

„RELIGION NEBENSACHE“.
INTERMARRIAGE BETWEEN BIOLOGICAL
INTEGRATION AND (SELF-)DESTRUCTION

Originally I wanted to entitle my presentation with two quotations, namely: “Blut bleibt Blut und Jud bleibt Jud” and “Religion Nebensache.” The first refers to the satirical poem “Metamorphose”, written by Beda Friedrich Löhner¹ in 1908, the latter is taken from marriage advertisements published in the German papers “Bohemia” and “Prager Tageblatt” after 1918. “Religion Nebensache” – religion as a minor matter – is true for several reasons, above all because it sums up the concrete debate on intermarriage, the laws governing intermarriages as well as the racial discourse surrounding it into just two words – namely “Religion Nebensache.” In all the identity discourses I looked at in this research project, religion was only a side issue, this essentially is the thesis of my presentation.

In this article I intend to give an insight into a number of aspects which are central for my research project on the intermarriage discourse in the Czech lands between 1880 and 1920s. For illustration I have chosen examples which are situated between the extremes of “biological integration” on the one hand and “(self-)destruction” on the other. Unseparable from this discourse is the public, the legal side of marriage, namely the Habsburgs’ and later on the Czechoslovakian laws governing marriages. This aspect will require quite a lot of time in my presentation, particularly because the problem of conversion played a more important role in my project than originally expected.

The methodological background of this research is based on the debate on frontier which is part of what has been labeled cultural studies. In particular I am referring to the works of Sander Gilman.² I will treat frontier as a form of social space in

¹ Beda Friedrich Löhner (born Friedrich Löwy at June 24, 1883 Ústí nad Orlicí/Bohemia - April 4, 1942 KZ Auschwitz/Poland) was a very successful writer and contributor to magazines and newspapers. In particular he wrote a lot of very famous popsongs in the 1920s and 1930s and Libretti for the operetta composer Franz Lehár (“Land des Lächelns” 1929, “Viktoria und ihr Husar” 1930, “Giuditta” 1933, etc.). In March 1938 after the Nazi invasion of Austria he was arrested and deported to KZ Dachau, six months later he was brought to KZ Buchenwald. There he wrote the text to the famous “Buchenwaldlied” (Composer: Hermann Leopoldi). In October 1942 he was transported to KZ Auschwitz/Monowitz where he was killed after an inspection of directors of the IG Farben industries. Cf. *Schwarberg*, Günther: *Dein ist mein ganzes Herz. Die Geschichte von Fritz Löhner-Beda, der die schönsten Lieder der Welt schrieb und warum Hitler ihn ermorden ließ.* Göttingen 2000. – *Deschner*, Barbara/*Peschina*, Helmut: *Kein Land des Lächelns. Fritz Löhner-Beda 1883-1942.* Salzburg 2002.

² *Gilman*, Sander L.: *Rasse, Sexualität und Seuche. Stereotype aus der Innenwelt der westlichen Kultur.* Hamburg 1992. – *Idem*: *Love + Marriage = Death. And Other Essays on Representing Difference.* Stanford 1998 (Stanford Studies in Jewish History and Culture).

which complex interactions are taking place between “the self” and “the other.” Thus, frontier is not defined by center - periphery relations, but by a permanent confrontation with “the other” at the boundary or margins of this social space. Typical markers of frontier experiences are language, culture and sexuality. In my case study, sexual conflicts and sexual accommodation reflect cultural aspects.³

On the one hand frontier can signify a social space of encounters and amalgamation. On the other it can embrace destruction and death. According to Gilman frontier is barely perceptible. In this space all parties are forced to understand and – under the impact of experiencing “the other” – to define themselves. These processes take place in nations which experience conflicts and change, in nations whose cultural definition and space is constantly shifting. This is true for Bohemia as well as for Czechoslovakia. Hence, Jewish identities are formed in real and in imagined frontiers.

In my case study, Jews are encountering non-Jews, that is “the other.” The definition of “the self” and the construction of “the other” takes place within this context. In social spaces frontiers are defined by self-ascription and perception of “the other.” In this process these two components are mutually constitutive. Not only are Jewish identities formed by this interplay, it also determines individual options for action. This encounter can produce different results and take different expressions, including avoidance, settlement (?) and acculturation – but, as we will see, also intermarriage.

