

# Justifying the Law on the Changing of Family Names and First Names (November 6, 1937)

## Abstract

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In this document, Hitler's cabinet members justify the necessity of a new draft law on the change of name in Germany. They argue for a centralization of the German name change process, in which anyone who wanted to change their name had to obtain the approval of the state. The aim of the law was to make German Jews clearly recognizable as such and to distinguish them from the German *Volksgemeinschaft*. After the passing of the law, Jews who had changed their name in the past (e.g., after converting to the Christian faith) could be forced to take back their original name.

In a follow-up decree of August 1938, the Nazi regime also stipulated that Jewish men and women with "non-Jewish" first names had to adopt the suffixes "Israel" and "Sara" in order to clearly identify their Jewish identity, as already envisaged in this text.

## Source

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Justification for the Draft Law on the Changing of Family Names and First Names,  
November 6, 1937

The law on the changing of family names and first names only applies to official legal name changes by an administrative act; name changes as a result of a change in one's marital status remain subject to the Civil Code (§ 10 in the draft). At present official legal name changes are subject to state law. State law regulations are identical insofar as every name change is subject to approval by the local authority and unauthorized name changes are therefore prohibited. As of 1934 a decree issued by the Reich Minister of the Interior to the state governments ensures that decisions are made based on the same factual criteria in all states. Furthermore, Article 1 No. 1 of the Decree on the Execution of the Third Law for the Transfer of Judicature to the Reich of March 18, 1935 (RGBl. I p. 381) determines that in those states where the processing of official-legal name changes has thus far been the responsibility of the state's main judicial authority, it is transferred to the state's main authority for interior administration. A number of sometimes fundamental differences in the states' legal regulations have remained intact, however; in particular, in some states the processing of name changes at the lower level of jurisdiction still is the responsibility of the courts while in the largest part of Germany this is the responsibility of the administrative authorities.

With regard to the significance that the use of names as an indicator of one's belonging to a certain kin has to be attributed especially in the Third Reich, a uniform regulation of official-legal name changes seems appropriate both in factual and organizational terms. In doing so, two points are addressed that have gained considerable practical significance in recent times. First, it is necessary to create a possibility to revoke earlier name changes that are undesirable according to today's views (see § 7 in the draft). This aims particularly to effect that Jews whose Jewish names have been changed into German names have to again assume the name they used before. Moreover, in cases where there is doubt as to which name someone must use, the need to record this name with generally binding effect has arisen (see § 8 in the draft); existing possibilities to verify this name by way of a correction process according to §§ 65, 66 of the Law on Civil Status (old version) or in legal proceedings according to § 12 of the Civil Law Code have proved inadequate. [...]

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#### On § 7

§ 7 provides the previously nonexistent possibility to revoke undesirable name changes that had been approved prior to the takeover. In particular, this provides a measure to reverse the assumption of German names by Jews as a disguise. However, the number of these cases is lower than is generally assumed. In Prussia, for example, in the time period primarily considered here from November 1918 until the takeover, such name changes have been authorized in about 600 cases in which about 2,000 heads were involved. Nevertheless, in the national interest it seems inevitable to create this possibility to revoke these name changes, especially since some individual cases have caused a considerable stir. It does not seem appropriate to limit the possibility to revoke to name changes that have been authorized in the postwar period only. We must not exclude the possibility to also revoke earlier name changes where required. The revocation of a name change applies to all persons who derive their name from an ancestor whose name has been changed. It is not necessary for this ancestor to still be alive. The decision whether the option of revocation is applied in an individual case will necessarily remain a question of the political judgment of the Reich Minister of the Interior, who is responsible for revocations. In the interest of legal certainty December 31<sup>st</sup>, 1940 has been set as the end date. In the time available until then the cases under consideration can be reviewed in adequate measure. [...]

#### On § 12

At present there are no particular rules on the use of first names. It is merely stipulated that first names of German citizens generally must be entered into the register of births, deaths, and marriages in German and that indecent, frivolous or ridiculous first names may not be used. § 12 gives the Reich Minister of the Interior the authority to issue rules on the use of first names. This has mainly created the possibility to limit Jews to the choice of Jewish first names. Where Jews currently bear non-Jewish first names, the Reich Minister of the Interior can officially order the changing of these first names. Whether and when he makes use of this authority essentially depends on political considerations. It must not be overlooked that administrative difficulties speak against such changes insofar as changes can lead to difficulties in verifying someone's identity and would necessitate the correction of all official lists, registers, etc. These difficulties can essentially be prevented if instead of a change of the existing first name the additional use of a typically Jewish first name (i.e. Israel) is ordered which has to be included in every signature.

Source: AdR IV, p. 578, in Bernd Sösemann (in Zusammenarbeit mit Marius Lange), *Propaganda: Medien und Öffentlichkeit in der NS-Diktatur: eine Dokumentation und Edition von Gesetzen, Führerbefehlen und sonstigen Anordnungen sowie propagandistischen Bild- und Textüberlieferungen im kommunikationshistorischen Kontext und in der Wahrnehmung des Publikums*, Band 1. Stuttgart: Franz Steiner Verlag, 2011, pp. 484–85.

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