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## Making Discrimination Legal: A Comparison of the Penal Laws in Ireland and the Nuremberg Laws and Other Laws in Nazi Germany

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## Introduction

Humans have a tendency to view history with rose-tinted glasses, romanticizing a time in which humans lived differently than today. Much too often, some people are quick to boast about the heroic deeds of great figures of the past and fawn over the great civilizations of the past in order to prove that modern society is somehow worse off than past civilizations and that we have lost our moral compass as human beings. However, there is quite a legitimate reason as to why George Santayana wrote his infamous aphorism, “Those who do not learn history are doomed to repeat it.” While this tends to refer to humanity’s oft-repeated follies, my extensive historical studies have led to conclude that there is also a more sinister connotation to this cryptic phrase. One aspect of the study of history that people tend to neglect is that it provides a window into humanity’s dark side, demonstrating its most ghastly, abominable, and nightmarish urges and the tragic, heinous, monstrous, and cataclysmic actions that can be committed when said urges are acted upon. This author tends to agree with the English philosopher Thomas Hobbes, who argued that, because of their nature, humans always need an individual or a group of people to govern them and to provide them with rules to live by, or else, they would live in a constant state of chaos and anarchy. However, humanity’s darker urges, such as its greed and its lust for power, have demonstrated that a government that is oppressive and tyrannical will do *anything* and *everything* to maintain its power and control over its own population. They will achieve this goal even if it means the replacement of an entire race of people with their own through mass slaughter or by slower, more covert means.

Two prominent historical examples of attempting to replace whole races of people and their cultures which I will examine in depth are the Penal Laws enforced in Ireland by the English Crown during the seventeenth and eighteenth centuries and the Nuremberg Laws and

other discriminatory laws targeting Jews and other “undesirables” enacted by the Nazi regime in Germany, and later, its occupied territories from 1935-1945. Both sets of laws were enacted by their respective governments to impose civil disabilities upon targeted groups of people based on religious and ethnic lines. It was Catholics descendants of the Anglo-Normans who invaded Ireland in the eleventh century as well as the remaining Gaelic peoples of Ireland who found themselves the targets of the Penal Laws while the Nuremberg Laws targeted the Jews of Germany, although they came to be applied to other religious and ethnic groups as well. During my research on this subject, I have found that, in a way, both the English Crown and the Nazi regime had the same, ghastly motivations for forcing these laws upon Catholics and Jews respectively. They not only wanted to eliminate the religious and ethnic identities of these groups through separating them from society and excluding them, but also wanted to use these laws in the long run to repopulate Ireland and Eastern Europe with ethnic English and German settlers respectively upon the ashes of the indigenous populations. These systems of settler colonialism would bring forth much death, destruction, and oppression to these areas and its peoples, drastically reducing their populations and bringing great damage to their cultures. Aside from the intent of the respective governments in implementing these laws, these laws had other things in common in that they were both products of centuries-long hatreds and prejudices toward the groups they targeted and were influenced by various historical models of conquest and imperialism. What is even more uncanny about them is that both the English Crown and the Nazi regime used Ancient Rome not only to illustrate the situations they were facing in their times, but to also justify their warmongering, invasive goals. Overall, these similarities demonstrate an unoriginality and repetitiveness in the methods of persecution by oppressive regimes throughout history. What is especially disturbing about this conclusion is the number of times in history that

humanity has allowed its barbaric, evil side to repeat nearly the same patterns of mass murder and destruction all for the sake of achieving superiority and control over others.

As for why I chose to compare the Penal Laws and Nazi racial laws, the answer lies in a rather personal experience. In May 2017, I participated in Murray State University's biennial two-week study abroad program, "Berlin: Conflict and Action." I participated in Dr. Jared Rosenberger's Honors Sociology seminar as part of the program, and as part of the course, the other students and I focused on the connection between war and bureaucracy, with special emphasis being placed on the Third Reich. Along with the other students in the program, who attended history courses taught by Dr. David Pizzo, we visited Berlin's Bavarian Quarter on May 26, two days prior to returning to the States. Before the Nazis' rise to power, this area of Germany's capital housed tens of thousands of Jews and was a thriving center for Jewish intellectual life, with famous names such as Albert Einstein and Hannah Arendt residing in the Quarter. However, during the Nazi regime, the government wanted to turn the area into a ghetto and converted many houses to accommodate Jews awaiting deportation from Germany. Throughout the Quarter, there are about 80 signs hung upon lampposts which has a picture on one side of it while showing a Nazi-era law targeting Jews and/or Poles and the date they were enacted. For example, one sign has a photograph of a clinical thermometer. While this sign looks innocent enough, the other side holds an ominous sentence in German: "Jewish doctors are no longer allowed to practice. July 25, 1938." While visiting Sachsenhausen concentration camp was by far the most overwhelming, emotional experience of the program, and of my entire life so far, this was a reasonably close second as it allows the viewer to gain great insight into the micromanaging methods used by the Nazis to segregate "undesirables" and further dehumanize them while also walking in the very area where these laws allowed the government to round

them up in horrible conditions for deportation. While I was blown away by this memorial, it was not until I attended Dr. William Mulligan's History of Ireland class in Fall 2017 that I knew that I wanted to incorporate these laws into a thesis. I was largely unknowing of Irish history at this time aside from the Great Famine of 1845-52, and so learning about the Penal Laws came as a great surprise to me not just because of the long history of animosity between Ireland's residents and the English, but also because of how alarmingly similar many of them were to Nazi laws. After learning about them, I knew right then that I wanted to write my thesis on the Penal Laws and the Nuremberg Laws.

Though my primary focus in writing this thesis was the use of primary sources, I probed numerous secondary sources in order to properly analyze each case and their connecting historiography. One of the first sources examined for the purposes of this project was Yale University history professor Ben Kiernan's eye-opening 2007 book *Blood and Soil: A World History of Genocide and Extermination from Sparta to Darfur*.<sup>1</sup> Kiernan's scope and delving into cases of mass murder and extermination worldwide makes the book's immense size fitting. As part of his painstaking in-depth study, Kiernan connects fifteen cases of mass extermination and replacement of peoples throughout history by hypothesizing that nearly all genocides in history were caused by four ways of thinking: the development of racism toward the targeted groups, the timeless craving by societies for border expansion, the idealization of agriculture and the desire to cultivate foreign lands and the use of history for moral justification and models for genocide. He also states that genocides occur in three forms: "State organized, communal or a combination of both."<sup>2</sup> Kiernan structures each chapter to explain how all four of these ways of thinking

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<sup>1</sup> Ben Kiernan, *Blood and Soil: A World History of Genocide and Extermination from Sparta to Darfur* (New Haven and London: Yale University Press, 2007), 1.

<sup>2</sup> Kiernan, 13.

contributed to each case, allowing him to make the point that popularity of the “need” to expand borders and racism, which has existed in all shapes and sizes since ancient Mesopotamia, has always endured and appears in societies of all eras and locations, as well as the obsessive cult of antiquity, which refers to the practice of studying historical examples of conquest and extermination by the perpetrators. Meanwhile, the notion of agriculture has also appeared in the motivations of all genocidal regimes, although the extent to which it was used as justification for expansion and the replacement of the natives of conquered lands varied. This book provided much assistance in allowing me to form a coherent, cohesive comparison of the Penal Laws and Nuremberg Laws as it offered me a glimpse into the motivations of the Tudor conquest of Ireland and the Nazi conquest of Eastern Europe, which were heavily intertwined with both laws and the thinking that inspired them. This in turn allowed me to better understand them and find similarities between them of which I had not even thought before this project.

As I obviously could not use only Kiernan’s book to adequately compare the Penal Laws and Nuremberg Laws, I had to dig deeper into each area not just to better understand the laws themselves, but also the mentalities surrounding them and what had happened that led to them. Therefore, my next step in my research process arrived in the form of *Seventeenth-Century Ireland: The War of Religions*, Trinity College Dublin history professor Brendan Fitzpatrick’s 1989 analysis of the religious struggles which underlined the turbulent, violent and bloody century that solidified English dominance over Ireland.<sup>3</sup> Beginning with the surrender of Hugh O’Neill, Earl of Tyrone, which ended the Nine Years’ War in 1603 and concluding with the end of the Williamite War in 1691, Fitzpatrick argues that Gaelic Irish and Old English (Anglo-

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<sup>3</sup> Brendan Fitzpatrick, *Seventeenth-Century Ireland: The War of Religions* (Totowa, New Jersey: Barnes & Noble Books, 1989), 1.

Norman) Catholics did not face a political struggle against the English. Instead, the issue was “expropriation based on religion,” and the reason English Protestants were able to gain control over Ireland was because the “Old English adherence to Roman Catholicism under a Protestant monarch split the concept of sovereignty down the middle.”<sup>4</sup> This book is chronologically uneven, as Fitzpatrick devotes approximately three-quarters to the century’s first half, particularly to the 1641 Revolt, the English Civil War and the subsequent conquest of Ireland by Oliver Cromwell, while devoting one measly chapter to the period dating 1660-1691, the time in which Catholic Ireland’s fate was truly decided. In spite of this, Fitzpatrick offers many insights into the period that would ultimately lead to the creation of the Penal Laws, perhaps the most important being that in the latter half of the century, especially after the Cromwellian period, “within the Gaelic church...modern Catholic nationalism was born,” which would be one of the main reasons for the passing of the Penal Laws in the first place.<sup>5</sup> As such, the book provides an excellent glimpse into the sheer importance religion played in the subjugation of Ireland.

Supplementing Fitzpatrick’s analysis of the seventeenth century is D.M.R. Esson’s 1971 book, *The Curse of Cromwell: A History of the Ironside Conquest of Ireland, 1649-53*.<sup>6</sup> As Cromwell’s brutal conquest of Ireland proved crucial in shaping anti-Irish Catholic attitudes leading up to the Williamite War, this book provided one-of-a-kind insights into this period. What is surprising about this book is that its title is intentionally misleading, as Esson argues that Oliver Cromwell was a blessing to Ireland rather than a curse, as “the rapid restoration of order, coupled with full integration with the rest of Britain, brought in its wake one of the most

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<sup>4</sup> Fitzpatrick, 3.

<sup>5</sup> Fitzpatrick, 208.

<sup>6</sup> D.M.R. Esson, *The Curse of Cromwell: A History of the Ironside Conquest of Ireland, 1649-53* (Totowa, New Jersey: Rowman and Littlefield, 1971), 1.

prosperous periods in all the history of Ireland.”<sup>7</sup> It is often difficult for a seasoned historical researcher to seriously take Esson, a former British Army officer, due to his biased point-of-view and lack of footnotes, which he acknowledges. However, his maps do a phenomenal job of illustrating his analysis and he does back up his claims with legitimate and interesting sources. Despite his obvious exclusion of Cromwell’s heinous acts of violence and brutality against the Irish, Esson effectively demonstrates the significance and consequences, be it good or bad, of Cromwell’s actions in shaping the coercive system placed on the Irish at the end of the seventeenth century. Esson also inadvertently gives the audience a glimpse into the anti-Irish attitudes felt by the English spawned from this period due to his bias.

Meanwhile, in the area of Nazi law, the search for the methods of justification used by the Nazis to dehumanize Jews and other “undesirables” and ultimately exterminate them led me to former Duke University history professor and prominent Third Reich historian Claudia Koonz’s 2003 book, *The Nazi Conscience*.<sup>8</sup> As part of her watershed analysis, she examines the intangible, often inconsistent, construction of the moral complex developed by the NSDAP to assist the German populace in acclimating to its ideals and agendas. It seems laughable and ludicrous to modern readers to even suggest that one of the most unethical, aggressive, bloodthirsty, and intolerant political movements in human history actually had a system of moral codes which its members followed. However, Koonz makes it clear in the first sentences of the book that “‘the Nazi conscience’ is not an oxymoron” and that “the historical record of the Third Reich suggests that” Nazi officials justifying their crimes by claiming to follow a moral code “was often the case.”<sup>9</sup> Koonz structures her book by stating that the Nazi conscience was created

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<sup>7</sup> Esson, 9.

<sup>8</sup> Claudia Koonz, *The Nazi Conscience* (Cambridge, Massachusetts and London: The Belknap Press of Harvard University Press, 2003), 1.

<sup>9</sup> Koonz, 1.



by four assumptions in order to better explain this little-discussed aspect of National Socialism: The life of a *Volk* (people or community) being similar to a living organism, the values of the *Volk* are developed in conjunction with its nature and environment, the *Volk's* long-term advantage justifies any aggressive acts against “undesirable” peoples, and the right of the government to strip assimilated citizens of their rights based on race/ethnicity. This cult-like glorification of the *Volk* and it always being the primary concern are ultimately what urged Germans to “expunge citizens deemed alien and to ally themselves only with people sanctioned at racially valuable.”<sup>10</sup> This seeming juxtaposition of behavior paved the way for the elimination of civil rights and liberties for German Jews at that fateful Nazi Party rally in 1935, which in turn gave the Nazis a sense of moral justification for the murderous conquest of Eastern Europe and the Soviet Union.

The desire to include a short history of anti-Semitism as a context for the passing of the Nuremberg Laws would also introduce the book *Antisemitism: Its History and Causes* to my historiography.<sup>11</sup> It was published in 1894 by French-Jewish literary critic and political journalist Bernard Lazare just mere months after the beginning of the Dreyfus Affair. Lazare had been disgusted by the widespread normalized anti-Semitism that plagued the West at the turn of the twentieth century, and being the committed social justice advocate he was, he decided to write a history of this prejudice toward Jews as impartially as possible despite his obvious dislike of anti-Semitism. For his analysis, he examines various civilizations in history where anti-Semitism has taken shape until the late-nineteenth century as well as the forms in which it has manifested itself (political, economic, philosophical, etc.). Overall, his ultimate conclusion for the existence

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<sup>10</sup> Koonz, 3.