In the following, I will highlight different aspects of the topic intermarriage – conversion, marriage laws and aspects of the social reality of marriage. I will do so by placing this in the context of the racial discourse of the turn of the century.

Conversion

After the “Haskalah”, conversion more or less was a question of changing religion. Also during the 19th century conversion for a long time was understood as a form of civil conversion, which enabled the convert to gain access to aspired social spheres and institutions. Initially, conversion was a model which linked ideas of cultural and biological integration by removing the mutual and exclusive “sexual selectivity” between Jews and Christians. At the end of the 19th century this had changed fundamentally. The caring of people for their own individual body changed into being a function of biopolitical strategies, which made sex not an individual danger, but – in the racial-theoretical variant – it became a potential danger for the “Volkskörper.” The fiction of ethnic identity was to be made visible and to be experienced in reality by redefining the individual body as a bearer of the ethno-national identity. By

– *Idem*: Freud, Race, and Gender. Princeton 1993. – *Idem*/Jütte, Robert/Kohlbauer-Fritz, Gabriele (eds.): “Der Schejne Jid.” Das Bild des “jüdischen Körpers” in Mythos und Ritual. Wien 1998. – Gilman, Sander L.: Franz Kafka, the Jewish Patient. New York 1995. – *Idem*/Shain, Milton (eds.): Jewries at the Frontier. Accommodation Identity Conflict. Urbana, Chicago 1999.

³ Gilman, Sander L.: Introduction: The Frontier as a Model for Jewish History. In: *Ibid.* 1-25.

this sex became a national act.⁴ And with the rise of scientifically based anti-semitism and the triumphal march of racial theories, conversion ceased to be the means, it stopped being the strategy to hide the "essential Jewishness." This is illustrated by the following lines taken from Löhner's "Metamorphose":

[...]
 Kommt da ein Mann mit scharfem Profil
 Und zwar in orientalischem Stil,
 Die Stirne schmal, die Lippen wulstig,
 Die Nase krumm, die Worte schwulstig.
 Ein kleiner Hut am krausen Haar –
 Kurzum, ein Fünfzig-Kreuzer-Magyar
 Er grüßt sehr laut, wirft weg den Stecken
 Dann spuckt er mir in alle Ecken,
 betastet meine feinsten Retorten
 und überschüttet mich nicht nur mit Worten.
 Es sei, so meint er, gar nicht schön,
 Als Jud' auf der Welt herum zu geh'n,
 Man werde bedrückt, beschimpft unflätig
 Und wozu habe man das nötig??
 Er habe es satt, so herumzulaufen –
 "Nu," sag' ich, "lassen Sie sich taufen!"
 Da macht er ein Sehdiranda-Gesicht
 Und erklärt mir, das genüge nicht –
 Er habe sehr viel getaufte Bekannte,
 zum Beispiel eine reiche Tante,
 Die sei gezwungen, sozusagen,
 Den Tauschein stets bei sich zu tragen,
 Und jedem zu zeigen, das sei keine Phrase –
 Ich sagte: "Ich glaub's, bei dieser Nase!!"
 "Ich will," fuhr er fort, nicht sein wie diese
 Und will als Christ auch Sachen ize –"
 Und diese Worte ergänzte die Hand
 Sehr eindrucksvoll und ich verstand.
 Und da der Kerl mit dem Geld nicht geizte,
 Des ferner'n das Problem mich reizte,
 Hab' ich nicht lange nachgedacht,
 Ich nahm das Geld und sprach gemacht!"

The following three verses describe extensively the chemical treatment the client got, and then a new creature was supposed to emerge, but:

Sie ahnen nichts, Sie reiner Tor?
 Da kreucht mir aus dem Faß hervor
 Ein Mann mit gewaltigem Räuspern und Krecken
 Und spuckt mir gleich in alle Ecken,
 Die Stirne schmal, die Lippen wulstig,
 Die Nase krumm, die Worte schwulstig,
 Ein kleiner Hut am krausen Haar –
 Kurzum ein Fünfzigkreuzer-Magyar.

⁴ Sarasin, Philip: Reizbare Maschinen. Eine Geschichte des Körpers 1765-1914. Frankfurt/M. 2001. – *Idem*: Mapping the Body. Körpergeschichte zwischen Konstruktivismus, Politik und "Erfahrung." In: Historische Anthropologie 7 (1999) 3, 437-451.

Hier schwieg der Chemiker Dominik,
 Und eine Träne schwamm im Blick;
 Dann nahm er meine Hand in seine
 Und sprach im Abendsonnenscheine:
 „Aus Kohlen werden Diamanten,
 Aus süßen Mädeln bitt're Tanten,
 Aus Schwärmern werden Realisten.
 Aus Ehrenmännern Journalisten,
 Aus Räubern Friedenskonferenzen,
 Aus Kantorssöhnen Exzellenzen,
 Aus Malz wird Bier, aus Gras wird Grummet,
 Aus manchem Chassid ein Meschumed,
 Aus gut wird schlecht, aus schlecht wird gut;
 Doch Blut bleibt Blut und Jud bleibt Jud!
 [...]”⁵

I find this satirical poem of 1908 very helpful to show the discourse on essential Jewishness in these days. And as we can read in the works of Sander Gilman all putative telltale signs of being Jewish like lips, nose, hair, forehead and speech (supported by gesticulating hands) are defined as essentials, to be found in the unchangeable blood.

The real controversies no longer were constructed between Jews and Christians, but between Jews and Aryans. The original goals connected with conversion, therefore, became an illusion. The above sketched step from the individual to the collective made the private sphere public or, as Philipp Sarasin expresses it in his monograph *„Reizbare Maschinen. Eine Geschichte des Körpers“*: „Mit dem Paar legt sich auch der Volkskörper ins Bett.“⁶

In 1909 Max Brod was reprimanded by Leo Hermann for his first novel *„Ein tschechisches Dienstmädchen“*. Solving the national question, so Herrmann argued in the *„Jüdische Volksstimme“*, should have a better basis than a *„Hotelbett,“* a hotel bed.⁷

All these categories are reflected in the correspondence between Max Nordau and Sigmund Freud. Both assume that conversion is a symptom of a psychopathology, a devaluation of *„the self,“* resulting from the Jewish history of oppression and persecution. The convert believed that through the deeds of self-destruction like conversion and intermarriage he could change his essential Jewishness. The trauma is believed to be the history of oppression, kept in the ethnic memory. And the wish to become invisible as a Jew is seen as the symptom of this trauma. This left two options: either to convert in the public sphere or to dissolve (biologically) in a mixed

⁵ Beda [Beda-Löhner, Friedrich]: *Metamorphose*. In: *Idem*: *Getaufte und Baldgetaufte*. Wien 1908, 37-42. – Beda published two other anti-assimilatory and Zionist satirical poem collections. *Idem*: *Wie man sich trifft im Ampezzotal. Altes und Neues von Beda*. Wien 1916. – *Idem*: *Israeliten und andere Antisemiten*. Wien 1919.

⁶ Transl.: *„with the couple the Volkskörper went to bed.“* – Sarasin: *Reizbare Maschinen* 451 (cf. fn. 4).

⁷ Hermann, Leo: *Ein tschechisches Dienstmädchen*. In: *Jüdische Volksstimme* No. 12, April 20, 1900, 9.

partnership – assuming that there would be a private sphere where racial categories were meaningless.⁸

In an article on the revolutionising of the so-called West-Jewish intelligentsia, which was published in 1913 by the “Verein jüdischer Hochschüler Bar Kochba”, Ludwig Strauß made a slightly different point when he defined intermarriage as a problem of Jewish intellectuals who withdrew from “the forces of tradition”:

Die Mischehe wurde in ihren Kreisen äußerst häufig, denn dem Aufnehmen fremder Erlebnisinhalte konnten sie beim Erotischen nicht eine willkürliche Schranke setzen – damit war aber der erste Schritt zur Selbstvernichtung getan.⁹

Among other things, contemporary antisemitic-racist discourse focused on a stereotype according to which Jews were supposed to be more prone than others to mental diseases. This manifested itself in the attribution of genuinely female defined illnesses such as “hysterics” and “neurasthenia”. The medical mainstream of the time saw the reason for an alleged greater susceptibility to these illnesses in endogamy. This was equated with incest. Consequently, from a botanical-zoological point of view, the step to characterize Jews as “racial degenerated” was only a minor one and, of course, it was done.

In the racist discourse of the time, the notion of the term “Blutschande” or incest changed from prohibited intercourse with the “own blood” group to the prohibited intercourse with “artfremdes,” that is racially different blood. Thus, as Christina von Braun argued, incest became “Rassenschande.”¹⁰ In addition, the shift of connotation was gendered: intercourse between a male Jew and a female non-Jew was equated with committing murder of the national body, the “Volkskörper.” Children coming from this intercourse were seen as proof of the illmaking and destructive side of sexuality. In this view, marriage outside properly defined national or racial borders turned the temporary loss of control into a chronically unhealthy condition.

In this sex-gender system women were assigned to a central role as they had to guarantee the biological reproduction of the nation. In order to achieve “national purity,” cultural codes had to be constructed to regulate the institution of marriage. Discussions on the “death of a race” through intermarriage were heavily influenced by the disturbing realization that the biological preservation of the race in fact was in the hands – or more precisely in the uterus – of women. In 1920 Max Brod reflected upon this in a poem called “Elegie an die abgefallenen Juden”:

Und auch das hohe Mädchen, Esther wundersam
Sie schwebte stolz vorbei: – Wo ist der Bräutigam,
Der Bruder meiner Seele, der in unsere Hütte kam?
Ach niemand kam, nur deines Volks Verführer lehnen

⁸ Gilman, Sander L.: Max Nordau, Sigmund Freud, and the Question of Conversion. In: *Idem*: Love + Marriage 40-64 (cf. fn. 2).

⁹ Strauß, Ludwig: Die Revolutionierung der westjüdischen Intelligenz. In: *Vom Judentum*. Leipzig 1913, 179-185, here 180.

¹⁰ Braun, Christina von: Zur Bedeutung der Sexualbilder im rassistischen Antisemitismus. In: *Stephan, Inge/Schilling, Sabine/Weigel, Sigrid* (eds.): *Jüdische Kultur und Weiblichkeit in der Moderne*. Köln 1994, 23-49.

Die kalte Stirn an jungfräuliche Hüfte.
 So trugst du Keuschheit und verletztes Sehnen
 Und schöne Kinder hin in fremde Lüfte,
 Wo dich in allem Glück ein Ach umgibt:
 Daheim hat man mich nicht genug geliebt.¹¹

A year later, in a critique of a monograph “Eros and Society” which was published in the “Selbstwehr”, he was even more outspoken. I quote:

Auch der hohe Kurs, den jüdische Frauenschönheit unter Nichtjuden hat, sollte Kuh zu denken geben. Mit Betrübniß bemerke ich immer wieder, wie man fremderseits die schönsten Jüdinnen wegheiratet, ehe einer von uns es sich überlegt.¹²

In support of the struggle against intermarriage an article in the “Selbstwehr” in 1928 proposed to establish a non-profitmaking marriage bureau, to remedy the “Jüdische Ehenotstand” and oppose intermarriage. A few months later this bureau was indeed established.¹³ In two controversial, and interlinked discourses exogamy and endogamy appear as partners and opponents at the same time: Endogamy makes ill, exogamy kills.

Marriage laws

In the following I will discuss the marriage law in what became Czechoslovakia, firstly under the Habsburg monarchy which, of course, was also in force in the Czech lands (that is the time up to 1918), and secondly under the Czechoslovak Republic (that is the period 1919 to 1938).

All marriages of Jews under the Habsburg monarchy – irrespective of de facto denomination, confessional affiliation or individual decisions, and even Jews who had converted to Christianity, for instance – were affected by three different marriage regimes: the canonic law, the state marriage law and the “halacha”. All these different regimes defined the validity of a marriage, the status of the children and their religious denomination. They also regulated the question of separation and divorce.

The “Staatsgrundgesetz” of 1867 introduced the principle of equality to all citizens. Everybody had the same right to stand for public office, of religious freedom and freedom of conscience. In 1868, by repeal of the *Konkordat*, the marriage legislation and the marriage jurisdiction was transferred back to the state authorities. In addition to the church-based marriage a civil marriage, called “Notzivilehe,” was introduced. 1870 civil marriage was defined as the standard case for all non-denominational. Even if the basic law of 1867 guaranteed equality of all subjects, the marriage law still adhered to denominational differences. This resulted in discrimination and systematic verifications of so-called marriage hindrances or quasi-objective obstacles.

¹¹ Brod, Max: Elegie an die abgefallenen Juden. In: *Idem*: Im Kampf um das Judentum. Wien, Berlin 1920, 129-131, here 131.

¹² *Idem*. In: Selbstwehr No. 14, April 8, 1921, 1.

¹³ Selbstwehr No. 23, June 8, 1928, 5. – Selbstwehr No. 46, November 16, 1928, 5.

The Austrian marriage law listed quite a number of these marriage obstacles. The majority of confessionally defined marriage obstacles derived from the canonic law. The regulations for interconfessional marriages as well as for marriages of non-denominationals and Jewish partners had the Catholic dogma of the indissolubility of the Catholic marriage as a starting point. The list included:

- a person's incapacity to consent to a marriage
- forced consent
- or cases where the bride was already pregnant by another partner than her future husband
- in general, members of the Austrian army were only allowed to marry under certain conditions and with prior permission

Other obstacles included:

- physical disabilities which made it impossible for a couple to have children
- moral inability
- marriage between partners where one was already married
- clerics who had vowed to practice celibacy
- certain blood relations (among Christians this included affinity)
- adultery (i. e. partners who committed adultery were not allowed to marry)
- murder
- formal errors
- and, finally, the one obstacle that is crucial for my talk: "Religionsverschiedenheit" which literally, and quite euphemistically, is translated with difference in religious denomination.¹⁴

Taken from the canonic law, paragraph 64 of the Austrian marriage law was formulated as follows: "Eheverträge zwischen Christen und Personen, die sich nicht zur christlichen Religion bekennen, können nicht gültig eingegangen werden."¹⁵

In the following I will not go into the details of discrimination for the non-Catholic Christian denominations. I would rather like to concentrate on the decisive issues for our topic. According to the Austrian marriage law marriages between Jewish and Christian partners were outlawed. This is not really surprising. But it was also impossible that a Catholic married a non-denominational partner validly. This little word "validly," or in German "gültig," will be crucial later on. So will be the verb "bekennen," to profess.

Thus, intermarriages were possible only between a Jewish and a non-denominational partner. If the Christian partner wanted or had to keep his religion, the Jewish

¹⁴ *Harmat, Ulrike: Ehe auf Widerruf? Der Konflikt um das Eherecht in Österreich 1918-1938. Frankfurt/M. 1999, particularly part 1: Das österreichische Eherecht: Entwicklung – Rechts-umgehung – Reformversuche vor 1918, 1-65. – Cf. Rieder, Stephan: Die österreichischen Ehegesetze mit den einschlägigen Verordnungen und Erlässen. Wien 1926, where one also finds earlier laws from the time of the monarchy. – See also: Das allgemeine bürgerliche Gesetzbuch für das Kaisertum Österreich. Eds. Ehrenreich, Max L./Kastner, Oswald/Kraus, Josef. Österreichische Gesetzs-kunde. Vol. 1. Wien 1913, 41-80.*

¹⁵ *Ibid.* 50.

partner only had the option to convert to Christianity. Until 1919 in the Czech lands civil marriages were only possible between dissident partners or non-denominationals and Jewish partners. Because of the legal framework, indirectly conversion is of importance for my research project.

But the commentary to paragraph 64 emphasized a subtle difference. Following the canonic law a momentous difference existed between baptism, which had an “indelible character,” and the “profession” to a religion, which was possible. Theoretically a non-denominational person could profess to Catholicism in front of a priest. Following the state law he or she had to be regarded as Christian and the marriage with a Catholic would be valid. The commentary continued:

Das Ehehindernis der Religionsverschiedenheit läßt sich nicht rechtfertigen. Es ist gewiss nicht richtig, wenn das Gesetz es unter die Fälle des Abganges des sittlichen Vermögens zählt. Es führt geradezu zu unmoralischen Handlungen, da zahlreiche Ehen nicht anders geschlossen werden können, als nach vorherigem Religionswechsel.¹⁶

By suspicion of breaking the marriage law, the validity of the marriage was investigated by the authorities. Under the Criminal Code, paragraph 507, deliberate violation of the jurisdiction on marriage obstacles or concealment of the existence of marriage obstacles was a punishable offence which could lead to imprisonment of three to six months. In addition, these marriages were declared invalid. Children from these invalid marriages got a guardian. They and their mothers lost name and status of the father or husband. Marriage laws not only regulated the procedures for concluding a marriage, but also the conditions of separation and divorce. Here, too, the regulations related to the Catholic dogma of the indissolubility of a Catholic marriage. Austrian regulations concerning separation and divorce did not apply to non-denominationals and Jews as non-Catholics in general were allowed to separate and to divorce. Separation and divorce of intermarriages after the previous conversion of one partner or his declaration of being a non-confessional bore no problems. However, as soon as one partner converted to Catholicism the marriage was undissovable, and only the non-Catholic partner could ask for a separation.

In paragraph 123 and under the heading “Exceptions for Jews” the Austrian law governed Jewish marriages. Some sections intended to make Jewish marriages more difficult in order to influence demographic developments. Only some regulations were meant to follow the “halacha”, others were said to be identical with the “halacha”. Regardless of details, the main points regulated that the marriage was to be carried out by a Rabbi or the teacher in the community of one of the partners, that marriages had to be listed in the registers and authenticated. Couples who married by halachic regulations only, risked forced divorce and punishment. The Rabbi was responsible for executing separation and divorce, spouses were not allowed to require divorce.¹⁷

The most remarkable part of this section of the marriage law is paragraph 136. One of the – at first seemingly – absurdities of the Austrian marriage law was that it

¹⁶ *Ibid.*

¹⁷ *Ibid.* 75 passim.

was impossible for Christians or Catholics to marry a non-Christian partner. Nonetheless, a marriage in which one partner converted to Catholicism was allowed to be continued as an interdenominational marriage. Paragraph 136 stated that a marriage was not to be separated forcibly when one of the Jewish partners converted to Christianity. If one of the partners became Christian or non-confessional, the marriage could be separated according to the "Regulations on Jewish marriages" – even if it was conversion to Catholicism. If both partners converted to Catholicism the marriage became undissolvable.¹⁸ This regulation in particular underlines that religion indeed was a minor issue, that "Religion war Nebensache."

Law in practice

In reality the marriage law, and especially the regulations on the invalidity of marriages because of violation of insurmountable marriage obstacles, led to extensive jurisdiction. The highest instance in the Habsburg monarchy, with jurisdiction also over "Bohemian marriages," was the Highest Court in Vienna which confirmed or overruled decisions of downstream courts, like the one in Prague.¹⁹ For example, the Highest Court declared interdenominational civil marriages as invalid which were concluded by Habsburg subjects in foreign countries, for instance in Saxonia, Prussia or Hungary where couples could marry interconfessionally at the registry office. After 1905 – when a highly active reform movement started fighting for the de-Catholisation of the state marriage law – the Highest Court in Vienna started changing its ruling on interdenominational marriages concluded by subjects from Habsburg abroad.

Es ist in Österreich nicht verboten, dass Ehen zwischen Christen und Nichtchristen bestehen, sondern nur, dass sie zwischen Christen und Nichtchristen hierlands eingegangen werden.²⁰

It was decisive that the couple had not intended to live in Austria when it decided to marry abroad. However, a fundamental change of the law did not occur until the end of the Habsburg monarchy, and even then Austria kept its Catholic dominated marriage law.

Marriage law and reality in the Czechoslovak Republic

After 1918 the situation changed fundamentally in the newly founded Czechoslovak Republic. By a marriage reform law, the "Eherechtsnovelle" of May 22, 1919, Austrian marriage law was changed profoundly through the abolition of all denominational commitments (by the way, these changes were accompanied by massive interventions of the Catholic church). The key changes included the implementation of an optional civil marriage and a change in the regulations referring to separation

¹⁸ *Ibid.* 78-80, § 136 and comment.

¹⁹ Junker, Richard/Fuchs, Gustav (eds.): *Rechtssprechung des k. k. Obersten Gerichtshofes in Eheungültigkeitssachen*. Wien 1916.

²⁰ *Ibid.* 154, No. 49.

and divorce.²¹ The optional civil marriage provided the possibility for marriages to be concluded either at the registry office or religiously. In addition, the marriage obstacle concerning relationship by marriage, or affinity, where standardized (which affected the special conditions for Jewish couples). Through these laws all denominations were equated in their rights and duties with regard to marriage and divorce. In contrast to the regulations under the Habsburg monarchy the decision concerning the denomination of the children in inter-religious marriages required an additional legal regulation. And so the Czechoslovak marriage law stipulated:

In was für einer Religion ein Kind, dessen Eltern in dem Religionsbekenntnisse nicht übereinstimmen, zu erziehen, und in welchem Alter ein Kind zu einer andern Religion, als in der es erzogen worden ist, sich zu bekennen berechtigt sei, bestimmen die politischen Vorschriften.²²

Until 1925 this was not regulated. But then a law concerning „die gegenseitigen Verhältnisse der Religionsbekenntnisse“ was promulgated. Paragraph 1 stated:

Die in der Ehe geborenen oder solchen gleichgestellte Kinder folgen, wenn beide Eltern demselben Bekenntnisse angehören, dem Bekenntnisse ihrer Eltern. Ist dies nicht der Fall, so folgen die Kinder männlichen Geschlechtes dem Vater, die Kinder weiblichen Geschlechtes der Mutter. Doch können die Ehegatten durch Vertrag festsetzen, dass das umgekehrte Verhältnis stattfinden solle, oder bestimmen, welchem Bekenntnisse die Kinder angehören sollen [...].²³

In addition, paragraph 15 made it clear that denomination could also include the category “non-denominational.” In addition, denominational and non-denominational citizens were accorded equal rights.²⁴

For children from intermarriages this opened up various options of identity construction, depending on the context in which they operated. Theoretically, the son of a Jewish mother could follow his father's religion and stop being a Jew. This would have been the most simple option, because belonging to the religion of the father could be manifested through baptism. In case of parents not living their denomination, a definition of a boy's religion and identity depended on context. For instance, for his Jewish relatives and the community the boy was a Jew, because he was not baptized and the mother was a Jewess. However, others most likely regarded him as non-denominational. In the opposite case, a non-Jewish mother and a Jewish father, a boy faced a serious problem. According to Czechoslovak law he could be defined as a Jew, which de facto he was not. Or was he?

²¹ Gesetz über die Ehereform vom 22. Mai 1919, Nr. 320, durch welches die Bestimmungen des bürgerlichen Rechtes über die Förmlichkeiten des Ehevertrages, über die Trennung und über die Ehehindernisse abgeändert werden (kundgemacht am 13. Juni 1919) nebst Durchführungsverordnung vom 27. Juni 1919, Nr. 362. In: Gesetze und Verordnungen der Tschechoslowakischen Republik. Brünn 1919. – See also: Das Allgemeine bürgerliche Gesetzbuch für die tschechoslowakische Republik samt den einschlägigen Gesetzen und Verordnungen mit Erläuterungen aus der oberstgerichtlichen Rechtsprechung. Zweites Hauptstück. Von dem Eherechte. Brünn 1928.

²² *Ibid.* 76, § 140.

²³ *Ibid.* Anhang 19, Gesetz vom 23. April 1925, Slg. Nr. 96, betreffend die gegenseitigen Verhältnisse der Religionsbekenntnisse 983, § 1(1).

²⁴ *Ibid.* 985, § 15.

The tension created by two different law systems often led to hybrid identities, especially when identities were defined in a self-confident manner. John Abels' report from his childhood in Prague illustrates this point:

My most constant companion through boyhood until adolescence was the son of our neighbour, