

Law for the Protection of Nature (1935)

Abstract

Attempts to link the National Socialist movement and regime to nature protection lay at the heart of the Reich Law for the Protection of Nature [Reichsnaturschutzgesetz] enacted in June 1935. Since at least the mid-nineteenth century, German conservationists had pushed for efforts to preserve Germany's forests, fields, and waterways. A great deal of this effort was motivated by the strong hunting tradition in certain German regions, and many conservationists also shared ties to the *Heimat* movement—a nationalist conceptualization of Germans' special relationship to their "homeland." Paying homage to the efforts of conservationists to protect and nourish Germany's "native landscape", which dated back to the nineteenth century, the 1935 law claimed that it was only now, under the political, social, and cultural conditions brought about by the rise of National Socialism, that the German state was in a position to truly safeguard nature and guarantee its strength for generations to come. Laws such as the Reichsnaturschutzgesetz played an integral ideological role for the regime. According to the National Socialist worldview, the protection of all nature (animals, plants, and landscape) was a vital and necessary task for Germans as members of the *Volksgemeinschaft*, because of the biological link between Germans and nature that the Nazis promoted. The strength and health of the *Volksgemeinschaft* allegedly depended on Germans' desire and ability to protect and nourish the bounty of the natural landscape that constituted the German *Heimat*.

Source

Law for the Protection of Nature.
Passed June 26, 1935.

Today, as in the past, nature in forests and fields represents the longing, joy, and recreation of the German people.

The native landscape has changed fundamentally compared to earlier times, its vegetation has changed in many cases due to intensive agriculture and forestry, one-sided land consolidation and coniferous wood culture. Along with their natural habitats, a species-rich fauna that enlivens forests and fields has disappeared.

This development was often an economic necessity; today the idealistic, but also economic damage of such transformation of the German landscape is clearly evident.

The "conservation of natural monuments" that emerged around the turn of the century could only be partially successful because essential political and ideological preconditions were missing; only the transformation of the German people created the preconditions for effective nature conservation.

The German government considers it its duty to ensure that even the poorest of the people receive their share of German natural beauty. It has therefore passed the following Law for the Protection of Nature, which is hereby promulgated:

I. Section

Scope of the Law

§ 1 Object of Nature Conservation

The purpose of the Law for the Protection of Nature is the protection and care of native nature in all its manifestations. Nature conservation within the meaning of this law shall extend to:

- (a) plants and nongame animals,
 - (b) natural monuments and their surroundings,
 - (c) nature reserves,
 - (d) other parts of the landscape in the open countryside,
- whose preservation is in the general interest because of their rarity, beauty, peculiarity or because of their scientific, native, forestry or hunting significance.

§ 2 Plants and Animals

The protection of plants and nongame animals extends to the preservation of rare or endangered plant and animal species and to the prevention of abusive appropriation and exploitation of plants and plant parts or animals (e.g., through trade in ornamental brushwood, trade or barter in dry plants, mass catching and industrial exploitation of butterflies or other ornamental forms of fauna).

§ 3 Natural Monuments

Natural monuments within the meaning of this law are individual creations of nature whose preservation is in the public interest because of their scientific, historical, local, and folkloric significance or because of their other peculiarities (e.g., rocks, geological outcrops, hiking boulders, glacier tracks, springs, watercourses, waterfalls, old or rare trees).

§ 4 Nature Reserves

(1) Nature reserves within the meaning of this law are specifically delineated districts in which a special protection of nature in its entirety (earth-historically significant forms of the landscape, natural plant associations, natural communities of fauna) or in individual parts thereof (bird sanctuaries, shrublands, plant sanctuaries, etc.) is in the public interest for scientific, historical, local and folkloric reasons or because of their scenic beauty or character.

(2) National or state-owned districts of outstanding size and importance (national nature reserves – § 18) may be claimed in whole or in part exclusively for nature conservation purposes.

§ 5 Other Parts of the Landscape

Other parts of the landscape in the open countryside which do not meet the requirements of §§ 3 and 4 but contribute to the ornamentation and enlivenment of the landscape or deserve preservation in the interest of wildlife, especially songbirds and small game hunting (e.g., trees, groups of trees and shrubs, groves, avenues, hedgerows, hedgerows and other hedges, as well as parks and cemeteries) may also be subject to the protection of this law. Protection may also extend to preserving the landscape from disfiguring encroachment.

§ 6 Restrictions

The protection of nature shall not affect areas used exclusively or primarily for the purposes of

the military,
important public roads,
maritime and inland navigation or
vital economic enterprises

shall not be impaired in their use.

[...]

Source: *Reichsgesetzblatt* Nr. 68, Berlin, July 1, 1935, pp. 821–22. Available online at:
<http://alex.onb.ac.at/cgicontent/alex?aid=dra&datum=19350004&seite=00000821>

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