<sup>11</sup> Bernard Lazare, *Antisemitism: Its History and Causes* (New York: International Library Publishing Co., 1903), 1.

of anti-Semitism is the preservation of their religious and ethnic identity and subsequent isolation from mainstream societies, which Lazare describes as their “weakness” which has led them to “have survived up to modern times, as a race of pariahs, persecuted, often martyred.”<sup>12</sup> Lazare’s narrative fits well with the serious question he poses on why the Jews have attracted so much hatred over the years. Not only is Lazare’s analysis a well-thought-out and well-researched take on the history of anti-Semitism, but it also acts as a description of the “legal” anti-Semitism that would seep into the twentieth century and become a central tenet of Nazi ideology, making Lazare’s inadvertent prediction of what was to come at the end of his analysis even more chilling: “Antisemitism stirs up the middle class, the small tradesmen, and sometimes the peasant, against the Jewish capitalist, but in doing so it gently leads them toward Socialism, prepares them for anarchy, infuses in them a hatred for all capitalists, and, more than that, for capital in the abstract.”<sup>13</sup>

A more recent addition to the historiography of anti-Semitism which I used to formulate my thesis was the 1965 historical account *The Anguish of the Jews: Twenty-Three Centuries of Antisemitism*, written by Edward Flannery, an American Roman Catholic priest who was a prominent, outspoken opponent of local, national and international anti-Semitism.<sup>14</sup> What is distinctive about Flannery’s book is that he injects considerable amounts of pathos in his historical analysis, as the first thirteen chapters are devoted to events where anti-Semitism reared its ugly head in history, each followed by an analysis *and* a moral evaluation. In this sense, he engages the reader and allows them to realize the kind of persecution Jews have been subject to since the ancient world. He also writes his analysis as a way to promote friendly Jewish-

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<sup>12</sup> Lazare, 23.

<sup>13</sup> Lazare, 374-375.

<sup>14</sup> Edward Flannery, *The Anguish of the Jews: Twenty-Three Centuries of Antisemitism* (Mahwah, New Jersey: Paulist Press, 1985), 1.

Christian relations, as the first three centuries B.C.E. are especially crucial to his analysis due to the fact that Judaism existed long before Christianity and was therefore not a Christian invention. His take on the origins of Nazi anti-Semitism is also unique to the historiography of the Third Reich and the Holocaust as he disputes the oft-repeated claim that Nazi anti-Semitism took historical inspiration from the Catholic Church. He instead argues that the Age of Enlightenment led to the relaxing of the influence of the Church, which he argues actually helped provide political and legal protection for Jews, and therefore a new rise in European anti-Semitism. This was what Flannery calls nationalistic anti-Semitism, which he defines as targeting Jewish characteristics as opposed to the actual religion. Flannery's analysis overall does a fine job with connecting the Third Reich with past instances of anti-Semitism and allows the reader to better understand the conditions which led to the institutional anti-Semitism and racism which would lead to the tragedy of the Holocaust.

In addition, migration has become an important aspect in the historiography of Europe due to several conflicts and mass exterminations which have taken place in the last half-millennium. Both the Penal Laws and Nuremberg Laws led thousands of Irish Catholics and European Jews respectively to flee their homes due to the discrimination the laws embedded in the ruling legal system as well as the violence enabled by the same laws. The sheer impact these laws had on migration from Ireland and Eastern Europe respectively is properly chronicled in *The Encyclopedia of Migration and Minorities in Europe: From the 17<sup>th</sup> Century to the Present*.<sup>15</sup> Comprised of over 200 articles providing short histories of migration in various European countries and analyses of hundreds of migrant groups affected by European events

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<sup>15</sup> *The Encyclopedia of Migration and Minorities in Europe: From the 17<sup>th</sup> Century to the Present*, 1st ed. (Cambridge: Cambridge University Press, 2011), 1.

since 1600, this source truly is one-of-a-kind, as it is considered the definitive, most authoritative overview of the scholarship of European migration. While a rather unconventional source to use for a historical research project, this encyclopedia provides valuable demographic and statistical information over these different migrant groups. While providing a detailed socioeconomic portrait of members of these groups and how they lived before their migrations, the articles also explain the circumstances which led to their exile from their homes. Each article also contains at least one detailed chart, graph or map providing detailed information about migration patterns followed by these groups in certain time periods. Most importantly, in the case of the Nuremberg Laws, some of the statistics provided about the number of Jews in Germany prior to 1933 is astounding. For example, on top of the Jewish population in Berlin increasing from 16,000 to 70,234 in the years 1880-1910, around another 20,000 Jews from Eastern Europe poured into Germany's capital between the end of World War I in 1918 and 1920 according to Trude Maurer.<sup>16</sup> It is statistics such as these that provide a glimpse into just how much these laws changed the entire demographic of Ireland and Eastern Europe as a result of the racism and murder they enabled.

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<sup>16</sup> Trude Maurer, *The Encyclopedia of Migration and Minorities in Europe: From the 17th-Century to the Present*, 1st ed., s.v. "Eastern European Jews in Berlin from the Late-19<sup>th</sup> Century to the 1930s," (Cambridge: Cambridge University Press, 2011), 333.

## Chapter One: The English Encroachment Upon Ireland

One of the most glaring reasons of commonality between the Penal Laws and Nuremberg Laws was that they were merely enacted after centuries of creeping, building hatreds and prejudices toward the groups they targeted. In this case, it is important to provide historical context for them and explain exactly what led to the creation of these dehumanizing legal scriptures. This chapter will therefore focus on Ireland's history with England leading to the passage of the first series of Penal Laws in 1691 following William III's confirmation as King of England, Scotland and Ireland. English intrusion into Ireland began in 1169, when Dermot MacMurrough, the deposed King of Leinster, led several shiploads of Anglo-Normans in an invasion which allowed him to regain his throne while also gaining Waterford and Dublin. Despite giving permission to MacMurrough to recruit some of his men, Henry II, King of England, quickly became concerned with the success of the invasion, as he believed that Richard de Clare, 2nd Earl of Pembroke, also known as Strongbow, who had been named heir to MacMurrough's kingdom due to his role in the invasion, could establish a Norman kingdom separate from England and possibly overthrow the English Crown should he become powerful enough. Therefore, on October 17, 1171, Henry landed at Waterford with a fleet of 240 ships, marking the first time an English monarch had ever set foot on Irish soil, and was given all lands conquered by the Normans.<sup>17</sup> It has been shown, though that a conquest of Ireland had actually been on his mind for a while, as he was authorized by Pope Adrian IV (the only English pope in the history of the papacy) in 1155 to invade Ireland "to enlarge the boundaries of the Church, to proclaim the truths of the Christian religion to a rude and ignorant people, and to root out the growth of vice from the field

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<sup>17</sup> Owen Connellan, trans., *The Annals of Ireland, Translated from the Original Irish of the Four Masters* (Dublin: Bryan Geraghty, 1846), 5.

of the Lord.”<sup>18</sup> Adrian’s remark about the Irish being “rude and ignorant” is seen by many as the beginning of anti-Irish attitudes among the English, with this rhetoric experiencing a resurgence during the Tudor period.

Despite the establishment of the Lordship of Ireland in 1171 and the Parliament of Ireland in 1297, which in theory gave England official control over Ireland, their authority was gradually weakened over the next three centuries due to a variety of factors, the most significant of which was the Black Death, which wiped out a majority of the Norman Irish population from 1348-1351 while leaving the native Gaelic populations relatively untouched. The government of the Pale, the area constituting Dublin which was under direct English rule, passed the Statutes of Kilkenny in response, which attempted to suppress Gaelic language and culture. Particularly problematic for the Irish such as Statute XV, which warns against “the Irish agents who come amongst the English, spy out the secrets, plans, and policies of the English, whereby great evils have often resulted.”<sup>19</sup> While this legislation created deeper racial divisions between the English and the Irish, which made it an important prototype of the Penal Laws, it was futile, as the Hiberno-Normans increasingly adopted Gaelic language and culture and severely weakened any kind of authority the English had. English control was eventually strengthened in the late-fifteenth century when Henry VII, after having quelled two major rebellions originating Ireland, ordered his Lord Deputy, Sir Edward Poyning, to call the Irish Parliament to pass Poyning’s Law in 1494, which placed the Irish Parliament in direct control of the Parliament of England

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<sup>18</sup> “The Bull *Laudabiliter*, 1155” in *Selected Documents in Irish History*, Ed. Josef L. Altholz (Armonk, New York: M.E. Sharpe, Inc., 2000), 13.

<sup>19</sup> Henry F. Barry, ed., *Statutes and Ordinances, and Acts of the Parliament of Ireland. Volume I: King John to Henry V* (Dublin: Alexander Thom & Co., 1907), 447. For further reading on Norman rule in Ireland and the Gaelic resurgence, see Edmund Curtis’s *A History of Medieval Ireland from 1086 to 1513*.

and declared “if any Parliament be holden in that land hereafter, contrary to the form and provision aforesaid, it be deemed void and of none effect in law.”<sup>20</sup>

While Poyning’s Law was an important stepping-stone to total English domination over Ireland, the immediate causes for the Penal Laws would not truly arise until the reign of Henry VIII, who succeeded Henry VII in 1509. While Henry began his reign by continuing his father’s Irish policies, it had been indicated that Henry and his officials desired to pursue expanded control over the island long before the founding of the Kingdom of Ireland in 1542. For example, Thomas Howard, Earl of Surrey, who served as Lord High Treasurer under Henry VII and Henry VIII from 1501-1522, once declared that Ireland “shall never be brought to good order and due subjection but only by conquest,” a sentiment that “was widely shared in government circles.”<sup>21</sup> In addition, according to a letter sent by the Lords and Council of Ireland to Henry dated June 8, 1509, they had elected Thomas FitzGerald, 8<sup>th</sup> Earl of Kildare as a governor after Henry VII’s death “in consequence of the perilous state of the country and the malice of the Irish.”<sup>22</sup> However, the fate of Ireland would completely change as a result of major events from 1534-1542. In 1534, a rebellion broke out under the leadership of Thomas FitzGerald, 10<sup>th</sup> Earl of Kildare in which Dublin Castle was seized. The reason for FitzGerald’s role in this rebellion was because he was under the impression that his father, Gerald FitzGerald, 9<sup>th</sup> Earl of Kildare, who had appointed his son deputy governor of Ireland in his absence, had been executed by Henry. In reality, his father died while imprisoned in the Tower of London *after* the beginning of the rebellion. As a result, Kildare “gave up the king’s sword, and committed many evils against the

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<sup>20</sup> “Poyning’s Law” in *Selected Documents in Irish History*, Ed. Josef L. Altholz (Armonk, New York: M.E. Sharpe, Inc., 2000), 23.

<sup>21</sup> T.W. Moody, F.X. Martin, F.J. Byrne, eds., *A New History of Ireland, Volume III: Early Modern Ireland, 1534-1691* (Oxford: Oxford University Press, 1976), 41.

<sup>22</sup> J.S. Brewer, ed., *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII, Volume I Part 1* (London: His Majesty’s Stationery Office, 1920), 35.

English; the archbishop of Dublin, who was his father's enemy, and many others along with him, came by their death through him."<sup>23</sup> Kildare's rebellion ultimately collapsed when his stronghold, Maynooth Castle, was taken by English forces.

Kildare's rebellion became major turning point in Ireland's history and its relationship with England as "the events that occurred then brought on a demonstration of English power such as Ireland had not previously experienced, and because the forceful effort to manage Irish affairs that was then made...was not subsequently abandoned."<sup>24</sup> After Kildare's rebellion was put down, Henry instituted a series of reforms referred to as "surrender and regrant," which promised protection of the Irish people under the English Crown while expecting the Irish to completely obey English law while forsaking their own laws and culture. Irish lords were also expected to give their lands to the Crown, only having the chance to regain them through Royal Charter. Henry's break with the Catholic Church and the subsequent Act of Supremacy passed in 1534 also made him Supreme Head of the Church of England, which meant that he also had complete control over religious matters in England. This naturally created a new rift between the Gaels and the Catholic Old English, especially when Henry went on a campaign dissolving monasteries and other Catholic places of worship from 1536-1541. This process was so total and widespread that around 130 Irish monasteries had been suppressed by Henry's death in 1547.<sup>25</sup> The surrender and regrant reforms culminated in the Crown of Ireland Act in 1542, which declared that the King of England "be alwayes Kings of Ireland, and that his Majestie, his heyres and successours, have the name, stile, title, and honour of King of Ireland...and that his majestie, his heyres and successours, be from henceforth named, called, accepted, reputed, and taken to be

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<sup>23</sup> Connellan, trans., 399.

<sup>24</sup> Moody, Martin, Byrne, eds., 40.

<sup>25</sup> Moody, Martin, Byrne, eds., 63.



Kings of Ireland.”<sup>26</sup> As such, the English Crown now had a permanent, more direct hold over Ireland which would continue with the Act of Union in 1800.

Despite this change in government, it was more difficult to earn the Irish lords’ allegiance than the successive Lord Deputies had anticipated. As if predicting the violence that would erupt in Ireland between the 1550s and 1570s, Sir Thomas Cusake, a judge who one of the Crown’s most trusted servants in Ireland, remarked in 1546: “The land was never in such honest obedience; which will redound to the King’s profit, so that it were pity that it should be perverted by seditious practices.”<sup>27</sup> There were a long series of rebellions that would take place, the first of which took place in Leinster in the 1550s when the Plantation of Queen’s County and King’s County instituted by Mary I caused the O’Moore and O’Connor clans to be displaced. Another came after Elizabeth I meddled in a succession dispute in the O’Neill clan, which led Shane O’Neill, who disputed with Elizabeth over authority in Ulster, to rebel against the English. He gained much support from many Irish lords as since their problem was a lack of power, “it could be made good only by the attainment of more power.”<sup>28</sup> However, he was actually ironically defeated by a rival clan, the O’Donnells. In addition, two more rebellions were instigated by the Earl of Desmond in 1569-1573 and 1579-1583 in order to maintain the independence of feudal lords in Ireland. Though the Earl of Desmond was killed in 1583, it is reported that a third of Munster met their deaths as a result of these conflicts.

A major threat to English rule in Ireland came in the form of Hugh O’Neill, Earl of Tyrone, who was the most powerful lord in all of Ireland. The Queen ran afoul of him by

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<sup>26</sup> “Crown of Ireland Act 1542,” *Legislation.gov.uk* (Statute Law Database, February 1, 1998), accessed October 22, 2019, <http://www.legislation.gov.uk/aip/Hen8/33/1/section/I>

<sup>27</sup> J.S. Brewer, ed., *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII, Volume XXI Part 1* (London: His Majesty’s Stationery Office, 1920), 226.

<sup>28</sup> Moody, Martin, Byrne, eds., 85.

attempting to expand her powers in Ulster, and while appearing faithful to the English Crown, he waged a war with English troops in Fermanagh and Connacht starting in 1593 in order to distract the English troops while he consolidated his power in Ulster. In fact, Tyrone was not even proclaimed a traitor to the Crown until June 1595, when he “had lost face, and was now called, in reversal of the crown’s earlier view, ‘the son of one Matthew...a bastard son of Conn O’Neill.’”<sup>29</sup> Though his strategy was mostly a defensive one surrounding the protection of Ulster, he spread his war into the rest of the island after the arrival of Spanish aid in 1596. The English would suffer a disastrous defeat at Yellow Ford in August 1598 in which, according to Captain Charles Montague, out of 3,500 men and 300 horses that had arrived on the battlefield, “there remains of ours about 1,500 in the Church of Armagh.”<sup>30</sup> This led to hundreds of settlers fleeing the Plantation of Munster, leading to its temporary collapse. These events nearly led to the complete abandonment of English control over Ireland. However, O’Neill would ultimately be defeated in 1603, leading to the Treaty of Mellifont, which dealt a severe blow to Gaelic culture in Ireland. 1603 truly was a watershed year in Irish history as “not only was the local lordship everywhere abolished as a basis of power...but, for the first time in Irish history, all the inhabitants of the island were made subject to the authority of one government.”<sup>31</sup>

During her reign as Queen, Elizabeth instituted a system called composition in which private armed forces no longer patrolled Ireland, but rather English forces sent directly by the Crown in return for tax exemption for prominent septs and lords. She also furthered the plantation system started by Mary in which, Kiernan writes, “the removal of the Gaelic landholders into narrow confines comprising but a third of their former territories was now

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<sup>29</sup> Moody, Martin, Byrne, eds., 121.

<sup>30</sup> Ernest George Atkinson, ed., *Calendar of the State Papers Relating to Ireland, of the reign of Elizabeth, Volume 7, January 1598-March 1599* (London: Her Majesty’s Stationery Office, 1895), 227-228.

<sup>31</sup> Moody, Martin, Byrne, eds., 140.

authorized. The remaining two-thirds was allocated for plantation, following grants in fee farm, by ‘Englishmen born in England or Ireland.’”<sup>32</sup> Interestingly, as part of this system of settler colonialism, English control over Ireland grew more barbaric and brutal as a result of the near-perpetual conflict of the late-sixteenth century. For example, Thomas Churchyard, an author who traveled with Ulster military commander Colonel Humphrey Gilbert in 1569, declared that “civilian noncombatants should be killed in order to starve the rebels of food ‘so that the killying of them by the sworde was the waie to kill the menne of warre by famine.’”<sup>33</sup> In fact, according to Kiernan, from 1568-1576, the number of English military personnel in Ireland rose to 2,500 men.<sup>34</sup> In addition, the Elizabethan era led to a new racial way of thinking about the Irish, believing them to be a different breed of people from the English. They thought of the Irish as being a sort of subhuman culture.

In the seventeenth century, resentment among the Old English began to grow as a result of settler plantations in Ireland and became fervently committed to their Catholic religion as more Protestants swarmed into Ireland. As a result, religion became an important catalyst for the divisions between the Old English and the Protestant New English. According to Fitzpatrick, many Catholics in Irish towns did not support Tyrone in his war against Elizabeth because they were too attached to “the very legal system which was at the heart of the crown’s thrust against the Gaelic chiefs” and that charters were how their political power was gained.<sup>35</sup> However, a few weeks after Tyrone’s defeat, several of these towns suddenly sprung up in revolt due to the newly-crowned James I’s sympathy for Catholicism and also as an intimidation tactic toward Protestants there trying to get them to treat them with respect. However, despite his purported

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<sup>32</sup> Moody, Martin, Byrne, eds., 79.

<sup>33</sup> Kiernan, 192.

<sup>34</sup> Kiernan, 192.

<sup>35</sup> Fitzpatrick, 7.

sympathy for Catholics, “it was probably English rather than Irish pressures which prompted him to concede the Irish council’s request for authorization to pursue a vigorously anti-Catholic policy in July 1605” which ordered all Catholic clergy to leave the island by December 10<sup>th</sup>.<sup>36</sup> Cases like these caused Catholics to feel more and more discriminated against and threatened. Irish upperclassmen did not feel the same way, though, as they wanted to retain their prominent position in Irish society by becoming full subjects under a single monarchy. Unfortunately, their desires were rebuffed as the Crown attempted to seize more lands for its plantations, with around 16,000 English and Scottish migrants settling in Ulster by 1622 according to William J. Smyth.<sup>37</sup> In response Irish Catholics attempted to appeal to James I and later Charles I, who had succeeded James as King of England in 1625, directly through a program known as “the Graces,” which involved religious tolerance and making the Catholics full subjects. Some of their demands included regulations over the army to prevent further harassment and violence, an amending of the court rules in Ireland, a decrease of official fees and the requirement of heirs and lawyers to qualify by taking an oath of allegiance rather than the oath of supremacy.<sup>38</sup>

It seemed for a while that Charles would reach a compromise with these Catholics. However, he consistently delayed these implementations. In addition, Thomas Wentworth, Charles’s Lord Deputy, plotted to confiscate more lands from the Irish upper-class to break their power by adding more plantations. Though Wentworth’s planned plantation at Connacht was never completed and his scheme never developed past the stage at which they arrived in the late-1630s, this left further feelings of outrage and bitterness in the Irish Catholics. Since the Catholics mainly sided with Charles during the Civil Wars of the Three Kingdoms, many

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<sup>36</sup> Moody, Martin, Byrne, eds., 191.

<sup>37</sup> William J. Smyth, *The Encyclopedia of Migration and Minorities in Europe: From the 17th-Century to the Present*, 1st ed., s.v. “Ireland and Northern Ireland,” (Cambridge: Cambridge University Press, 2011).

<sup>38</sup> Moody, Martin, Byrne, 237.

Parliamentarians, who were opposed to Charles's overreach of power due to his belief in the divine right of kings, believed that a royalist army from Ireland could invade England and/or Scotland should it grow too powerful. Therefore, many proposed a pre-emptive invasion of the island and subjugating the Catholic population. This understandably made many Catholics jittery and frightened, and they subsequently planned to conduct a quick revolt by seizing Dublin Castle and other important towns to block this possible invasion attempt. They believed it would be hugely successful due to the low number of English troops stationed in Ireland and also because the House of Commons was too focused on condemning Wentworth. While the attack on Dublin Castle on October 23, 1641 was unsuccessful, the rebels encountered more success in Ulster, from which, according to Esson, "came tales of sudden, incredible wealth, tales which lost nothing in the telling."<sup>39</sup> Within two days, Ulster was completely in Irish hands. The rising spread quickly to other Irish provinces, but soon became bogged down since the rebels eventually lost the element of surprise.

According to Esson, Charles ordered General Charles Munro "with a brigade of Scottish infantry, 1,500 strong, to go to Ulster and re-conquer the rebellious province. He wrote to the English Parliament and told them what he was doing. For once, King and Parliament were in agreement: the Irish must be crushed."<sup>40</sup> However, the agreement would collapse soon and while a military stalemate had already been reached in Ireland by Spring 1642, it wouldn't truly reach this status until the outbreak of the English Civil War in October which caused a majority of English troops to be recalled to fight the war. During this fighting, Hugh O'Reilly, the Archbishop of Armagh, summoned a synod at Kilkenny on May 10, 1642 which established the

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<sup>39</sup> Esson, 56.

<sup>40</sup> Esson, 57.

Confederation of Kilkenny. This Catholic self-government declared that the kingdom would “bear faith and true allegiance unto our sovereign lord King Charles” and that the Catholic Church in Ireland “shall and may have and enjoy the privileges and immunities according to the great charter, made and declared within the realms of England, in the ninth year of King Henry III...and that the common law of England...shall be observed throughout the whole kingdom.”<sup>41</sup> Interestingly, the assembly that founded the confederacy seemed to desire racial and religious unity as demonstrated by their ruling that “there shall be no distinction or comparison made betwixt Old Irish and Old and New English or betwixt septs or families.”<sup>42</sup> During the course of the English Civil War, two-thirds of the island would effectively be ruled by this self-governing confederacy. Historians often believe that if Charles’s Royalists had won the civil war, Ireland would have become an autonomous Catholic state.

However, the war ended with a Royalist defeat at the hands of Oliver Cromwell’s (the great-grandson of Thomas Cromwell’s brother) Parliamentarians and the execution of Charles in 1649. Cromwell soon set his sights on reconquering Ireland for Parliament, landing at Ringsend on August 15 with an army of 12,000 men.<sup>43</sup> While in Ireland, Cromwell demonstrated a ferocious brutality which disguised as being morally righteous. One particular example of this brutality was in September 1649, when Cromwell’s forces sieged the coastal town of Drogheda which housed a garrison of 3,000 Royalist troops. Cromwell himself wrote that his forces “put to the sword about 2,000 men” and after the Royalist troops had surrendered, “their officers were knocked in the head; and every tenth man of the soldiers killed; and the rest shipped for the

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<sup>41</sup> “Confederation of Kilkenny, 1642” in *Selected Documents in Irish History*, Ed. Josef L. Altholz (Armonk, New York: M.E. Sharpe, Inc., 2000), 40-41.

<sup>42</sup> “Confederation of Kilkenny, 1642”, 43.

<sup>43</sup> Moody, Martin, Byrne, eds., 336.

Barbadoes.”<sup>44</sup> Roundhead forces also killed scores of civilians and although no definite count exists, it is estimated that Cromwell’s men killed between 1,000-4,000 civilians in Drogheda. Cromwell regularly demonstrated his racism toward the Irish as a moral basis for his reconquest as shown by his speech to the people of Dublin after his arrival in Ireland in which states that all who participate in the struggle against the “barbarous and bloodthirsty Irish...and for the propagating of Christ’s Gospel...should find favour and protection from the Parliament of England and him.”<sup>45</sup> By 1653, Cromwell’s conquest was complete and, as he saw Catholics as being responsible for the 1641 revolt, he convinced Parliament to pass the Act of Settlement in 1652. As part of this law, all who participated in the revolt as well as all Catholic clergy were to be excluded from pardon and that all senior Irish rebel officers “shall forfeit one third part of their Estates in Ireland to the said Commonwealth, to be disposed of for the Use, Benefit and Advantage of the said Commonwealth.”<sup>46</sup>

It is during the Commonwealth period that some of the first “penal laws” were imposed. After the Act of Settlement, Catholics were banned from Irish Parliament membership and for a short time forbidden from living in towns. Also, Catholic clergy were banished from Ireland and were threatened with execution should they be seen in public. Fitzpatrick writes that most Old English residents of Ireland understandably “viewed the 1649 failure as the end not just of their estates but of the opportunity for Catholics to govern themselves.”<sup>47</sup> However, most of these laws would be retracted after the monarchical restoration and the coronation of Charles II. Charles himself was quite sympathetic to Catholicism as in 1670, he signed a treaty with Louis XIV of

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<sup>44</sup> Thomas Carlyle, ed., *Oliver Cromwell’s Letters and Speeches: With Elucidations, Volume II* (London: Chapman and Hall, 1846), 61-62.

<sup>45</sup> Carlyle, ed., 48.

<sup>46</sup> C.H. Firth and R.S. Rait, eds., *Acts and Ordinances of the Interregnum, 1642-1660, Volume II* (London: His Majesty’s Stationery Office, 1911), 598.

<sup>47</sup> Fitzpatrick, 208.

France in which he, according to Fitzpatrick, “agreed to do all he could to restore Roman Catholicism in return for financial support.”<sup>48</sup> As such, he attempted to reconcile the English relationship with Irish Catholics by providing them land grants as compensation for the Cromwellian land seizures as part of the Act of Settlement of 1662. However, many Catholics were still disappointed that Cromwell’s plantations remained intact. The Catholics soon gained an even better position in Irish society after the ascension of James II, who was a Catholic himself. He eliminated a majority of anti-Catholic legislation in Ireland and allowed Catholics to enter Parliament and the Army again. This created problems between James and Parliament, especially seeing that he was often in contact with Louis XIV. While Catholics were initially anxious that James’s Protestant daughter, Mary of Orange, would succeed him, his second wife gave birth to a son in June 1688, which created a succession crisis. Parliament would soon give their support to Mary and her husband, William, who had promised to restore the freedoms of Parliament that had been neglected by James. After refusing help from Louis and the loss of several Protestant military officers through defection, James escaped England in December. Parliament soon transferred royal authority to William and Mary, naming them the rightful monarchs of England.

James arrived in Ireland in March 1689 with the Catholics hoping that all anti-Catholic laws in Ireland would be eliminated should James be restored to the English throne. As such, according to Sir Henry Parnell, “he was received with open arms and the whole country seemed to be devoted to him.”<sup>49</sup> An example of this is when the people of Kilkenny addressed him, stating: “Whereas the honour of your Majesty's pleasure was unexpected, so are our expectations

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<sup>48</sup> Fitzpatrick, 230.

<sup>49</sup> Sir Henry Parnell, *A History of the Penal Laws Against the Irish Catholics, from the Treaty of Limerick to the Union* (Dublin: H. Fitzpatrick, 1808), 1.



of joy unspeakable. Never was a King of England so kind to this country; never was this country so kind to a British prince.”<sup>50</sup> Unfortunately for James, the ensuing war with William would not go in his favor, culminating in his defeat at the Boyne in July 1690. The battle was military indecisive, but the fleeing of James to France following the battle sealed the fate of the Jacobite cause in Ireland. After the Jacobite defeat at Aughrim in July 1691, the Jacobite cause was all but defeated. The Treaty of Limerick, signed after the end of the Siege of Limerick, was rather generous in its military and civil articles as “its intention was to get rid of 20,000 soldiers as quickly as possible.”<sup>51</sup> The most prominent of these terms declared that “Roman Catholics of this kingdom, shall enjoy such privileges in the exercise of their religion, as are consistent with the laws of Ireland, or as they did enjoy in the reign of King Charles II, and their majesties, as soon as their affairs will permit them to summon a parliament in this kingdom.”<sup>52</sup>

However, only one of these civil articles was ratified and in the treaty’s place, new penal laws were introduced to punish the Catholics on top of the ones from Cromwellian rule that were reintroduced. Some of these laws included a ban on intermarriage with Protestants, forbidding Catholics from owning firearms, joining the army or entering the legal profession and a ban on Catholics owning a horse worth £5. Upon passage of these laws, Catholics decried them, believing them to be a “breach of faith” and denouncing the Treaty of Limerick as a “broken treaty.”<sup>53</sup> Even though it is supposed to be a history, Sir Henry Parnell even shows his bias against William in his 1808 book, *A History of the Penal Laws Against the Irish Catholics*, by stating: “How it is possible to defend William and his ministers from the charge of having acted

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<sup>50</sup> “Address to King James II at Kilkenny, March 22, 1689,” *Documents Illustrating Jacobite History* (The Jacobite Heritage), accessed October 25, 2019, <http://www.jacobite.ca/documents/16890322.htm>

<sup>51</sup> Fitzpatrick, 254.

<sup>52</sup> “Treaty of Limerick, Civil Articles, 1691” in *Selected Documents in Irish History*, Ed. Josef L. Altholz (Armonk, New York: M.E. Sharpe, Inc., 2000), 48.

<sup>53</sup> Moody, Martin, Byrne, 507.

with perfidy towards the Catholics, it is not easy to discover.”<sup>54</sup> With this new legal code, systemic discrimination against Irish Catholics would officially be in place. The laws would haunt Ireland throughout the eighteenth century, and while nearly all of them would be repealed in the late-18<sup>th</sup> and early-nineteenth centuries due to the work of political reformers like Parnell, the damage had already been done to the relations between the English and the Irish. The repression the Irish suffered during the nineteenth century was arguably the worst they would ever face under English rule, and the reason for this was simply because discrimination that was codified by the Penal Laws justified inhumane treatment of them.

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<sup>54</sup> Parnell, 35.

## Chapter Two: The Never-Ending Prejudice

It is common knowledge among historians that National Socialist ideology was sorely lacking in originality, merely adopting several ancient ideals and prejudices and molding them into one radical, deadly form of thought. In the case of anti-Semitism, the prejudices that fueled the creation of the Nuremberg Laws and other discriminatory laws against Jews were hardly uniquely German at all, as, according to Doris Bergen, they “came from all over Europe and even farther away, swept into the deadly force field of developments with worldwide repercussions.”<sup>55</sup> The history which led to the Nuremberg Laws is extensive, spanning over 2,300 years, and it is impossible to properly condense a general history of European anti-Semitism while adequately explaining it to readers. Therefore, this chapter will mainly focus on the types of anti-Semitism exuberated by ancient and modern societies prior to Hitler’s rise to power in 1933, examples of them, and the general themes coinciding with them.

While anti-Semitism first appeared in ancient Alexandria in the third century B.C.E., and later Imperial Rome, which Flannery describes as “cultural, taking the shape of a national xenophobia played out in political settings,”<sup>56</sup> it would not begin developing the form it would assume for centuries until the rise of Christianity. The Jews initially looked at the fledgling Christian religion as, in Flannery’s words, “just another Jewish sect and Christians still hoped all Israel would enter the Church, there was peace” between the two religions.<sup>57</sup> However, sometime in the second century C.E., one of the first accusations against the Jews of being responsible for Jesus’s death occurred when Melito of Sardis gave a sermon in which he condemned Jews for

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<sup>55</sup> Doris L. Bergen, *War & Genocide: A Concise History of the Holocaust* (Lanham, MD: Rowman & Littlefield Publishers, Inc., 2003), 2.

<sup>56</sup> Flannery, 25. For further reading on antisemitism in the Roman Empire and the Jewish-Roman Wars, see Martin Goodman’s *Rome and Jerusalem: The Clash of Ancient Civilizations*.

<sup>57</sup> Flannery, 29.

standing by as Herod and Caiaphas nailed Jesus to the cross, stating, “Bitter to you are the false witnesses whom you brought forward...Bitter to you is Herod whom you followed. Bitter to you is Caiaphas whom you obeyed. Bitter to you are the thorns which you plucked. Bitter to you are your hands which you bloodied, when you killed your Lord in the midst of Jerusalem.”<sup>58</sup> Soon enough, Christians began to use the New Testament as supposed “proof” of Jewish guilt in the death of Christ, such as the “blood curse,” derived from the Book of Matthew, which states: “So when Pilate saw that he was gaining nothing, but rather that a riot was beginning, he took water and washed his hands before the crowd, saying ‘I am innocent of this man’s blood; see to it yourselves.’ And all the people answered, ‘His blood be on us and on our children!’”<sup>59</sup> This belief would gain traction within the next few centuries, especially after Christianity became the state religion of the waning Roman Empire in the fourth century. They would be subject to much persecution by both the state and the church. One such way of persecution that occurred was in the early-fourth century, when the Synod of Elvira was convened, which banned marriage and intercourse between unconverted Jews and Christians, such as one decree that says: “If a Christian confesses adultery with a Jewish or pagan woman, he is denied communion for some time.”<sup>60</sup> These decrees notably bear a striking resemblance to some of the Nuremberg Laws, and it would perhaps not be too far of a stretch to think that these could have been one of the inspirations for them.

This increased persecution in the fourth and fifth centuries would only grow worse as the Roman Empire fell and Europe descended into what became known as the Middle Ages. The

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<sup>58</sup> Melito of Sardis, *Peri Pascha* (“On the Passover”), Trans. G.F. Hawthorne, *Kerux: The Journal of the Northwest Theological Seminary* 4, no. 1 (May 1989): 30.

<sup>59</sup> Matt. 27: 24-25 (RSV) *BibleGateway.com*, accessed October 27, 2019, <https://www.biblegateway.com/passage/?search=2+Maccabees+6&version=RSVCE>.

<sup>60</sup> “The Council of Elvira, ca. 306,” *Wayback Machine* (Internet Archive, February 20, 2004), accessed October 27, 2019, <https://web.archive.org/web/20120716202800>.

religious anti-Semitism that had begun during the Imperial Roman era would magnify tenfold and would force Jews to be subject to new forms of brutal violence and oppression. Initially, however, the situation for Jew in Europe in the early period, which Flannery refers to as the Dark Ages, lasting from the fifth to the eleventh century, was “a time of shifting fortunes but, as a whole, was relatively bearable.”<sup>61</sup> For example, Christopher Tuckwood notes that in the Carolingian Empire, Jews were granted generous privileges from the state, such as Jewish merchants being exempted from tolls and taxes, receiving official protection from the *magister Iudeorum* and moving market days to Sunday so that the Sabbath wouldn’t be interfered with.<sup>62</sup> Tuckwood also points out that despite the attempts by the Church to tap into anti-Semitic fears, the average medieval person was “more worried about the problems of day-to-day survival than the Church’s recruitment and retention concerns.”<sup>63</sup>

The onset of the First Crusade in 1095 soon led many Christians to view the “infidel” Jews as equal a threat to them as the Muslims from whom they were attempting to retake Jerusalem. One of the worst single atrocities against Jews to come out of the Crusades was in 1096, when several groups of German Christians murdered around 12,000 Jews in the Rhineland between May and July. Solomon bar Samson described how, when the Crusaders entered Mainz on May 27, 1096, they not only murdered several Jews, but also that “the women there girded their loins with strength and slew their sons and their daughters and then themselves. Many men, too, plucked up courage and killed their wives, their sons, their infants.”<sup>64</sup> Another example of this violence occurred in York, England on March 16-17, 1190 as part of a series of Crusade-

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<sup>61</sup> Flannery, 66.

<sup>62</sup> Christopher Tuckwood, "From Real Friend to Imagined Foe: The Medieval Roots of Anti-Semitism as a Precondition for the Holocaust," *Genocide Studies and Prevention: An International Journal* 5, no. 1 (2010): 92.

<sup>63</sup> Tuckwood, 94.

<sup>64</sup> Solomon bar Samson, “The Crusaders in Mayence, May 27, 1096,” in *The Jew in the Medieval World: A Sourcebook, 315-1791*, Ed. Jacob R. Marcus (Cincinnati: Sinai Press: 1938), 117.

inspired pogroms which swept through England in 1189 and 1190 in response to a mob attack on a group of English Jews who had been expelled from the coronation ceremony for Richard I. William of Newburgh, a contemporary historian and Augustine monk, described this particular pogrom as being inspired by greed, as evidenced by an incident in which the house of a Benedict “who had died miserably in London” that was undamaged by the fires caused by the pogrom was invaded by looters: “There his widow and children with many others dwelt; all of those who were in it were slain and the roof put on fire. And while the fire gloomily increased in strength, the robbers seized their booty and left the burning house, and by help of the darkness retired unobserved and heavy laden.”<sup>65</sup>

After the winding down of the Crusades, the Jews of Europe were next subject to expulsions, as well as the seizing of their money and property by their governments after their departure. It is important to note that during the thirteenth century, many European monarchies started forcing Jews to wear yellow circles or strips sewn into their clothes to distinguish them from the rest of the population, a technique which would later be used by the Nazis during the Holocaust. The hyper-religious sentiment brought upon by the Crusades also led many Church officials and European rulers to restrict job opportunities for Jews. Catholic ideology during the Middle Ages looked down upon jobs that dealt with lending or collecting money, believing them to be sinful. Therefore, since Christians were not allowed to work these jobs and since the Church wanted Christians working in jobs that were higher in status, Jews were relegated to being tax and rent collectors and moneylenders. This led to the formation of a timeless stereotype of Jews being greedy money-grabbers that persists even to this day. More importantly,

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<sup>65</sup> William of Newburgh, “The York Riots, England, March 16-17, 1190,” in *The Jew in the Medieval World: A Sourcebook, 315-1791*, Ed. Jacob R. Marcus (Cincinnati: Sinai Press: 1938), 132.

Christopher Tuckwood argues that the view of Jews as “parasitic internal enemies preying upon their non-Jewish neighbors, largely through economic means” and other events beginning in and views created in the twelfth century “clearly helped to create the atmosphere that enabled another major reinvention of Jew-hatred with the Nazi racialization of anti-Semitism in the early twentieth century.”<sup>66</sup>

Medieval religious anti-Semitism would arguably reach its peak during the Black Death, when Jews were subject to even worse attacks. Many Christians saw them as responsible for infecting food, wells and waterways with the Bubonic Plague and even believed that they were doing this as part of a plot to eliminate Christianity. As such, hundreds of Jewish communities in Europe were completely destroyed. One particularly cruel act of mass violence against Jews is presented by Jacob von Königshofen, who describes how two-thousand Jews in Strasbourg were burned “on a wooden platform in their cemetery” on February 14, 1349 and how “many small children were taken out of the fire and baptized against the will of their fathers and mothers. And everything that was owed to the Jews was cancelled, and the Jews had to surrender all pledges and notes they had taken for debts...The money was indeed the thing that had killed the Jews.”<sup>67</sup> It is important to take note of this last sentence as, besides religious prejudice and hysteria against the plague, many Jewish historians believe that the stereotype of Jews as greedy moneylenders factored into the pogroms of the Black Death. For example, Jacob R. Marcus argues that the mob that burned the Jews of Strasbourg were, besides tanners’ and butchers’ guilds, led by nobles “who were determined to do away with the Jews who were their economic

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<sup>66</sup> Tuckwood, 102.

<sup>67</sup> Jacob von Königshofen, “The Cremation of Strasbourg Jewry St. Valentine’s Day, February 14, 1349” in *The Jew in the Medieval World: A Sourcebook, 315-1791*, Ed. Jacob R. Marcus (Cincinnati: Sinai Press: 1938), 47.

competitors and to whom they were indebted for loans.”<sup>68</sup> However, Samuel K. Cohn, Jr. believes that this is not the case. According to him, the letters from Strasbourg dated 1348-1349 give no indication that Jewish greed was a motivation, as “with the exception of one merchant who was tortured because he was a community leader with extensive contacts, and two who were called ‘rich,’ the victims were doctors, women, students, cantors and, most often, rabbis.”<sup>69</sup> Whatever the reason for the burnings, they were nevertheless often swept under the rug by chroniclers or were used by chroniclers for the wrong reasons, as while they “dispassionately tallied the numbers of Jews exterminated in one city after another, they reported rumors and justified them as historical facts.”<sup>70</sup>

As Europe entered the Renaissance in the fifteenth century, the situation of the Jews, while not as horrific as during the Black Death, was still not ideal. In Spain, the prosperity of the Jewish community under Muslim rule ended in January 1492, when the Christians won control of the country from the Moors. In April of that year, King Ferdinand II and his wife, Isabella I, issued the Edict of the Expulsion of the Jews, declaring that “having taken deliberation about this matter, resolve to order the said Jews and Jewesses of our kingdoms to depart and never to return or come back to them or to any of them.”<sup>71</sup> Portugal also expelled its Jews in 1496. There were also thousands of Jews called Marranos, who were forcibly converted to Catholicism but still practiced Judaism in secret. Aside from the terror of the Spanish Inquisition, the expulsion of Iberian Jews and the forced conversion of the remaining ones also led to the practice of a “blood

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<sup>68</sup> Marcus, Jacob R, ed., *The Jew in the Medieval World: A Sourcebook, 315-1791* (Cincinnati: Sinai Press: 1938), 43.

<sup>69</sup> Samuel K. Cohn, Jr., "The Black Death and the Burning of the Jews," *Past & Present* 196, no. 1 (August 2007): 16.

<sup>70</sup> Cohn, Jr., 25.

<sup>71</sup> Edward Peters, trans., “Edict of the Expulsion of the Jews (1492),” *Sephardicstudies.org* (Foundation for the Advancement of Sephardic Studies and Culture), accessed October 29, 2019, <http://www.sephardicstudies.org/decreed.html>.



purity” test over four centuries before Hitler’s rise to power called *Limpieza de sangre*, which attempted to prove that residents of the Iberian Peninsula had pure Christian ancestry without recent Muslim or Jewish ancestors.

The beginning of the sixteenth century looked promising for European Jews as the beginning of the Reformation turned the wrath of theologians away from them toward the splintering of Christianity that would take place. In addition, Protestantism attempted to win over Jews after centuries of being hated, humiliated and attacked by the Catholic Church. In fact, Lazare mentions that Martin Luther had much in common with Muhammad in that “both had drawn their teachings from Hebrew sources, both wished to have the remains of the Israel stamp with approval the new dogmas which they were formulating.”<sup>72</sup> As such, he claims that the rise of Protestantism did wonders for the spirit of Judaism. However, their stubbornness in retaining their religious identity led them to reject Protestantism, leading Luther to denounce Jews. In the later days of his life, he wrote scathing, violent remarks against them. Not only does he throw numerous insults at Jews in one of his most infamous anti-Semitic essays, *On the Jews and Their Lies*, but he also shamelessly advocates violence and harassment toward Jews, such as when he suggests “to set fire to their synagogues or schools and to bury and cover with dirt whatever will not burn, so that no man will ever again see a stone or cinder of them” and advises “that their houses also be razed and destroyed.”<sup>73</sup> It is no coincidence that these recommendations sound almost exactly like various Nazi laws. The Nazis would often display *On the Jews and Their Lies* and other anti-Semitic texts written by Luther at rallies and his push for violence against the Jews has led many historians to assert that Luther’s writings had an impact, of varying degrees

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<sup>72</sup> Lazare, 132.

<sup>73</sup> Martin Luther, “On the Jews and Their Lies” in *Luther’s Works, Volume 47, The Christian in Society IV*, Ed. Franklin Sherman, Trans. Martin H. Bertram (Philadelphia: Fortress Press, 1971), 269.

according to some, on the design and implementation of Nazi racial laws and eventually the Holocaust.

The eighteenth century marked a significant change in the nature of anti-Semitism. The ideals espoused by philosophers of the Enlightenment and the rebellion of the American colonists against Britain from 1775-1783 led to the outbreak of the French Revolution in 1789. The ideas of individual freedoms and rights found in *The Declaration of the Rights of Man and of the Citizen* soon came to be applied to the Jews of France in 1791, when the National Assembly passed the Law Relating to the Jews, which “revokes all adjournments, reservations, and exceptions inserted into preceding decrees relating to Jewish individuals who take the civic oath.”<sup>74</sup> In doing, France became only the second country in the world (500 years after Poland did the same) to grant emancipation to its Jews. Encouraged by the Enlightenment, Jews sought to achieve political and cultural integration with the broader society of European nations as part of emancipation after living in isolation for centuries. However, while France and other nations such as the Netherlands were early in their emancipation of Jews, the prospect of political, economic and cultural emancipation created a widespread debate throughout Europe beginning in the early-nineteenth century referred to the “Jewish question.” As the debate over what to do with the Jews of Europe came into prominence, whether it was deportation, resettlement or assimilation, the nature of anti-Semitism shifted from religious to a more covert form of political and legal anti-Semitism. In fact, the term itself was used as a less aggressive and more passive expression for negative attitudes toward the tendency of Jews to remain separate from mainstream society. Drawing upon the secularity and thinking based on reason that was

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<sup>74</sup> Mitchell Abidor, trans., “Law Relating to the Jews 1791,” *Marxists.org*, 2009, accessed October 31, 2019, <https://www.marxists.org/history/france/revolution/1791/laws-jews.htm>.

advocated by other Enlightenment thinkers, Voltaire, one of the most rabidly anti-Semitic writers of the eighteenth century, criticized them for being superstitious and backwards, stating in a mocking way: “The Jews had God Himself for master; see what has happened to them on that account: nearly always have they been beaten and slaves, and to-day do you not find that they cut a pretty figure?”<sup>75</sup> Plus, after informing the reader that ancient Jewish men along with the Egyptians and Athenians could legally marry their sister, he comments that “it is but with regret that I cite that wretched little Jewish people, who should assuredly not serve as a rule for anyone, and who (putting religion aside) was never anything but a race of ignorant and fanatic brigands.”<sup>76</sup>

Despite Jewish emancipation being achieved in many European countries through the nineteenth century, the Jewish question would remain a major debate and the nature of anti-Semitism shifted to a racial category. Starting in the mid-nineteenth century, the concept of scientific racism began to take hold in European society. The use of pseudoscience to “rationalize” racial and ethnic discrimination allowed many thinkers to perpetuate the myth that certain groups of humans had inherent physical characteristics that made them different from other races. The Jews were not spared from this mode of thinking, and many race theorists defined the Jews as having physical features such as a hook nose and poor hygiene that made them a separate, inferior race to white Europeans. One of the first men to write about racial theory, Joseph Arthur de Gobineau, declared in his *Essay on the Inequality of the Human Races* that German Jews “are usually smaller and more slender in build than men of European race among whom they have lived for centuries.”<sup>77</sup> While Gobineau does not believe that the Semites,

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<sup>75</sup> Voltaire, *Voltaire's Philosophical Dictionary* (New York: Carlton House, 1900), 97.

<sup>76</sup> Voltaire, 224.

<sup>77</sup> Arthur de Gobineau, *The Inequality of Human Races*, Trans. Adrian Collins (New York: G.P. Putnam's Sons, 1915), 123.

ethnic groups who spoke the Semitic languages of the Middle East, which European Jews spoke, to be “lesser,” as they had originally been white, he asserts that what makes them inferior is that over several centuries, the Semites had mixed with “black” races. As they stray from their “whiteness,” Gobineau argues that “their features and limbs become incorrect in form; they acquire defects of proportion which, in the races that are completely foreign to us, end by producing an extreme ugliness.”<sup>78</sup> These theories were supported by Social Darwinism, which perpetuated the myth of conflict between races and placed Aryan Europeans as the most superior race of humans. The concept of racial anti-Semitism became perhaps the deadliest form of anti-Semitism yet as it almost explicitly held that even Jews who had assimilated into mainstream society and/or Jews who had converted to Christianity still retained their “Jewishness.” It would be this concept that would finally be inscribed in law as part of the Nuremberg Laws.

While racial anti-Semitism was less prevalent in Eastern Europe, as the Industrial Revolution had not affected these areas as much as the West, religious anti-Semitism still raged almost as violently as in the Middle Ages. Among the worst cases of late-nineteenth and early-twentieth century religious anti-Semitism occurred in Tsarist Russia after the assassination of Alexander II in 1881. One of the conspirators in his assassination was a Jew, and while the role he played was most likely minimal, it provided a perfect excuse for the Russian people to conduct violence upon Jews similar to the Middle Ages. Hundreds of pogroms would break out in the Russian Empire from 1881-1884 in which thousands of Jews were killed, injured and reduced to poverty as well as thousands of their homes being destroyed. Alexander III himself was a rabid anti-Semite, blaming his father’s death on the Jews as part of the May Laws passed in May 1882. As a result, he severely restricted the political and economic standing of Jews in

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<sup>78</sup> Gobineau, 151.

Russia, enacting restrictions on Jewish landownership and limiting the number of Jewish children who could attend secular schools. Another wave of pogroms raged from 1903-1906 during the time of the failed 1905 Revolution in which approximately 2,000 Jews perished or were wounded. Aside from the religious anti-Semitism that infected Russia in the late-nineteenth and early-twentieth centuries, a group of Russian writers contributed to modern anti-Semitic theory by publishing *The Protocols of the Elders of Zion*, which asserts that the Jews are participating in an international conspiracy to gain worldwide economic dominance. By this time, another stereotype of the Jews had developed in which they were portrayed as businessmen and bankers, a view that originated from the Enlightenment, in which “court Jews” handled the finances of European royalty and nobility. While the text was proved to be a complete hoax, it would greatly influence Hitler, who praised it in *Mein Kampf* by stating: “The important thing is that with positively terrifying certainty they reveal the nature and activity of the Jewish people and expose their inner contexts as well as their ultimate final aims. The best criticism applied to them, however, is reality.”<sup>79</sup>

As a result of the violence in Eastern Europe, millions of Jews migrated west, with many taking up residence in the German Empire, which had granted Jewish emancipation in 1871 after the creation of the German Constitution following the end of the Franco-Prussian War. According to Maurer, 2,048 Jews who had fled from the Russian Empire were living in Berlin alone in 1880, one-quarter of which lived entirely in the city’s Scheunenviertel.<sup>80</sup> While advancement in government and the military was rare for Jews, they enjoyed relatively equal treatment, protection and rights in the Empire, and by the turn of the twentieth century, German

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<sup>79</sup> Adolf Hitler, *Mein Kampf*, Trans. Marco Roberto (London: Hurst & Blackett, 1939), 228.

<sup>80</sup> Maurer, 333.

Jews were the most integrated in all of Europe. During World War I, the Jews proved their gratitude and loyalty to the Kaiser by becoming the largest ethnic and religious group to comprise the Imperial German Army, with around 100,000 Jewish men answering the call to arms from 1914-1918. While many non-historians tend to believe that the radicalization of anti-Semitism in Germany occurred after the end of World War I and during the Weimar Republic, it actually began *during* the war. In 1916, as Germany's food shortage worsened as the war lingered on, anti-Semitic propaganda began to appear as a result of the popular perception of the poor distribution by the government and the influx of refugees from the East which put pressure on the nation's strained resources, likening "the Jew" as, how Belinda J. Davis puts it, "a commercial middleman (*Geschäftsjude*) who brought urban consumers (and even retailers) to their knees through his allegiance to profit."<sup>81</sup>

While the radicalized anti-Semitism of the Weimar Republic began before the end of World War I, Germany's defeat in the conflict as well as the November Revolution allowed it to intensify and spread like wildfire. In the early years of the Republic, much violence was conducted against Jews, such as the brutal murders of the leaders of the Spartacist Rebellion, Rosa Luxembourgh and Karl Liebknecht. The stab-in-the-back legend led many to defame the new government as a "Jew republic," and as such, much intolerance and public agitation toward Jews was demonstrated. One example of this public hatred can be seen in a letter written by Bertha Pappenheim, an Austrian-Jewish feminist, in 1923 during a train ride through Germany, in which she describes a "red-haired Galician" Jew being harassed by multiple passengers:

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<sup>81</sup> Belinda J. Davis, *Home Fires Burning: Food, Politics, and Everyday Life in World War I Berlin* (Chapel Hill: University of North Carolina Press, 2000), 132-133.

He was being battered by violently hostile words as by a hailstorm; his answers in Yiddish evoked furious laughter. ‘What did we pay for potatoes in peacetime?’ asked the main haranguer. ‘Three marks for a hundred pounds,’ yelled the chorus... ‘And this dirty Jew here’s asking today hundred pounds of potatoes for one meter of apron fabric!’ A roaring belched out. A woman cried, ‘Junghans ask just as much!’ ‘He’s even worse than a Jew,’ screamed another woman, ‘You should be strung up.’ ‘All of them should be hung. A stone round their neck, dumped into a river, all of the mishpocheh!’ Laughter. A certain humor was at the bottom of this terrible scene—a kind of coarse joke, which could have become an ugly, bitter outbreak through something in the atmosphere.<sup>82</sup>

Despite this violence and public agitation toward Jews, the situation for Jews in Germany improved as the Republic stabilized in the later half of the 1920s. The Republic became home to a thriving Jewish intellectual and creative culture, with five Jews winning the Nobel Prize for Science out the seventeen Germans who won the prize during the Weimar period. In addition, Maurer also writes that Jews were treated relatively well by Weimar law and the rising number of synagogue communities and charitable organizations founded by Jews, the first of which were founded prior to World War I, “were joined by youth clubs, workers’ cultural organizations, and regional organizations, though they also devoted themselves chiefly to charitable work and at the same time provided places of sociability.”<sup>83</sup>

However, anti-Semitism would resurge after the onset of the Great Depression in 1929/1930. In some German cities, from 1930-1933, Jewish communities would be subject to vandalism of their synagogues and cemeteries as well as violence on the street. One of the main reasons for this anti-Semitism was that some Germans blamed the Jews for the country’s economic woes. Surprisingly, anti-Semitism played merely a minor role in Hitler’s appointment as chancellor in 1933, since many Germans were “disillusioned with a foundering democracy

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<sup>82</sup> “Bertha Pappenheim, Letter on Antisemitism (1923),” *Facing History and Ourselves*, accessed September 5, 2019, <https://www.facinghistory.org/weimar-republic-fragility-democracy/society/bertha-pappenheim-letter-antisemitism-1923-society-antisemitism>.

<sup>83</sup> Maurer, 334.

and terrified of communism in a time of economic catastrophe.”<sup>84</sup> However, Hitler channeled the opinions of some of his fellow anti-Semites on the economic ruin supposedly purposefully brought upon by Jewry, believing that the ultimate goal of the Jews was “the Bolshevization of Germany, that is to say, the extermination of the patriotic and national German intellectuals, thus making it possible to force German Labor to bear the yoke of international Jewish finance.”<sup>85</sup> Ultimately, whether anti-Semitism *was* the primary reason for the beginning of the Nazi regime or was a small, underlying reason, it did ultimately play a role in the successes of the Nazi Party in its elections to the Reichstag in 1932 and Hitler’s appointment as chancellor. Through a combination of various examples from the past as mentioned earlier, they would implement explicit anti-Semitism into law.

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<sup>84</sup> Koonz, 10.

<sup>85</sup> Hitler, 457.



### **Chapter Three: Dehumanization and Exclusion Through Law**

After centuries of pent-up hatreds and stereotypes against the Irish Catholics and European Jews respectively, the Penal Laws and the Nuremberg Laws finally reared their ugly heads as culminations of said hatreds. As such, it would lead to the abysmal suffering of the targeted groups of these laws. This similarity of shared histories unsurprisingly can lead someone to realize that the laws themselves had, despite some differences, glaring and disturbing similarities. At their core, their basic function was to make the groups they targeted appear inhuman and therefore undeserving of sympathy or compassion. And the methods they used to achieve this were nearly identical. In the long run, though, the main theme of them was much more sinister. As part of the long-term goals of the English Crown and the Nazi regime, respectively, the Penal Laws and Nuremberg Laws were meant to enable the conquest of foreign lands and the elimination of indigenous cultures to allow the settlement of people from England and Germany.

Before discussing the intentions and themes behind the Penal Laws and the Nuremberg Laws and other Nazi laws, though, it is important to discuss some of the laws themselves and the similarities and differences they hold. One of the most glaring similarities between these two sets of laws is concerning intermarriage. The Penal Laws placed a ban on marriage between Catholics and Protestants, declaring that "...any protestant man who shall marry any woman without having obtained a certificate as in section 1 hereof...such protestant man shall be in law deemed a papist, or popish recusant, unless such person shall within one year of such marriage, procure his wife to be converted to the protestant religion."<sup>86</sup> Meanwhile, the Law for the

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<sup>86</sup> "Irish Penal Law - Statutes in Chronological Order – 1. The Reigns of Queen Elizabeth, William and Mary, and King William III," University of Minnesota Law School, March 20, 2017, accessed September 3, 2019, <https://www.law.umn.edu/library/irishlaw/chron>.

Protection of German Blood and German Honor explicitly forbade intermarriage between Jews and ethnic Germans, with Section 1 stating that “Marriages concluded in defiance of this law are void, even if, for the purpose of evading this law, they were concluded abroad” and Section 5 threatening hard labor for anyone who breaks this law.<sup>87</sup> Likewise, both laws stripped Irish Catholics and German Jews of their rights to vote, hold public office and practice law. While the Penal Laws declared that Catholics were barred from holding offices “ecclesiastical, civil, or military,” only if they refused to take the Oath of Supremacy and convert to Protestantism, the First Regulation of the Reich Citizenship Law barred them from these privileges completely as “a Jew cannot be a citizen of the Reich.”<sup>88</sup> In addition, the Penal Laws of 1695 ordered that “All papists within this kingdom of Ireland shall before the 1st day of March, 1696, deliver up to some justice of the peace or corporation officer where such papist shall dwell, all their arms and ammunition.”<sup>89</sup> Nazi law also stripped Jews of the right to own firearms and ammunition as part of the Regulation Against Jewish Weapon Ownership of 1938, with the confiscated weapons forced to “fall without compensation to the Reich,” and forbade them from serving in the military as part of the Army Law of 1935.<sup>90</sup> The area of education was also targeted by these laws, as the Penal Laws declared that “no person of the popish religion shall publicly teach

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<sup>87</sup> “The Nuremberg Laws: Law for the Protection of German Blood and German Honor (September 15, 1935),” *Jewish Virtual Library*, American-Israeli Cooperative Enterprise, accessed September 5, 2019, <https://www.jewishvirtuallibrary.org/law-for-the-protection-of-german-blood-and-german-honor>.

<sup>88</sup> “Irish Penal Law - Statutes in Chronological Order – 1” and “The Nuremberg Laws: The Reich Citizenship Law: First Regulation (November 14, 1935),” *Jewish Virtual Library*, American Israeli Cooperative Enterprise, accessed September 5, 2019, <https://www.jewishvirtuallibrary.org/the-reich-citizenship-law-first-regulation>.

<sup>89</sup> “Irish Penal Law - Statutes in Chronological Order - 1.

<sup>90</sup> “Verordnung gegen den Waffenbesitz der Juden,” *ns-quellen.at*, Forschungsbüro, accessed September 8, 2019, [http://www.ns-quellen.at/gesetz\\_anzeigen\\_detail.php?gesetz\\_id=23010&action=B\\_Read](http://www.ns-quellen.at/gesetz_anzeigen_detail.php?gesetz_id=23010&action=B_Read).

school or instruct youth, or in private houses teach youth,” while Jewish teachers were banned from teaching in German public schools in 1936.<sup>91</sup>

While the Penal Laws and Nazi law both had the aim of removing basic civil rights from Irish Catholics and German Jews respectively, the Penal Laws had more of a basis in religion while the Nuremberg Laws were based on ethnicity. In Ireland, while Catholics were discriminated against and dehumanized as part of the Penal Laws, they were given the choice to convert to Protestantism and take the Oath of Supremacy, which acknowledged the Head of the Church of Ireland (the monarch of England) as the rightful ruler of Ireland. All the while, the conversion to Protestantism would require former Catholics to “confess” that aspects of their old religion, such as “the invocation or adoration of the Virgin Mary or any other saint, and the sacrifice of the mass, as they are now used in the church of Rome, are superstitious and idolatrous.”<sup>92</sup> The laws were actually somewhat successful, as they converted thousands of Catholics to Protestantism, although these converts were mainly aristocrats and land-owning gentry who had more lose by refusing to obey the laws. And while the Nuremberg Laws were more concerned about defining Jews and how to differentiate them racially from ethnic Germans, the Penal Laws dealt with seizing land from Catholics and redistributing them among Protestants as well as inheritance. For example, a later set of laws enacted in 1703 decreed that “every papist shall be disabled to purchase any lands, or any rents or profits of lands, or any lease of lands, other than for a term not exceeding 31 years” and that “no papist shall inherit or take any other interests in land owned by a Protestant.”<sup>93</sup> On the other hand, the Nuremberg Laws sought to

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<sup>91</sup> “Irish Penal Law – Statutes in Chronological Order – 1” and “Antisemitic Legislation 1933-1939,” *Holocaust Encyclopedia*, United States Holocaust Memorial Museum, accessed September 5, 2019, <https://encyclopedia.ushmm.org/content/en/article/antisemitic-legislation-1933-1939>.

<sup>92</sup> “Irish Penal Law - Statutes in Chronological Order - 1.”

<sup>93</sup> “Irish Penal Law - Statutes in Chronological Order - 2. The Reign of Queen Anne,” University of Minnesota Law School, March 20, 2017, accessed September 3, 2019, <https://www.law.umn.edu/library/irishlaw/chron-anne>.

define “the Jew” based on their race and genetic history. Unlike Irish Catholics under the Penal Laws, the people who were defined as Jews by the laws could not convert to Christianity to save themselves as the Nazis saw their genetic makeup as being a permanent part of them and therefore believed they were beyond saving. They made this crystal clear by passing a law on October 4, 1936, which declared: “Baptism and the conversion of Jews to Christianity has no significance in the issue of race.”<sup>94</sup> While full Jews were not considered German citizens, citizens of mixed Jewish blood, who were defined as being “descended from one or two grandparents who were racially full Jews,” were allowed to retain their citizenship.<sup>95</sup> While this was the first time that civil rights for Jews had been affected at the national level, the laws did not provide a clear answer as to whether half Jews would be given citizenship as Hitler crossed out the term “full Jews” when the laws were being drafted as it involved another long process in determining who was a full Jew. Despite the debate that arose over who was considered a “half Jew,” the laws overall managed to make Jews a target that could not hope to be redeemed in the eyes of the state. In addition, another important difference is that the Penal Laws as well as English violence against Irish Catholics were a response to nearly a century-and-a-half of violence conducted by the Irish while the Jews of Germany and the rest of Europe conducted almost no violence which would incite a response, making the Nuremberg Laws, and Nazi ideology as a whole, an unprovoked attack on Jews.

As one could gather based on the decrees of the laws themselves, these laws were spawned by racist, chauvinistic views of the Irish Catholics and European Jews, especially as many of the English and German Nazi followers viewed these respective peoples as less than

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<sup>94</sup> Photograph by Gage Overton, May 26, 2017, Berlin, Germany.

<sup>95</sup> “The Nuremberg Laws: The Reich Citizenship Law: First Regulation (November 14, 1935).”

human. Gerald of Wales, a prominent twelfth and thirteenth century Cambro-Norman historian, was one of the first writers to record disparaging remarks about the native Irish populations when writing his *Topography of Ireland*, describing them as “a most filthy race, a race sunk in vice, a race more ignorant than all other nations of the first principles of the faith...they do not contract marriages, nor shun incestuous connections.”<sup>96</sup> He also describes them as primitive and beast-like, likening them to animals when stating, “the Irish are a rude people, subsisting on the produce of their cattle only, and living themselves like beasts-a people that has not yet departed from the primitive habits of pastoral life...their pastures are short of herbage; cultivation is very rare, and there is scarcely any land sown.”<sup>97</sup> This description of uncultivated land would become an important point of justification that would later be used during the Tudor conquest. He also describes their affinity for violence and impulsiveness by stating that “they always carry an axe in their hands instead of a staff, that they may be ready promptly to execute whatever iniquity their minds suggest.”<sup>98</sup> These various “inhuman” aspects of the Irish are what Gerald, who himself was a Norman, uses to justify the Norman conquest of the island and Henry II’s subsequent attempt to solidify control.

These views were repeated almost in verbatim during the Elizabethan era, and were often found in the writings of Sir Henry Sidney, one of Elizabeth’s Lord Deputies of Ireland, and Edmund Tremayne, his secretary. This was arguably the time in which the English began to view the Irish as being racially different. During the Desmond Rebellions in the 1570s, Tremayne wrote in his *Notes and Propositions for the Reformation of Ireland* “with ominous medical metaphor that ‘till the diseases be perfettclie founde, it is impossible to cure the body’” and as

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<sup>96</sup> Giraldus Cambrensis, *The Historical Works of Giraldus Cambrensis*, Ed. Thomas Wright (London: G. Bell & Sons, Ltd., 1913), 134-135.

<sup>97</sup> Cambrensis, 124.

<sup>98</sup> Cambrensis, 135.

part of his suggestions for the implementation of a new ruling population in Ireland, he suggested that “the army must...’reform the wickedness of these stubborn, rude and most barbarous people.”<sup>99</sup> Similar to Gerald, Sidney believed that there was a link between “the supposed lack of cultivation” and “the Irish ‘race,’ stating that the land in Laois and Offaly ‘was spoiled and wasted, by the race and offspring of the old native inhabitants.”<sup>100</sup> Apparently, Sidney’s views on the Irish seemed to rub off on his son, Philip, who recommended to Elizabeth that funds for a conquest of Ireland should be raised from the Irish themselves through brute force. He declares in his book, *Discourse on Irish Affairs*, that the native Irish “‘in no case are to be equaled to’ to the status of England” and that no sense of gentleness or kindness resides in personalities “like those of the Irish, whose ‘revengeful hate to all English’ and ‘ignorant obstinacy in papistry’” make them uncivilized savages.<sup>101</sup> As these views tended to apply also to the Catholic Old English, they seemed to transcend religious discrimination and instead speak as if they were a different species of animal. According to Kiernan, this was a reflection of an increasing general sentiment among the English that the Irish “were proving themselves to be a race apart, unreformable...The sword was all they understood.”<sup>102</sup> Another example of this racial hatred toward the Irish was in Edmund Spenser’s controversial pamphlet, *A View on the Present State of Ireland*, which was not printed until the mid-sixteenth century despite being written in 1596 due to its provocative content. Spenser argues that due to the degeneracy and barbarism exhibited by the Irish, which are incompatible with English-style governing, they will never truly be subjugated by the English unless their languages and customs are completely destroyed and also actively advocates violence to achieve this goal, remarking that “since we cannot nowe

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<sup>99</sup> Kiernan, 193-194.

<sup>100</sup> Kiernan, 179.

<sup>101</sup> Kiernan, 202.

<sup>102</sup> Kiernan, 202.

aplye lawes fitt for the people, as in the first institution of common-wealthes it ought to be, we will the aplye the people, and fitt them to the lawes, as it most conveniently may be.”<sup>103</sup> Some of the rhetoric espoused by Elizabethan era thinkers would also appear in the mid-seventeenth century during the Cromwellian conquest, as Cromwell himself spoke of the Irish as bloodthirsty barbarians, such as in a September 1649 letter to the Speaker of the English House of Commons at the time, William Lenthall, in which he righteously declared that “I am persuaded that this is a judgement of God upon these barbarous wretches, who have imbrued their hands in so much innocent blood”<sup>104</sup> Though the Penal Laws themselves were based on religious persecution, racism toward the Old English and Gaelic populations were an important catalyst for their implementation.

Similarly, the Nuremberg Laws were spawned by racial anti-Semitism, which as mentioned earlier, had existed since the mid-nineteenth century. Unlike English attitudes toward Ireland, Nazi racism toward Jews was based more in biology and genetics. While Hitler and other Nazis believed that Aryan Germans were the master race, they believed that they were in constant danger of being “contaminated” by foreign races, especially the “subhuman” Jews. This theme of urgency and the threat of destruction can be seen in many of Hitler’s speeches that discuss German history, which held a consistent pattern of being “a national morality play” with the stars of said play being “a victimized *Volk*, an ‘alien’ villain, and a lone hero.”<sup>105</sup> An interesting note about the term *Volk* is that it is usually translated as “race” due to the Nazi Party’s obsession with racial preservation. Hitler and his followers likened the Jews to a disease that, like a swarm of locusts, destroyed every pure race and its civilization in its path, such as

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<sup>103</sup> Edmund Spenser, *The Works of Edmund Spenser*, Ed. R. Morris (London: MacMillan and Co., Limited, 1909), 670-671.

<sup>104</sup> Carlyle, ed., 62.

<sup>105</sup> Koonz, 23.

Hitler's remarks in *Mein Kampf* that "the black-haired Jewish youth lurks in wait for the unsuspecting girl whom he defiles with his blood, thus stealing her from her people. With every means he tries to destroy the racial foundations of the people he has set out to subjugate."<sup>106</sup> He also argued that while Jews were excellent at preserving their race, they had no distinct, unique culture and that they were merely parasites that fed off of other civilizations, becoming "the 'ferment of decomposition' among nations and races and, in a broad sense, the wreckers of human civilization."<sup>107</sup> Therefore, this mentality of racial purity and excluding everyone except Aryan Germans from the *Volk* was one of the main outliers of the Nuremberg Laws. Also, as mentioned earlier, racial anti-Semites believed that Jews had certain physical characteristics and personality traits which separated them from other races. The Nazis used this to educate the populace on how to identify a Jew and who should be segregated from the *Volk*. One example of identification of Jews based on pseudoscience during the Nazi regime is a chapter from the children's book *Der Giftpilz* (The Poisoned Mushroom) which depicts a teacher asking a group of children in a primary school classroom is how to distinguish Jews from other races. One of the children responds by stating that they are "usually small to mid-sized. They have short legs. Their arms are often very short too. Many Jews are bow-legged and flat-footed. They often have a low, slanting forehead, a receding forehead. Many criminals have such a receding forehead. The Jews are criminals too. Their hair is usually dark and often curly like a Negro's."<sup>108</sup>

Through these scriptures, both the English and the Nazis helped create separations of the groups they targeted from the main society and ultimately helped eject them from said societies. While historians tend to disagree on how rigorously the Penal Laws were enforced, many agree

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<sup>106</sup> Hitler, 243.

<sup>107</sup> Hitler, 333.

<sup>108</sup> "How to Tell a Jew," *German Propaganda Archive* (Calvin University, 1999), accessed November 3, 2019, <https://research.calvin.edu/german-propaganda-archive/story3.htm>.



that, aside from religious discrimination, the Penal Laws had the effect of forcing economic disabilities on Irish Catholics which separated them from the rest of society. According to William Edward Hartpole Lecky, the Penal Laws were specifically designed to keep Irish Catholics poor and “to degrade them into a servile caste who could never hope to rise to the level of their oppressors. The division of classes was made as deep as possible, and every precaution was taken to perpetuate and to embitter it.”<sup>109</sup> This seems to be supported by Robert Dunlop, who explains that the Penal Laws convinced many Catholics to rear cattle as a result of their restrictions on land leases. While some Catholics found wealth in this business, the conversion of arable land to pasture hit the Catholic peasantry hard, as 35,000 peasants were forced to become beggars by 1729.<sup>110</sup> This scheme ultimately led many Irish Catholic aristocrats to convert to Protestantism and caused others to sink to the status of middle-class farmers. In fact, Francis Godwin James shows that out of 114 Irish aristocrats in 1729, only eight of them were still Catholic.<sup>111</sup> Meanwhile, for the Catholics who had not converted, they were truly seen as separate by the English due to the laws. This was mainly because some Englishmen took issue to the notion of people pledging allegiance to a figure other than the King/Queen of England. For example, a news article from the *Observer* newspaper in 1703 reports a dialogue between two people labeled *Objector* and *Country-man*. At one point, *Objector* remarks that “we have good laws in force against them...I say, I can see so Reason why these Men should be tolerated among Us; for they by Principle are Rebels against the Lawful Kings and Queens of this Realm,” to which *Country-man* responds by asking if there were any laws “to drive these people from places

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<sup>109</sup> William Edward Hartpole Lecky, *A History of Ireland in the Eighteenth Century, Vol. I* (London: Longman’s, Green, and Co., 1913), 152.

<sup>110</sup> Robert Dunlop, *Ireland: From the Earliest Times to the Present Day* (Oxford: Oxford University Press, 1922), 132-133.

<sup>111</sup> Francis Godwin James, *Ireland in the Empire, 1688-1770* (Cambridge, Massachusetts: Harvard University Press, 1973), 25.

so near Her Majesty...Pray let me know of some of them.”<sup>112</sup> Therefore, the laws exacerbated any divisions which had already existed between English Protestants and Irish Catholics.

Likewise, the Nuremberg Laws helped solidify the ejection of German Jews from mainstream society by codifying their supposed racial separateness into law. Prior to the passing of the laws, the violence conducted against Jews by Nazi paramilitary groups and the boycotts of Jewish businesses in April 1933 drew condemnation from the German public due to their brutality and senselessness. However, Koonz explains that after the laws were passed, many moderate Germans “seemed to accept the ostensibly legal expulsion of Jewish citizens from particular segments of public life as an ‘adjustment’ to offset what many believed were Jews’ so-called ‘special rights’ in those areas.”<sup>113</sup> The laws therefore helped ease ordinary Germans into accepting the propaganda espoused by the Nazi regime, and ultimately turning public opinion against the Jews. Richard Evans asserts that a majority of people who were arrested for so-called “racial defiling” had evidence of their supposed crime turned into the authorities by ordinary people such as their co-workers and neighbors, and when people were accused of said crime, the people of their community would often place a placard around the neck of the accused explaining their “crime” and parade them through the streets.<sup>114</sup> The Nuremberg Laws also placed economic disabilities on Jews like the Penal Laws, as since many Aryan Germans stopped shopping in Jewish stores, many Jews lost business. Peter Longerich argues that since a majority of German Jews in the 1930s were middle-class or wealthy merchants active in trade and commerce, many formerly wealthy Jewish business owners either took lowly jobs to support

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<sup>112</sup> “News,” *Observer* (1702), May 1, 1703-May 5, 1703.

<sup>113</sup> Koonz, 166.

<sup>114</sup> Richard J. Evans, *The Third Reich in Power* (New York: Penguin Books, 2005), 551, 540.

themselves and their families or could not find work at all.<sup>115</sup> Nathan Stoltzuz even asserts that one of Hitler's great successes in cementing Nazi ideology in German culture is the compromising of Nazi racial principles to fit into German familial and marriage traditions. He says that the reason the laws were so successful in turning Germans against Jews was society itself was a major catalyst, as it provided "something the regime needs in place of terror – that is, the creation of new social norms (382)."<sup>116</sup> As a whole, the Nuremberg Laws helped create distinctions for the Jews and exclude them from German society by classifying them racially, which in turn dehumanized them and ultimately helped pave the way for the horrific genocide that cost the lives of millions of so-called "undesirables."

As a result of the ejection of said groups from prominent positions in their respective societies, these two sets of laws would ultimately be used as bases for the settlement of Ireland and Eastern Europe with English and German settlers respectively, which could only be achieved by the replacement of the indigenous languages and cultures of these areas. The goals of these forms of settler colonialism were to use settlers to cultivate the land in these respective conquered areas. In the case of England, during the Tudor conquest, many propagandists for the government believed that the Ireland was uncultivated *and* uninhabited, such as Henry Sidney, who, according to Kiernan, "advised colonists moving into Ulster in 1568 to bring seed and implements 'as if they should imagine to find nothing here but earthe, and indeed little else shall they find saving only flesh.'"<sup>117</sup> Despite this impression, the Irish had already cultivated the land and lived in settled communities. Kiernan explains that they believed the problem with Irish

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<sup>115</sup> Peter Longerich, *Holocaust: The Nazi Persecution and the Murder of the Jews* (Oxford: Oxford University Press, 2010), 43, 86.

<sup>116</sup> Nathan Stoltzuz, "Social Influences on the Promulgation and Enforcement of the Nuremberg Laws," *Soundings: An Interdisciplinary Journal* 94, no. 3/4 (Fall/Winter 2011): 382.

<sup>117</sup> Kiernan, 179.

agriculture to be in its collective ownership and envisioned “communities of self-sufficient, loyal, English settlers.”<sup>118</sup> While some believed that the Irish could be included this vision of an autonomous agricultural society, it became clear that the English had other plans for the Gaels and the Old English. As rebellions became more numerous during the 1580s, Kiernan explains that William Cecil, 1<sup>st</sup> Baron of Burghley, one of Elizabeth’s chief advisors, with a style of rhetoric chillingly similar to the Nazis three-and-a-half centuries later, issued a commission to Sir John Perrott to “‘re-people’ the lands of Munster ‘with obedient people,’” which Sir Henry Wallop, Ireland’s treasurer, agreed to, believing that ‘the government should ‘repeople’ Munster ‘with a better race and kind of people than the former were.’”<sup>119</sup> Due to this and the rebellions that broke out in response to the English conquest, English attempts to solidify control became more ruthless and brutal, and the number of English troops greatly increased. They would often cut off food supplies to coerce the Irish rebels into submission, starving entire communities as punishment for supposedly collaborating with the rebels. Likewise, they would also embark on mass murders of suspected rebels and their accomplices, with Perrott stating “in April 1573 that in two years he had ‘kylled and hanged’ 800 ‘rebells and their ayders,’ in addition to those he killed in battle.”<sup>120</sup> Kiernan explains that the rebellions had pushed the English to assert their authority in an increasingly brutal manner and therefore radically altered their plans: “The English had proven to themselves that their colonial projects required displacement of large native populations. Neither religious reform nor pliant parliaments could assure the supremacy of the conquerors. It was necessary to terrorize and disperse or eliminate those whose lands they seized and whom they increasingly portrayed as racially distinct.”<sup>121</sup> The conquest of Ireland

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<sup>118</sup> Kiernan, 181.

<sup>119</sup> Kiernan, 184.

<sup>120</sup> Kiernan, 196.

<sup>121</sup> Kiernan, 193.

which spawned the laws would grow worse for the Irish as the Cromwellian conquest and the Williamite War led to 80% of Catholic lands being forcefully transferred to Protestants according to Nicholas Canny.<sup>122</sup> Though Gaelic Irish and Old English culture was not completely eliminated from Ireland due to the English conquest, it suffered heavy damage from it despite political reforms in the nineteenth century.

Similarly, the Nuremberg Laws were used by the Nazis as a map of the racial hierarchy in conquered lands for when the seemingly inevitable war would end with German control over Europe. Long before Hitler came into power, he had often discussed the importance of territorial expansion to reclaim Germany's prestige as a world power and grant land that ethnic Germans were entitled to, such as when he declared in *Mein Kampf* that, "...we National Socialists must hold unflinchingly to our aim in foreign policy, namely, to secure for the German people the land and soil to which they are entitled on this earth. And this action is the only one which, before God and our German posterity, would make any sacrifice of blood seem justified."<sup>123</sup> Since he claimed that there were 85 million ethnic Germans residing in Europe in a speech to a conference at the Reich Chancellery on November 5, 1937, their large number and "tightly packed racial core" meant that the political conditions they faced constituted "the greatest danger to the preservation of the German race at its present peak."<sup>124</sup> Subsequently, he declared that the aim of the Nazi state was not only the preservation of the *Volk*, but also to safeguard it by enlarging it while eliminating supposed threats to its purity, stating that "It was therefore a question of

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<sup>122</sup> Nicholas Canny, *The Encyclopedia of Migration and Minorities in Europe: From the 17th-Century to the Present*, 1st ed., s.v. "English and Scottish Settlers in Ireland Since the Early Modern Period," (Cambridge: Cambridge University Press, 2011), 352.

<sup>123</sup> Hitler, 478.

<sup>124</sup> "Hossbach Memorandum," *The Avalon Project* (Lillian Goldman Law Library), accessed October 4, 2019, <https://avalon.law.yale.edu/imt/hossbach.asp>.

space.”<sup>125</sup> Subsequently, much like England’s invasion of Ireland in the sixteenth and seventeenth centuries, the Nazis used this mode of thinking to mobilize support for a war that would use settler colonialism to repopulate Eastern Europe with ethnic Germans by eliminating the native populations. One way they conducted this plan was by convincing *Volksdeutsche*, ethnic Germans who did not have German, Austrian or Swiss nationality, to relocate to the Altreich and German-occupied territories with the promise of German citizenship. They were enticed into resettling into eastern occupied territories with the granting of material items, usually stolen from displaced or murdered Jews and other minorities targeted by the Nazis’ genocidal agenda. Of course, the resettling of the *Volksdeutsche* and Reich Germans, in the Nazis’ minds, required stealing lands from indigenous populations. After the invasion of Poland in 1939, it is estimated that ethnic German who resettled into Poland and was given farmland came at the cost of five Polish farmers losing their land.<sup>126</sup> As part of this settler colonialist effort to “Germanicize” Eastern Europe headed by Himmler in order to stabilize Nazi control over Europe, approximately 1 million ethnic Germans migrated to Poland and other occupied territories in the East from 1939-1944, with 800,000 Poles being driven from their homes by the SS to accomplish this resettlement according to Isabel Heinemann.<sup>127</sup>

Also similar to the English was the Nazis’ desire to cultivate the land of Eastern Europe. One of the central ideals of German National Socialism was its obsession with agriculture and subsequent desire to reconnect the *Volk* with the soil. Hitler hinted at this ideology of blood and soil that would engross Nazi ideology when stating in *Mein Kampf* that one of the keys to

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<sup>125</sup> “Hossbach Memorandum.”

<sup>126</sup> Isabel Heinemann, *The Encyclopedia of Migration and Minorities in Europe: From the 17th-Century to the Present*, 1st ed., s.v. “Ethnic Germans (*Volksdeutsche*) in the German Reich and in German-Occupied Territories in World War II,” (Cambridge: Cambridge University Press, 2011), 359.

<sup>127</sup> Heinemann, 360.

safeguarding the existence of the *Volk* was by “creating a healthy, viable natural relation between the nation's population and growth on the one hand and the quantity and quality of its soil on the other hand. As a healthy relation we may regard only that condition which assures the sustenance of a people on its own soil.”<sup>128</sup> On the other hand, he and other Nazi officials saw the Jews as being rooted in cities, which allowed civilizations to decay. Desiring a return to agrarian economies as opposed to the “corrupted” industry created by the Jews, the Nazis intended to protect German farmers, who they saw as the core of Germany’s racial and economic preservation, from the unpredictable nature of modern market economies with the Hereditary Farm Law, one of the first major acts passed by the Nazi state, that certain German farmlands could only be obtained by inheritance from father to son. As part of the living space doctrine, Hitler also praised German farmers as masters of cultivation while criticizing the other races of Europe for wasting their land and keeping it uncultivated. For example, he referred to the Slavs as “a mass of born slaves, who feel the need for a master” and when comparing the present with the age when feudalism dominated Europe, he remarked that “whereas the old style landlord knew something about farming, the political commissar” of Soviet Russia “was entirely ignorant of such matters.”<sup>129</sup> The Nazi conquest of Eastern Europe was also similar to the English conquest of Ireland in that the Party knew that the imposing of the ideal of “blood and soil” “demanded, among other things, the enforcement of peasant economic self-sufficiency and restrictions on personal and commercial rights.”<sup>130</sup> Therefore, the Hereditary Farm Law also banned mortgages or debts from being forced upon farmers. As a result of Jews, Slavs and other races in Eastern Europe being seen as preventing the Germans from achieving their destiny, the

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<sup>128</sup> Hitler, 471.

<sup>129</sup> H.R. Trevor-Roper, ed., Norman Cameron and R.H. Stevens, trans., *Hitler's Table Talk, 1941-1944: His Private Conversations* (New York: Enigma Books, 2000), 27-28.

<sup>130</sup> Kiernan, 427.

Nazis only saw it necessary to remove them by any means possible, including outright mass murder.

For these conquests, England and Nazi Germany both used historical models as templates for their colonial escapades. In particular, they both used Ancient Rome as a way to show that they were the great empire's natural heir and how they could learn from it about conquest. In his 1531 work, *The Booke Named the Governour*, Thomas Elyot writes that Julius Caesar's works, while being excellent pieces of history, should also "be radde of the princes of this realme of Englande and their counsailors; considering that therof maye be taken necessary instructions concernynge the warres agayne Irisse men or Scottes, who be of the same rudenes and wilde disposition that the Suises and Britons were in the time of Cesar."<sup>131</sup> Also foreshadowing the later English desire to cultivate Irish land, Elyot urged young English boys to study Roman authors and poets such as Virgil, about whom he rhetorically asks, "What plougheman knoweth so moche of husbandry as there is expressed?"<sup>132</sup> Considering the date it was published, it is no surprise that Elyot dedicated the book Henry VIII since it was specifically written to mold future English monarchs. Kiernan writes that Edmund Spenser compared the Irish to the ancient Britons, "who were similarly 'rude and dispersed' until conquered by the Roman general Agricola."<sup>133</sup> He therefore believed that the English could do for the Irish what the Romans did for them. Kiernan further explains that Thomas Smith also confidently wrote that the Romans had molded them into being a civil people, "and since then England 'had more streightly & truly kept the mowldes'" than had any other nation, even outperforming the classical model."<sup>134</sup>

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<sup>131</sup> Sir Thomas Elyot, *The Booke Named the Governour, Volume I*, Ed. Henry Herbert Stephen Croft (London: Kegan Paul, Trench, & Co., 1883), 87-89.

<sup>132</sup> Elyot, 63.

<sup>133</sup> Kiernan, 176.

<sup>134</sup> Kiernan, 176.



Unsurprisingly, during the Tudor conquest in 1570-1571, a few of Elizabeth's advisors discussed the strategy of the Roman Army in order to figure out what to do in Ireland. In fact, Thomas Smith and his son frequently used Roman works as templates for an Irish conquest. These advisors would often use Carthage and its defeat at the hands of Rome as a comparison to the Irish. The Punic Wars taught an important lesson to the English preparing to conquer Ireland in that ruthlessness was what allowed Rome to defeat Hannibal's armies. When discussing the Punic Wars, Gabriel Harvey demonstrated to his readers that while Hannibal was military genius and a ruthless man himself, Cato's forces still prevailed. He claimed that Cato's resolve and focus on achieving great power to fight the Carthaginians allowed Rome to vanquish their enemy. Aside from this, Kiernan argues that Harvey demonstrated that "history added moral lessons that recalled Cato's concern to toughen up the Romans. He wrote: 'Had Carthage not been Rome's bitter enemy, Rome would never have become the powerful mistress of the world.'" <sup>135</sup> Therefore, Harvey believed that for England to achieve its potential as a mighty imperial power, conflict was necessary to toughen its people and make them a force to be reckoned with. Subsequently, Ireland would be the perfect step to ensure this.

Meanwhile, the Nazis also saw themselves as successors to the Roman Empire and used areas of Roman history to compare their situation. In a manner similar to Elyot, Hitler also understood the importance of studying Roman history and the works generated from it, remarking that "Roman history, along general lines, is and will remain the best teacher, not only for our own time but also for the future. And the ideal of Hellenic culture should be preserved for us in all its marvelous beauty." <sup>136</sup> His views also hold similarities with Harvey's interpretation of

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<sup>135</sup> Kiernan, 172.

<sup>136</sup> Hitler, 316.

the Punic Wars, as he states that Rome could only become the great civilization it would blossom into by experiencing the trials of war and conquest, stating that “the Roman Republic turned its energies to the cultivation of a higher civilization” after and only after “it was freed from the stress and worry of the Punic Wars.”<sup>137</sup> Often times, his racial views were inserted into an obviously distorted and confused vision of Rome’s history, believing that the Germanic peoples of Europe highly benefitted Roman society. This is demonstrated in an October 21, 1941 conversation with Nazi officials in which he states that by welcoming the Germans into Roman society, it ended up “acquiring a great esteem for the Germanic peoples. It’s clear that there was a preference in Rome for fair-haired women, to such a point that many Roman women dyed their hair. Thus, Germanic blood constantly regenerated Roman society.”<sup>138</sup> The Nazis also compared the peoples of the lands they conquered to the barbarians who challenged the Romans. According to Kiernan, Hans Frank, the governor-general of occupied Poland, informed his men under Hitler’s orders they were going to “rename regions for ancient groups in order to restore Germanic dignity. Thus, he said, ‘the Goths’ Gau will be set up further east,’ and the rump General Government of Poland could then ‘become the Vandals’ Gau...Their (Vandals’) homes were here: here they began the first Germanic culture.”<sup>139</sup>

However, unlike England, Nazi doctrine tended to use additional historical models for its aims of conquest, the most prominent being the myths of medieval Germany. Hitler admired Charlemagne and was impressed by his desire to tame the wild Germanic barbarians, saying: “The fact that Charlemagne was able to federate the quarrelsome and bellicose Germans shows that he was one of the greatest men in world history.”<sup>140</sup> He and other Nazis were particularly

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<sup>137</sup> Hitler, 449.

<sup>138</sup> Trevor-Roper, ed., 62.

<sup>139</sup> Kiernan, 421-422.

<sup>140</sup> Trevor-Roper, ed., 219.

enamored with medieval tales of the Teutonic Order, believing themselves to be their natural successors, with Hitler claiming that “if land was desired in Europe, it could be obtained by and large only at the expense of Russia, and this meant that the new Reich must again set itself on the march along the road of the Teutonic Knights of old, to obtain by the German sword sod for the German plow and daily bread for the nation.”<sup>141</sup> While they admired these knights, the Nazis also felt sorrow for the eventual loss of the land conquered by the Teutonic Knights. Therefore, they intended to avenge this loss by not only forcibly retaking lands conquered by the Knights, but also to outdo their conquests. For example, Richard Walther Darré, one of the leading formulators of the blood and soil ideology championed by the Nazis, stated that “medieval Germans had taken one-third of the conquered territory from the ‘subjugated population’ and put it to use ‘for the Teutonic conquerors’ own resettlements.”<sup>142</sup> The leaders of the Nazi Party also looked to ancient Sparta as an inspiration for agenda of eugenics and ultimately genocide. Falling perfectly in line with National Socialism’s belief in the expendability of human life, Hitler suggested to have the Nazi state limit the number of babies allowed to live after they are born, citing Sparta as his prime example: “The Spartans were once capable of such a wise measure, but not our current dishonest, sentimental, bourgeois-patriotic crowd. The subjugation of 350,000 Helots by 6,000 Spartans was only possible because of the racial superiority of the Spartans.”<sup>143</sup> He also referenced the Spartan case during the invasion of Poland, and later the Soviet Union, seeing the two cases as being similar to when the Spartans were able to subjugate

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<sup>141</sup> Hitler, 109.

<sup>142</sup> Kiernan, 417.

<sup>143</sup> Adolf Hitler, *Hitler’s Second Book: The Unpublished Sequel to Mein Kampf*, Ed. Gerhard L. Weinberg, Trans. Krista Smith (New York: Enigma Books, 2006), 20.

the Helots , claiming, “in Sparta, six thousand Greeks ruled three hundred and forty-five thousand helots. They came as conquerors, and they took everything.”<sup>144</sup>

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<sup>144</sup> Trevor-Roper, ed., 90.

## Conclusion

The fact that the Penal Laws and the Nuremberg Laws used almost the exact same methods to eject a group of people from society and ultimately justify a greater conquest demonstrates a painful unoriginality in the workings of oppressive regimes. Not only have these methods been used practically since the beginning of human civilization, but the fact that there are still countries today that are using said methods to assert the superiority of one group over another is enough to send chills down the spine of anyone. As mentioned in the beginning of this project, George Santayana's quote seems to ring especially true with the similarities between the Penal Laws and the Nuremberg Laws as they both systemized forms of disenfranchisement to keep a small majority in power. In the long run, though, they ultimately formed the ideological backbone for forms of settler colonialism in which the indigenous peoples of Ireland and Eastern Europe would have to be replaced through extreme methods in order for English and German settlers, respectively, to settle in these conquered lands and put the land to their own use. The Penal Laws and Nuremberg Laws, aside from having some passages that were nearly identical in their intentions, were also only enacted after centuries of seething hatred toward the groups which they targeted. Ironically, Santayana's quote actually partially applied to seventeenth century England and Nazi Germany, as while they did learn from history, it was for the all the wrong reasons, as they both used Ancient Rome, along with Nazi Germany using medieval Germany and ancient Sparta as, as models to on which to base their wicked, tyrannical agendas and ultimately conquer the areas they desired to inhabit. In doing so, they both learned from history, but also ended up repeating its moral mistakes.

It is heartbreaking to realize that despite all the times in history that humanity's dark side has led to humiliating discrimination and brutal mass murders in the name of superiority of one

group, we have still not learned from it, as these forms of oppression continue to plague the Middle East, Africa and Southeast Asia. While I had already attained much knowledge of the Holocaust prior to my time in Berlin, standing in several places where examples of the hideous suffering of people abused merely because of their appearance and beliefs occurred taught me much about what the dark side of humanity is capable of. Reading about not only the similarities of the Nuremberg Laws with the Penal Laws as well as the forms of extermination practiced near in-verbatim before and after these laws can easily make someone cynical. As prejudice, suspicion, paranoia, hatred and inequality all reside in the darkest bowels of the souls of people, it is arguably inevitable that things like these happen at some point or another. However, these mistakes have allowed people to also grow to be better and reach a new moral standard, which can in turn allow people to better keep these negative emotions in check. As the cure to these forms of discrimination “lie, at least in part, in the diagnosis of its recurring causes and symptoms,” it is important for people to learn what causes these tragic events to happen, as the world can better walk toward a path of kindness and equality, which, while it can’t truly be achieved, will inevitably make it a better place to live.<sup>145</sup> Most importantly, though, if we want to prevent things like this from happening less, one thing needs to be stressed nearly every waking moment of every day for all time: the value of human life.

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<sup>145</sup> Kiernan, 606.

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