander Generals and the civil administration led by the Chiefs of Civil Administration [Chef der Zivilverwaltung].⁵⁵ At the middle level, Administrative Chiefs at Army Corps Headquarters [Korpsverwaltungschef] were subordinate to the Chiefs of Civil Administration and at the lowest level of German administration the offices of Oberlandrats were established according to the Reich pattern as basic units of the German military political administration. Their task was to manage the lower units of the occupation administration and to supervise the activities of the autonomous bodies of the Czech administration and organs of self-government. This meant that, until 15 April 1939, a civil occupation apparatus built on strict subordination supervised the Protectorate's government and the whole administration, and, irrespective of the law in force, interfered with its activities.⁵⁶ Although, according to Article 3 of the Decree of the Führer and Reich

50 SCHELLE, Organizace veřejné správy, 173.

51 Constitutional Act No. 330/1938 Sb. z. a n. of 15 December 1938 authorized the President for two years to issue decrees with the power of constitutional act (used only once), and also authorized the government to take all necessary measures (with the consent of the State President) which otherwise would have required an act. The National Assembly was dissolved by the President on 21 March 1939; as a result, the only autonomous legislative body was the Protectorate government. See: Sbirka zákonů a nařízení státu česko-slovenského, 1938, 1205 (Ústavní zákon č. 330/1938 Sb. z. a n. zo dňa 15. decembra 1938 o zmocnení ku zmenám ústavnej listiny a ústavných zákonov republiky Česko-Slovenskej a o mimoriadnej moci nariadení). The validity of this Constitutional Act was later unlimitedly extended by the order of the Reich Protector of 12 December 1940. See: Verordnungsblatt des Reichsprotektors in Böhmen und Mähren (Hereinafter VOBL. R. Prot.), 1940, 604.

52 Sbirka zákonů a nařízení státu republiky Česko-Slovenské, 1939, 42 (vládní nařízení č. 15/1939 Sb. z. a n. ze dne 27. ledna 1939 o přezkoumání česko-slovenského státního občanství některých osob).

53 SCHELLE, Organizace veřejné správy, 173.

54 BALÍK, Komunální politika, 53.

55 GRUNER, Protectorate of Bohemia and Moravia, 104.

56 Military administration in the Protectorate of Bohemia and Moravia lasted until the onset of the Reich Protector in Bohemia and Moravia Konstantin von Neurath. See: BRANDES, Češi pod německým protektorátem, 30–31.

Chancellor concerning the Protectorate of Bohemia and Moravia of 16 March 1939,⁵⁷ the Protectorate was declared an autonomous area with rights to administer its territory itself and the exercise of paramount rights to be ensured by its own offices and its own officials in accordance with the political, military and economic needs of the Reich, its autonomy could be de facto limited or totally removed at any time. The changes of law were adopted by the Czech government under pressure from Germany or directly by the German authorities.⁵⁸ The civil administration of the Protectorate of Bohemia and Moravia was thus characterized by a specific feature – a dualism which was to be further profiled after the end of the military occupation, and which would create from the Protectorate a specific type of occupation regime which differed from most Nazi occupation regimes in Europe.

After the abolition of the military occupation, the introduction of centralization and the principle of the unified administration in the Protectorate of Bohemia and Moravia was not immediately possible; as a result, the Reich intended to gradually transfer important posts to German hands by replacing native District Chiefs [okresní hejtman] with Germans or by assigning its own supervisory officials.⁵⁹ This meant the building up of the German administration at all levels to control the Czech autonomous local authorities, which the Protectorate's government kept in its hands, for the governance of the country. The placement of Germans in the Protectorate's autonomous administrative bodies was made possible by the publication of the Reich ordinance of 20 April 1939⁶⁰ regarding the acquisition of German citizenship by former Czechoslovak subjects of German nationality, according to which any Germans resident in Bohemia and Moravia (not only Germans who were natives of Bohemia and Moravia or who had lived there before 16 March 1939) had conferred upon them the rights of subjects of the Protectorate and could consequently be installed in offices of the autonomous Protectorate government to entrench German control over Protectorate institutions.⁶¹ The power of the Reich Protector to control the whole autonomous administration was enshrined in Hitler's order concerning the authority to promulgate laws in the Protectorate of Bohemia and Moravia of 7 June 1939.⁶² The Reich Protector had the power to change local law and autonomous regulations if the common interest of the Reich and the Protectorate required it; and the orders and measures issued by the

57 RGBl. I, 1939, 485 (Erlaß des Führers und Reichskanzlers über das Protektorat Böhmen und Mähren vom 16. März 1939); VOBl. R. Prot., 1939, 7 (Erlaß des Führers und Reichskanzlers über das Protektorat Böhmen und Mähren vom 16. März 1939 = Výnos Vůdce a říšského kancléře o Protektorátu Čechy a Morava ze dne 16. března 1939). During 1939 the Decree was supplemented by other legal documents: RGBl. I, 1939, 549 (Verordnung zum Erlaß des Führers und Reichskanzlers über das Protektorat Böhmen und Mähren vom 22. März 1939) and RGBl. I, 1939, 1681 (Verordnung über den Aufbau der Verwaltung und die Deutsche Sicherheitspolizei im Protektorat Böhmen und Mähren vom 1. September 1939).

58 LEMKIN, *Axis Rule*, 26–27.

59 KROENER – MÜLLER – UMBREIT, *Germany and the Second World War*.

60 RGBl. I, 1939, 815 (Verordnung über den Erwerb der deutschen Staatsangehörigkeit durch frühere tschechoslowakische Staatsangehörige deutscher Volkszugehörigkeit vom 20. April 1939).

61 JACOBY, *Racial State*, 65.

62 RGBl. I, 1939, 1039 (Verordnung über das Rechtsetzungsrecht im Protektorat Böhmen und Mähren vom 7. Juni 1939) or VOBl. R. Prot., 1939, 37 (Verordnung über das Rechtsetzungsrecht im Protektorat Böhmen und Mähren vom 7. Juni 1939 = Nařízení o právu vydávati právní předpisy v Protektoratu Böhmen und Mähren ze dne 7. června 1939).

Reich offices could not be examined by courts or other administrative authorities of autonomous administration.⁶³

The power to make any changes in the Protectorate administration, and thus, de facto, to limit the autonomous rights in the Protectorate, was later enshrined also in the Decree of the Führer concerning administration in the Protectorate of Bohemia and Moravia of 7 May 1942.⁶⁴ Germans thus controlled the autonomous authorities and also interfered with their composition and radically restricted their scope of competence, which finally led to its own occupation administration. As was mentioned, there was a gradual build-up of a strongly centralized occupation apparatus; the administration was restricted, and self-government was gradually liquidated. In many cities and municipalities with a German minority (even in some cities inhabited by a purely Czech population or with a minimal element of a German minority, such as Brno or Olomouc), the Municipal Assemblies were dissolved, and the Mayors were replaced by appointed German Government Commissioners [Regierungskommissar/vládní komisař]. Mayors, Municipal Assemblies and Municipal Councils had previously remained in cities with prevalently Czech populaces; however, later, the Mayors gradually assumed a key position, and were entrusted with a mandate to convene the Municipal Assemblies and the Municipal Councils only in case of need. Beside the Mayor was also installed a so-called Attache [přidělenec], most often a German officer, and German members were appointed to the Municipal Assemblies in many municipalities. Also, some District Assemblies were dissolved, and their power was transferred to the District Chiefs [okresní hejtman] or the German District Chiefs [Kreishauptmann].⁶⁵

The German influence also gradually grew through the internal structures of autonomous authorities in cities and districts with a larger Czech share of the population. On 12 December 1939, the cities of the Protectorate were subjected to the same principles that had been established for the Reich administration by the German Municipal Code of 30 January 1935.⁶⁶ At the end of December 1939, 95 municipalities were under German leadership, and by the end of 1940 the number was 125. Later, all localities with more than 25,000 inhabitants (except for Prague and Pilsen, where Germans held the position of Deputy Mayors) were governed by Germans.⁶⁷ Another of the legal possibilities for the gradual removal of inconvenient officials was the requirement to have a compulsory knowledge of the German language as a condition for the further placement of senior officials of the Protectorate administration at all levels, this being introduced on 23 May 1940, based on the order of the Reich Protector. In December of that year, the regulations on the personnel constitution of

63 The Protector's power was later extended by the order of 1 September 1939. See: RGBL I, 1939, 1681 (Verordnung über den Aufbau der Verwaltung und die Deutsche Sicherheitspolizei im Protektorat Böhmen und Mähren vom 1. September 1939); and later by Hitler's Decree issued in mid-November 1940, on the basis of which the Reich Protector was authorized to appoint and to dismiss Reich officials.

64 RGBL I, 1942, 329 (Erlaß des Führers über die Verwaltung im Protektorat Böhmen und Mähren vom 7. Mai 1942); VOBl. R. Prot., 1942, 117.

65 SCHELLE, Organizace veřejné správy, 175–177, 181.

66 RGBL I, 1935, 49 (Die Deutsche Gemeindeordnung vom 30. Januar 1935). All municipalities annexed by Germany after 1 October 1938 as a result of the Munich Agreement were governed according to the Order of 10 November 1938 by the German Municipal Code of 30 January 1935. RGBL I, 1938, 1614 (Verordnung über die Einführung der Deutschen Gemeindeordnung in den sudetendeutschen Gebieten vom 10. November 1938).

67 GRUNER, Protectorate of Bohemia and Moravia, 115.

local self-government bodies were modified, which speeded up the whole process of Germanization.⁶⁸

By the end of 1941, German officials almost fully staffed the autonomous offices. This was also related to the effort of Germans to remove the dual system of administration, as the autonomous offices were de facto German.⁶⁹ During the drafting of the proposal for administrative reform by Reich Protector Reinhard Heydrich on 14 November 1941, there was a clear intention for the wide-scale involvement of German officials in the autonomous administration in accordance with the principle that the autonomous government was to be liquidated from within and that, with a minimum of manpower, all possibilities for control of the Protectorate territory were to be maximized.⁷⁰ After obtaining the authorization to reorganize the administration on the basis of the Decree of the Führer concerning the administration in the Protectorate of Bohemia and Moravia of 7 May 1942,⁷¹ Heydrich issued, on 23 May 1942, the Decree on "Reichsauftragsverwaltung" in the Protectorate of Bohemia and Moravia (im Auftrage des Reichs),⁷² according to which part of the agenda and powers of the Oberlandrats were transferred to the Czech administrative autonomous authorities for districts, on the basis of which action the administrative offices in the Protectorate of Bohemia and Moravia were bound by the instructions of the Reich authorities and were occupied by Germans. The Oberlandrats were abolished and new authorities were created [vedoucí okresní hejtman]⁷³ whose territorial responsibilities corresponded to the former Oberlandrats. As a consequence of the reform, the majority of districts were under German leadership (in 50 districts out of 67 the position of District Chief was occupied by a German, while, in nine other districts, the post of deputy chief was occupied by a German, empowered to take independent decisions on matters of the administration of the Reich mandate). Similarly, at the lowest level, municipalities headed by Germans outnumbered municipalities with Czech leadership, and, by the end of 1942, this number had risen to almost 200 municipalities.⁷⁴

The process of the total liquidation of elected municipal and district self-government was finally completed on 26 February 1944 by Government Decree No. 51/1944 Sb. z. a n.⁷⁵ Based on this decree, Protectorate municipalities with more than 3,000 inhabitants were to be headed by appointed so-called Senior Officials [úředníci vedoucí]. They took over the whole scope of competence of the Mayors and other municipal authorities, and thereby, municipal self-government in the Protectorate was fully removed, and

68 Věstník ministerstva vnitra v Praze, 1940, 477.

69 SCHELLE, Organizace veřejné správy, 179, 182–183.

70 BRANDES, Češi pod německým protektorátem, 265.

71 RGBl. I, 1942, 329 (Erlaß des Führers über die Verwaltung im Protektorat Böhmen und Mähren vom 7. Mai 1942); VOBl. R. Prot., 1942, 117.

72 VOBl. R. Prot., 1942, 118 (Verordnung über die Reichsauftragsverwaltung im Protektorat Böhmen und Mähren vom 23. Mai 1942); Nové zákony a nařízení Protektorátu Čechy a Morava, 1942, 668 (Nařízení říšského protektora o správě z říšského příkazu v Protektorátu Čechy a Morava ze dne 23. května 1942).

73 Later called the District Governor with Extended Powers [okresní hejtman s rozšířenou působností].

74 See: BRANDES, Češi pod německým protektorátem, 264–267.

75 Sbíрка zákonů a nařízení Protektorátu Čechy a Morava, 1944, 309 (Vládní nařízení č. 51/1944 Sb. z. a n. ze dne 26. února 1944 o úřednické správě obcí = Regierungsverordnung vom 26. Februar 1944 über die hauptamtliche Verwaltung der Gemeinden).

district self-government and the agenda of their competence was transferred to the political authorities.⁷⁶

Similarly, as in the case of the General Government, in the Protectorate of Bohemia and Moravia the Jewish population was banned from working in the civil and public administration. As noted above, the first interventions in this direction had already occurred in the post-Munich period. The Germans exerted constant pressure in connection with the Czech attitude toward the Jews, which was supposed to clearly indicate the acceptance of the pro-German political direction of the Second Republic. In this context, on 16 November 1938 an ordinance concerning the provisional regulation of certain questions affecting the legal profession was issued.⁷⁷ Although the ordinance did not mention Jews explicitly, the result of its adoption was the exclusion above all of Jews.⁷⁸ Immediately after the establishment of the Protectorate of Bohemia and Moravia, according to the pattern of the Third Reich,⁷⁹ the preparation of a government regulation that would regulate the legal status of Jews was begun. On 4 July 1939 the government adopted basic legislation regulating the status of Jews in public life in the Protectorate of Bohemia and Moravia, referring directly to the Jews.⁸⁰ However, the act was not published until 24 April 1940. This delay related to the Protectorate government resisting the German requirements for enactment of a law openly discriminating between Jews and Czechs and defining Jews according to Nazi racial principles.⁸¹ According to this act, Government Decree No. 136/1940 Sb. z. a n. concerning the legal status of Jews in public administration, Jews were forbidden to hold a number of public functions, including public administration. A later issued Regulation of the Reich Protector of 23 October 1939 allowed the further release of the Jewish population from the civil service.⁸² Finally, in 1942, measures against Jewish civil servants were extended to half-Jewish people and Jewish spouses.⁸³

The fact that Germans occupied the leading positions in local public administration also meant the creation of new local political elites involved in the implementation of the anti-Jewish regulations required by Nazi Germany immediately after the establishment of the Protectorate of Bohemia and Moravia. However, Germans were not the only ones who ensured the anti-Jewish measures were enacted; Czech

76 BALÍK, Komunální politika, 55. SCHELLE, Organizace veřejné správy, 183.

77 Sběrka zákonů a nařízení státu československého, 1938, 1117 (Opatření Stálého výboru č. 284/1938 ze dne 16. listopadu 1938 o prozatímní úpravě některých otázek týkajících se advokacie).

78 JACOBY, Racial State, 118.

79 The legal status of Jewish civil servants was adjusted by the Law for the Restoration of the Professional Civil Service. See: RGBl. I, 1933, 175 (Gesetz zur Wiederherstellung des Berufsbeamtentums vom 7. April 1933).

80 Sběrka zákonů a nařízení Protektorátu Čechy a Morava, 1940, 337 (Vládní nařízení č. 136/1940 Sb. z. a n. ze dne 4. července 1939 o právním postavení židů ve veřejném životě).

81 JACOBY, Racial State, 118. See also: KREJČOVÁ, Specifické předpoklady amτισemitzmu, 153–154.

82 VOBL. R. Prot., 1939, 281 (Verordnung über die Entlassung jüdischer Angestellter im Protektorat Böhmen und Mähren vom 23. Oktober 1939 = Nařízení o propouštění židovských zaměstnanců v Protektorátu Böhmen und Mähren ze dne 23. října 1939). The Regulation was later supplemented on 14 September 1940 by the Regulation of the Reich Protector on the Legal Status of Jewish Employees in the Protectorate of Bohemia and Moravia. See: VOBL. R. Prot., 1940, 475 (Verordnung über die Rechtsstellung jüdischer Angestellter im Protektorat Böhmen und Mähren vom 14. September 1940 = Nařízení o právním postavení židovských zaměstnanců v Protektorátu Böhmen und Mähren ze dne 14. září 1940).

83 Sběrka zákonů a nařízení Protektorátu Čechy a Morava, 1942, 766 (Vládní nařízení č. 137/1942 Sb. z. a n. ze dne 9. dubna 1942 o židovských míšencích ve veřejné službě = Regierungsverordnung vom 9. April 1942 über die jüdischen Mischlinge im öffentlichen Dienst).

officials in key positions and in the positions of local Mayors also participated in their implementation at all steps. This in part related to the fact that the Germans would exploit existing bureaucratic structures in the occupied countries, and the day-to-day introduction of anti-Jewish measures was left for the local bureaucracy as much as possible. On the one hand, this was due to Germany's lack of staff and the financial resources to manage all of the occupied territories; on the other hand, the application of anti-Jewish measures required a knowledge of local realities (such as identification of Jews and their property) that only local institutions could provide.⁸⁴ This is confirmed by research on the activities of the local authorities and officials in the Protectorate of Bohemia and Moravia. Wolf Gruner concluded that the anti-Jewish persecution in the Protectorate of Bohemia and Moravia was not only the result of pressure and control from Berlin, but that the whole process of anti-Jewish policy and its radicalization was controlled and accelerated by regional and local actors. As in the case of the General Government, in the Protectorate of Bohemia and Moravia, the implementation of measures until 1941 was mainly supported by the Czech government and resulted from the initiative of regional authorities.⁸⁵ The same statement is made by Benjamin Frommer. According to him, the German occupiers were not the only ones to implement anti-Semitic regulations, and Czech officials throughout the bureaucracy, from state ministries to the lowest levels of Mayors, were an integral part of the anti-Jewish political system.⁸⁶ This issue cannot be dealt with extensively here, but it is important to note that there were local political elites atop local structures and that their members, as direct perpetrators, auxiliaries or bystanders,⁸⁷ through their decisions, directly or indirectly, influenced the development of anti-Jewish policy and made considerably easier the implementation of anti-Jewish regulations at a local level.

Interventions in the Countries within the Nazi Sphere of Power (Slovak State and Hungary)

A similar mechanism of interventions leading to the centralization and gradual liquidation of self-government during this period can also be observed in the countries which were not directly occupied by Germany but which were within the Nazi sphere of power. The Slovak State and Hungary, as German allies, were not subjected to direct interventions by Germany in the field of administration until direct German occupation of their territories in 1944; despite this, we can find common features of intervention in the composition of local public administration and offices of self-government with the intention to shape new local political elites to satisfy of the regimes in these countries.

After the establishment of authoritarian regimes and the seizure of power by Hlinka's Slovak People's Party in Slovakia in the autumn of 1938, the top leadership positions were occupied by the new political elite, for which it was necessary to consolidate its positions by introducing legislative measures and controlling the regional structures.⁸⁸ While in the case of the highest political positions the personnel

84 POHL, *Collaboration and the Holocaust*, 5.

85 For more see: GRUNER, *Die Judenverfolgung*, 293.

86 FROMMER, *Perzekúcia prostredníctvom tlače*, 114.

87 On the concept of perpetrators, bystanders or auxiliaries see more: HILBERG, *Perpetrators*.

88 Similarly, according to Article II of the Constitutional Act No. 330/1938 of 15 December 1938 the Slovak autonomous government was empowered to issue decrees in matters in which the parliament was authorized to issue legislation. See: *Sbírka zákonů a nařízení státu česko-slovenského, 1938*, 1205 (Ústavný zákon

changes were relatively radical, at the middle and lower levels of the administration and bodies of self-government the personnel changes were not significantly reflected. The reason was mainly that many civil servants – for example, the District Chiefs [okresný náčelník] – were willing to collaborate with the new regime and adapted to the new conditions in order to preserve their positions.⁸⁹ In order to remove any vestiges of pluralist democracy, the new regime first adopted legislative measures intended to remove inconvenient people from the local and municipal public administration and self-governing authorities, especially representatives of socialist and Jewish parties. In the first instance so-called National Committees [národný výbor] were established as subsidiary organs, which de facto represented a counterbalance to elected self-government authorities. Their establishment marked the first attempt to influence the activities of the autonomous municipal authorities.⁹⁰ In the second phase, municipal self-government was gradually liquidated. Based on the relatively general and vaguely formulated Regulation of the Land Office in Bratislava of 19 October 1938, concerning the dissolution of Municipal Assemblies, the municipal self-government authorities were liquidated in towns or villages where their representatives “did not suit the needs” of the new regime. Later, this process was further specified in Regulation 42.070-5/1939 of 27 February 1939, which, in addition, allowed almost unlimited interference of the state administration into the field of local self-government and introduced the party principle into the process of the dissolution of the Municipal Assemblies.⁹¹ Representatives of elected municipal self-governments, in particular the deputies of dissolved political parties, who lost their mandates, were replaced by Government Commissioners [vládný komisár]. They had decision-making powers and as loyal civil servants they were supposed to replace inconvenient self-governing bodies and the Municipal Assemblies, which continued to function only formally. Thus, the autonomous government lawfully ensured the hegemony of Hlinka’s Slovak People’s Party at the lower level of administration⁹² and began to increasingly adopt anti-Semitism by replacing the Jewish population in these positions.

This trend of the limiting and liquidation of the authorities of self-government continued after the establishment of the Slovak State. A significant part of the legislative competence of the parliament was transferred to the government by § 4 of the Act No. 1/1939 Sl. z. on 14 March 1939;⁹³ thus, the government, as an executive component was authorized to issue decrees with the force of law and basically it received unlimited power to influence the further political and social development of the Slovak State, including the administration.⁹⁴

č. 330/1938 Sb. z. a n. zo dňa 15. 12. 1938 o zmocnení ke zmenám ústavní listiny a ústavných zákonů republiky Česko-Slovenské a o mimořádné moci nařizovací).

89 NIŽŇANSKÝ, Dvojnásobné zmocnenie sa vlády, 193–196.

90 However, their existence was short: on 28 November 1938, following a decision of the Presidium of the Land Office in Bratislava, and on 19 December 1939, based on the decision of the government of the Slovak Land, these bodies were dissolved. PODOLEC, Medzi kontinuitou, 158–159.

91 NIŽŇANSKÝ, Zásahy do samosprávnych orgánov, 126–127.

92 PEKÁR, Zmeny v samospráve, 83–84.

93 Slovenský zákonník, 1939, 1 (Zákon č. 1/1939 Sl. z. zo dňa 14. marca 1939 o samostatnom Slovenskom štáte).

94 ZAVACKÁ, Charakter zmocňovacieho zákonodarstva, 643–644.

Immediately after the establishment of the independent state a relationship was also established with the Third Reich, anchored in the so-called Protection Agreement of March 1939. By signing it, Slovakia committed itself to a close link to Germany, which was then further strengthened after mutual negotiations in Salzburg in the summer of 1940, the result of which was, among other things, the arrival of so-called Advisers as an instrument of Germany's "revolutionary foreign policy".⁹⁵ However, Tatjana Tönsmeier notes that the Slovak political elite did not perceive German influence as a disturbing factor "in terms of pursuing its own political ideas and goals" and, as far as possible, circumvented it.⁹⁶

In 1940, with the intention to remove decentralized power, a reform of the public administration was introduced according to Act No. 190/1939 Sl. z. of 25 July 1939. On the basis of this act, the provincial establishment⁹⁷ in Slovakia (including provincial self-governing bodies)⁹⁸ was removed and district-level self-government was replaced by self-government at county level.⁹⁹ All the powers of the abolished district self-governing elected bodies passed into the hands of appointed civil servants – the County Governors [župan], who became, as heads of the County Offices, relatively strong actors within the local state administration. Within the county self-government offices, the County Committees [župný výbor] were established, consisting of 12 members and 12 alternates, who were not elected by the people but were appointed by the Minister of the Interior. Thus, instead of inconvenient self-governing bodies, the regime could use the services of loyal civil servants to promote its policy across regions. In the lower instances, the District Chiefs, as heads of the district offices, were appointed by the Minister of the Interior and were responsible to the Minister of the Interior and to the appropriate County Governor. Pavol Tišliar rightly states that the justification of the Committee of the Slovak Parliament in discussing the outline of the Act on Public Administration in the context of the abolition of district self-government, referring as it does to the fact that district-level self-government was not viable because it was limited to "providing assistance, subventions and, at most, the building of luxury district offices", sounds incompetent and without reasoning considering the fact that one of the main purposes of the introduction of the district self-government at the time of the provincial establishment was support activity.¹⁰⁰

In addition, the liquidation of self-government continued at the level of the municipalities in the context of increased centralization in the 1940s. In the selection of Government Commissioners, who were appointed to replace dissolved municipal self-government representatives and who were granted all competences of the former municipal authorities (Mayor, Municipal Assembly, Municipal Council and Commissions) in April 1941, their nationality was taken into account, and Czechs and Jews were excluded. In 1942, the elected municipal authorities operated in only a third of

95 TÖNSMEYEROVÁ, *Od ochranného přátelství*, 228–231.

96 TÖNSMEYEROVÁ, *Od ochranného přátelství*, 228–235.

97 The principle of the provincial establishment, according to which the highest administrative institution in Slovakia was the Land Office, was introduced from 1 July 1928 by law no. 125/1927 Sb. z. a n. on the organization of political governance. From the territorial-administrative point of view the Land Office in Bratislava was the link between the Ministry of the Interior in Prague and the lower administrative units.

98 Provincial self-government bodies – Provincial Assembly, Committee and Commissions were dissolved at the time of Slovak autonomy by the order of the autonomous government on 21 November 1938.

99 Slovenský zákonník, 1939, 403 (Zákon č. 190/1939 Sl. z. zo dňa 25. júla 1939 o verejnej správe vnútornej).

100 See: TIŠLIAR, *Okresné zriadenie*, 113–114, 117–118.

municipalities.¹⁰¹ Municipal self-government in the Slovak State was finally liquidated in 1943 by Act No. 171/1943 Sl. z. of 22 December 1943,¹⁰² which removed all remnants of municipal self-government with effect from 1 January 1944, and subsequently the new administrative authorities (six-member Municipal Committees [obecný výbor] headed by the Mayors), which were governed by civil officials and fully serving the needs of the regime, were created. The list of candidates for these posts was discussed by all members of Hlinka's Slovak People's Party in the respective municipalities, which meant that the appointment was significantly influenced by family relationships and neighbourly rivalries, and by political and confessional orientation, providing opportunities for total control of local administration by the state-party.¹⁰³

The establishment of the authoritarian regime in Slovakia in the autumn of 1938 and the collaboration of Hlinka's Slovak People's Party with the Third Reich, with respect to which the anti-Jewish doctrine became an official part of government policy, was reflecting an open and strong anti-Semitism in this post-Munich era. In connection with the cessation and later banning of socialist and Jewish parties their representatives lost their membership in self-governing bodies. Subsequently, the first anti-Jewish proposals were submitted, which were implemented in modified form as early as the first year of the existence of the Slovak state (including the defining of Jews and the restricting of Jewish participation in economic and public life).¹⁰⁴ The Jews had been expelled from the public administration in 1939 under Government Decree No. 74/1939 Sl. z. of 24 April 1939. All Jews employed in the civil and public administration were to be dismissed according to § 2 of this decree no later than 1 January 1940.¹⁰⁵ The time limit for the dismissal of Jews according to § 2 was later extended to 1 March 1940 according to the Decrees with the force of Law No. 7/1940 Sl. z. from 11 January 1940.¹⁰⁶

The reform of the public administration in 1940, accompanied by the process of liquidation of self-government authorities, made it possible to occupy the key posts of local administrations with "reliable" personnel and shape the new local political elites, whose members were to direct the political decision-making on serious issues such as the implementation of the anti-Jewish policy. A significant role and obvious personal involvement of the highest representatives of the regime,¹⁰⁷ and also of other members of the bureaucratic apparatus in the adoption of anti-Jewish measures is undeniable. Present research indicates that the County Governors and the District Chiefs had relatively broad powers and a large margin of manoeuvre in the adoption

101 PODOLEC, *Medzi kontinuitou*, 161.

102 Slovenský zákonník, 1943, 850 (Zákon č. 171/1943 Sl. z. zo dňa 22. decembra 1943 o zmenách v samospráve obcí).

103 PODOLEC, *Postavenie obecnej samosprávy*, 659–661. PEKÁR, *Zmeny v samospráve*, 83–84.

104 KAMENEC, *Po stopách tragédie*, 33–34.

105 Slovenský zákonník, 1939, 88 (Vládne nariadenie č. 74/1939 Sl. z. zo dňa 24. apríla 1939 o vylúčení židov z verejných služieb). Dismissal of Jews from public service was later regulated by the Order of the Minister of the Interior and the Minister of Justice no. 122/1939 Úr. nov. of 16 May 1939. See: *Úradné noviny*, 1939, 279 (Vyhláška ministra vnútra a ministra pravosúdia č. 122/1939 Úr. nov. zo dňa 16. mája 1939 č. 8973/39-7 M.V. a č. 10.552/39-2 M. P. o vylúčení židov z verejných služieb).

106 Slovenský zákonník, 1940, 5 (Nariadenie s mocou zákona č. 7/1940 Sl. z. zo dňa 11. januára 1940 ktorým sa pozmeňuje vládne nariadenia o vylúčení židov z verejných služieb).

107 On the attitudes of Slovak politicians to anti-Jewish politics and on the personality profiles of some aggressors see, e.g.: NIŽŇANSKÝ – KAMENEC, *Holokaust na Slovensku 2*. HRADSKÁ, *Prípady Dieter Wisliceny*. MIČEV, *Augustín Morávek*. NIŽŇANSKÝ, *Prvé deportácie Židov*, 89–104.

of many local legislature anti-Jewish regulations, with such effect as to accelerate the process in a more radical direction. In the territory of Eastern Slovakia (Šariš-Zemplin County) especially, with the highest percentage of Jewish people, anti-Jewish measures (concerning for example the obligatory marking of Jews with a three-centimetre wide yellow armband regardless of age or gender; the prohibition of Jews entering public parks or other public places; the prohibition to live in specified parts of cities, etc.) were taken on their own initiative by local actors ahead of state regulations, often with a stricter character and greater intensity than in the rest of the Slovak State or going far beyond instructions from above.¹⁰⁸ These claims are also confirmed by recent research dealing with the role of Holocaust actors – perpetrators, in terms of the relationship between the centre and the periphery. The results of this research point out that there could be no single centralized command, but that the process of genocide (the term being applicable to all steps of the anti-Jewish policy) was realized in the interplay between headquarters and the periphery, not only at the level of the relationship between Nazi Germany and the occupying/allied countries but also at the level of the relationships between the central authorities and local/municipal institutions, which developed their own initiatives to radicalize anti-Jewish measures.¹⁰⁹

Concerning analysis of the transformation of the public administration and the mechanisms by which power was seized by the new local political elites in Hungary between 1939 and 1945, it should be noted first that Hungary represents a specific case within the countries analysed, this relating to the facts that Hungary was more independent compared to the Slovak state as an ally of Nazi Germany, and that as an ally of Germany achieved the assimilation of part of the surrounding countries into its territories immediately before and during World War II (southern area of Slovakia as a result of the first Vienna arbitration in November 1938, Subcarpathian Rus in March 1939, Northern Transylvania as a result of the second Vienna arbitration in August 1940 and the regions of Baranja and Bačka in northeastern Yugoslavia in April 1941), in which local administrations were rebuilt and new local elites were formed with some regional differences compared to the territory of Trianon Hungary.¹¹⁰

The administration of Trianon Hungary organized before German occupation, according to Act No. XXX of 1929,¹¹¹ enshrined local autonomy; however, it reflected also the government's efforts to centralize the system. Counties and towns with full municipal rights were formally governed by the Lord Lieutenants [főispán] nominated by the Minister of the Interior and appointed by the Regent, who had the power to control all local administrative authorities. The factual control of counties and towns with full municipal rights was in the hands of the Sub-prefects [alispán] elected by the Municipal Assemblies. At a lower level of the local administration were the districts [járás] headed by the Chief Constables [főszolgabíró] and were subordinate to the County Office. At the head of the county towns and cities with full municipal rights

108 On the role of the various components of the power-repressive apparatus of the Slovak State in the implementation of anti-Jewish measures see, e.g.: FIAMOŤOVÁ, Úloha žandárstva pri deportáciách, 48–55. SOKOLOVIČ, Hlinkova garda, 325–363. TOKÁROVÁ, Slovenský štát, 191–208, etc.

109 BAJOHR – LÖW, Tendenzen und Probleme, 9–30.

110 The term "Trianon Hungary" is understood as a territory of the Kingdom of Hungary within boundaries that were set by the ratification of the Peace Treaty of Trianon in 1920 as one of the successor states to Austria-Hungary.

111 Magyar Törvénytár, 1929, 333 (1929. évi XXX. törvénycikk a közigazgatás rendezéséről).

were the Mayors elected by the Municipal Assemblies.¹¹² However, the aforementioned Act No. XXX established the right to dissolve the Municipal Assembly in the case of threatening the political interests of the state or economic plans, and, after 1942, according to Act No. XXII of 1942,¹¹³ the Minister of the Interior acquired the right to appoint the office holders, whereas previously they had been elected.¹¹⁴

The gradually increasing centralist efforts of the Hungarian government and the effort to replace the elected members of the representative Assemblies by appointed officials were also reflected in the areas annexed by Hungary. In the case of the Slovak southern area, which was attached to Hungary as a result of the First Vienna Award, measures to occupy all administrative offices by the Hungarian officials (the District Chiefs [okresný náčelník] being replaced by Chief Constables [főszolgabíró]) were introduced immediately after the start of the Hungarian military occupation on 11 November 1938. In the offices of the district and municipal self-government bodies, not only Slovaks, but also elected officials of Hungarian nationality were removed, primarily representatives of inconvenient political parties and members of the Jewish minority. After the end of the military administration and the establishment of the civil administration on 22 December 1938, this level of government was annexed to the respective political districts, and the administrative standards in force in Trianon Hungary were introduced throughout the territory.¹¹⁵ The power of the self-government authorities was limited by extending government control over municipal authorities and gradually appointing representatives of the regime,¹¹⁶ naturally the most reliable, mostly from landowners, Germanophiles and revisionists. The emphasis in the selection was naturally based on nationality or, in case of non-Hungarian nationals, on loyalty to the Hungarian nation.¹¹⁷ Elections to the representative bodies never took place in this area, and, with the introduction of Act No. XXII of 1942, they were abolished throughout the territory of Hungary.¹¹⁸ A similar situation was also unfolding in other incorporated areas. Positions within the communal bureaucracies, administrative fields and public service were occupied mostly by Hungarian civil servants beginning immediately after the start of the military occupation. Later the Hungarian right began expanding into these territories.¹¹⁹ Although in the case of Subcarpathian Rus the Hungarian government declared the idea of autonomy in March 1939, from the beginning of the military occupation such autonomy was restricted by provisions concerning the assimilation of the administration of Subcarpathia into the regime of Hungary. The administration was originally in the hands of the Hungarian military authorities, but, after the official annexation of this territory on 22 June 1939, a civil

112 MOLNÁR, Nazi Perpetrators.

113 Országos Törvénytár, 1942, 153 (1942. évi XXII. törvénycikk a vármegyei, városi és községi tisztviselők alkalmazásának, valamint egyes szolgálati viszonyainak átmeneti szabályozásáról).

114 MOLNÁR, Nazi Perpetrators.

115 In December 1938 the Hungarian Royal Cabinet issued Decree No. 9330 of 18 December 1938 concerning the administration of the autonomous administrative bodies in the area, which was incorporated into Trianon Hungary. See: Belügyi Közlöny II., 1938, 1200 (387. A m. kir. minisztériumnak 9.330/1938 M. E. számú rendelete. A Magyar Szent Koronához visszacsatolt felvidéki területek közigazgatása).

116 VIETOR, Dejiny okupácie, 23–24, 146–148.

117 SZEGHY-GAYER, Personálna kontinuita, 132–133.

118 VIETOR, Dejiny okupácie, 23–24, 146–148.

119 For the case of Northern Transylvania see, e.g.: HORVÁTH, Ethnic Policies, 110–111, 114.

administration headed by a Commissioner was introduced and the vaunted autonomy was never granted.¹²⁰

Immediately after the start of the German occupation of Hungary on 19 March 1944, Hungary lost its sovereignty. Germany demanded the dismissal of all Lord Lieutenants and Sub-prefects. The most important criterion was political reliability and affiliation to the right-wing Hungarian ruling circles, despite the fact that, according to the law concerning administrative matters, the posts were to be held by persons with adequate training and qualifications. The massive dismissal and exchange of civil servants which took place during this period was legislatively enshrined in the aforementioned Act No. XXII of 1942. The Lord Lieutenants and the Chief Constables were gradually removed, while the Sub-prefects and the Mayors remained almost untouched by such interventions until the end of June 1944. In some counties, almost all Chief Constables were replaced (up to the end of July 1944, 58 new Chief Constables were appointed and, in 25 cities and towns, new Mayors were installed);¹²¹ in other counties no changes were undertaken.¹²² The exchange in the positions of the Lord Lieutenants also affected, for example, seven of the 10 Lord Lieutenants in the territory of Northern Transylvania and several Mayors, while the Sub-prefects, with just a few exceptions, remained in their posts.¹²³ The exchange in positions did not especially affect those officials who had already in the first weeks of the occupation recognized the legitimacy of the new government along with the anti-Jewish acts.

The main aim of the changes made in individual posts was, as in other countries, the intention primarily to replace the Chief Constables with reliable persons who would seamlessly ensure the effective implementation of anti-Jewish measures and speed up the process of the deportation of the Jewish population. Although the implementation of anti-Jewish measures was basically an everyday issue of the Hungarian administration from 1938 onwards, after the German occupation it rose to the top of list. Here, the specificity of Hungary among the countries analysed should be highlighted. Already in the interwar period, there were clearly evident anti-Semitic attitudes in Horthy's Hungary towards the Jewish population, despite this demographic constituting at that time a relatively integrated part of economic and cultural life (mainly on the basis of a national-Hungarian identification on the part of most of the regions Jews). Indeed, Hungary became the first country in post-war Europe, without Nazi pressure, to enact Jewish legal discrimination by the adoption of the so-called Numerus Clausus Act No. XXV/1920 on 20 September 1920, which limited the number of Jewish students in universities to 6 % of the total number of students enrolled.¹²⁴ Although the provision was essentially abolished in 1928, further regulations were adopted in 1938-1939 to limit the "disproportionate" proportion of Jews in certain professions. Similarly, as in the other countries analysed here, in Hungary also the Jews were gradually excluded from state and public services. First, in 1938, the percentage

120 MAGOCSI, *Chrbtom k horám*, 355–356. LEMKIN, *Axis Rule*, 152.

121 VÁGI – CSŐSZ – KÁDÁR, *The Holocaust in Hungary*, VI.

122 MOLNÁR, *Nazi Perpetrators*.

123 GIDÓ, *The Hungarian Bureaucracy*, 646–647.

124 NIŽŇANSKÝ, *Židovská komunita na Slovensku*, 218–220. On the issue of Numerus Clausus Act No. XXV/1920, see also, e.g.: KÁRADY – NAGY, *The Numerus Clausus*. KOVÁCS, *The Numerus Clausus and the Anti-Jewish Laws*. For more about the anti-Jewish legislative measures adopted during the inter-war period see, e.g.: KATZBURG, *Hungary and the Jews*.

of Jews in liberal professions and financial, commercial and industrial enterprises was reduced to 20 % by the First (Anti-) Jewish Law No. XV/1938 of 29 May 1938, enacted with the stated intention of ensuring greater efficiency in securing balance in social and economic life.¹²⁵ Subsequently, the Jewish population was excluded from state and public services and offices by the Second (Anti-) Jewish Law No. IV/1939 of 5 May 1939, limiting the expansion of Jews within the public and economic spheres, which defined a Jew not only on the basis of religious affiliation, but also racial principles along the lines of German racial theories.¹²⁶ Later, the exclusion of Jews from representative bodies was also enshrined in Act No. XIX of 1940.¹²⁷ From early April 1944, a series of decrees were issued by the Hungarian government for the total exclusion of Jews from public life. The municipal authorities, together with their officials, were fully involved in their implementation. Around 200,000 state officials within the Hungarian administrative apparatus actively participated in the execution of these decrees, from members of the government to local clerks and officials, including members of the gendarmerie, police and other security forces.¹²⁸ As Randolph L. Braham noted, only a few county and municipal officials, including police officers, refused to participate in anti-Jewish actions and resigned, but the vast majority of local, district and county officials and civil servants fully cooperated with the occupying powers or with the new politics.¹²⁹ According to research by Judit Molnár, most officials approached the implementation of the anti-Jewish measures with flexibility and often with enthusiasm or their own initiative. In some cases, they also ensured such anti-Jewish decrees were marked as confidential or were not officially published.¹³⁰

A similar situation existed in the occupied territories, where the anti-Jewish persecution was carried out by the local authorities to a greater or lesser extent, essentially freely, without much restriction.¹³¹ Above all, the Sub-prefects played one of the most important roles in the process of the implementation of anti-Jewish policy and ghettoization. For many of the civil servants, collaboration with the regime meant the opportunity to build their careers or to move up on the professional ladder.¹³² The relatively strong local support for anti-Jewish policy was driven most significantly by the economic interests of the local Hungarian community.¹³³

Conclusion

This paper analysed the mechanisms by which the transformation of local political elites was effected by interventions of the regime or the occupying power into the

125 Magyar Törvénytár, 1938, 132 (1938. évi XV. Törvénycikk a társadalmi és a gazdasági élet egyensúlyának hatályosabb biztosításáról).

126 The Second (Anti-) Jewish Law No. IV/1939 reduced the proportion of Jews in state service and economic sphere to 6 %, the right to acquire citizenship and determined the position of Jews in society. See: Magyar Törvénytár, 1939, 129 (1939. évi IV. Törvénycikk a zsidók közéleti és gazdasági térfoglalásának korlátozásáról).

127 Országos Törvénytár, 1941, 185 (1941. évi XIX. törvénycikk a törvényhatósági bizottsági és a községi képviselőtestületi tagsági jogról, továbbá a gyakorlati közigazgatási vizsgára vonatkozó átmeneti szabályokról).

128 FROJIMOVICS, The special characteristics, 254. See also: KARSAI, Holokauszt, 240.

129 BRAHAM, The Politics of Genocide, 72.

130 MOLNÁR, Nazi Perpetrators. See also: MOLNÁR, Csendőrök, rendőrök, hivatalnokok, 124–133.

131 JELÍNEK, Dávidova hviezda, 268.

132 GIDÓ, The Hungarian Bureaucracy, 646, 648.

133 BLOMQUIST, Local Motives, 699.

composition of local public governments and self-government authorities through the issuing of legislative acts to four selected examples of countries in Nazi-dominated Europe (the Nazi-occupied General Government, the Protectorate of Bohemia and Moravia and the German allies the Slovak State and Hungary). Despite the differences of historical and political background and character of occupation regimes, the analysis within the four cases showed some common parallels.

First, within all countries analysed, there was a clear intention to centralize the administration and to remove the eligibility of the autonomous government as a pillar of pluralist democracy. Self-government was not removed immediately in any of these countries but from the beginning (the beginning of the occupation or the establishment of a new regime) clear steps were taken for its gradual liquidation. The dissolution of the local autonomous government units meant direct decision-making from above or through appointed officials who replaced elected members of representative bodies in the posts at the middle and lowest levels of the public administration and the forming of new local political elites. Individuals did not become members of these elites on the basis of previously highly valued characteristics (firstly origin and family, later property, intellect, education or skills); rather, the main attributes that allowed participation in political power and created the conditions for entry into the local political elites were membership of the "Chosen Nation", membership in the ruling party, loyalty (even unlimited devotion) to the ruling regime or other values corresponding to the official ideology. The question remains to what extent membership in the ruling party or loyalty prevailed over the appropriate education, experience or qualification. It can be assumed that, rightly regarding these criteria, the abilities of such newly appointed political actors did not always fully correspond in practice to the positions they held. Regardless, it is certain that there was widespread exchange in key posts of local public administrations following the onset of occupation power or non-democratic government in all the countries here analysed. In the German-occupied countries, native heads at the middle and lower levels of administration were replaced by Germans, and all-important posts were transferred to Germans or people with a strong pro-German orientation. The lower subordinate posts remained occupied by native civil servants, many of whom were actively involved in the implementation of anti-Jewish measures, as is confirmed by many case studies. The new structures of occupation power were aimed at eliminating local autonomy and preventing the formation of local political elites from native actors from the beginning of the occupation. In allied countries, the most reliable pro-German and *pro-regime*-oriented members of the ruling party were appointed until a country's elected government was finally removed and the process of centralization of the public administration was complete. A common motive for the interventions of the ruling power was to clear the local and municipal administrative and executive authorities of anti-German and undesirable elements with the intention both to replace any unreliable personnel with officials whose loyalty and devotion to the regime had been clearly declared, and to build its own strongly centralized administrative apparatus devoid of the principles of eligibility. In so doing, the Nazi regime ensured the hegemony of the ruling state-party or occupation power at all levels of administration and, in this regard, also increased their effectiveness in implementing anti-Jewish measures.

As the analysis above has shown, the interventions into the formation of new local elites were undertaken within the limits of laws put in force to establish a semblance of legitimacy. In the occupied countries, despite the fact that after the start of occupation

local legislation and law remained in force unless it was contrary to Germany's occupation policy, Nazi power guaranteed for itself by decrees the power to make any changes to the administrations, to change or abolish all autonomous regulations, and to issue its own regulations, which finally meant the limiting of autonomous rights in the occupied countries with the intention to introduce a unified system of municipal administration, as in Germany, according to the German Municipal Code. Simultaneously, the structure of the occupation power was deliberately created to allow the occupiers to work closely with local administrative authorities and to minimize the need for the use of German personnel. In the allied countries, the measures necessary for the transfer of power at local level were taken in the form of regulations, acts of law or decrees. An important role was played by the fact that the allied countries shared some aspects of National Socialism to an extent that was reflected in similar tendencies and in the adoption of very similar legislative legal rules even before the direct German occupation of their territories. Steps had been taken, for example, concerning the transfer of legislative competences from parliament to the government, which due to the Enabling Legislation received practically unlimited power or the removal not only of inconvenient members of opposing political parties but also of people of Jewish origin from positions of the public administrations and authorities of self-government. According to Nazi racial principles, legal rules were adopted which legally defined Jews on the basis of race and which openly discriminated between them and the majority population, etc.

The analysis can only furnish conclusions on legislative interventions into local and municipal government across the range of a country; the scope and possibilities of this paper do not allow us to assess the deeper level of personnel changes at a local level or to outline all the impacts of this exchange (for example the degree or extent of the decision-making power of the local elites to impose their own Jewish policies or specific autonomous initiatives for their implementation). In spite of this, the personal involvement of a large majority of such newly appointed representatives of the state governments and of civil servants remaining in key posts of local administration because of their willingness to collaborate with the new regime or occupying power and to adapt to new conditions in the adoption and implementation of anti-Jewish measures is undeniable in all the countries surveyed. As Raul Hilberg noted, persecution to such an extent would undoubtedly not have been possible without the execution of orders from upper levels of the hierarchy of the entire bureaucratic apparatus; however, it would not have been possible to implement the whole process if all members of the bureaucratic apparatus had had to wait for instructions.¹³⁴ Therefore, a significant role was undoubtedly played by their own initiative and, in many cases, the putting into practice of anti-Jewish measures in the various posts in particular offices or departments of local government authorities beyond central government decrees. A great number of civil servants within local public administration fully participated in all steps of anti-Jewish policy (organizing the registration of Jews, the Aryanization or expropriation of Jewish real estate and property, the establishing of ghettos and forced labour, deportation, etc.) and tried to pursue their own agendas. In all countries analysed, the radicalization of anti-Jewish policy was accelerated by local actors (a process which in all countries concerned the middle level of governance) who, due to the relatively large margin of manoeuvre and freedom in their actions, approached the implementation of anti-Jewish policy quite flexibly, developing their own initiatives

134 HILBERG, *The Bureaucracy of Annihilation*, 127.

for anti-Jewish legislation. As a result, the intensity of the measures implemented at the regional level was largely dependent on regional actors' personality. Another question is the extent to which individual members of the local elites used their own positions and whether they were constrained in any way by inner moral barriers or not at all. Answers to these and similar questions could contribute further to a better understanding of the character of the pro-Nazi non-democratic regimes and regimes under direct German occupation.

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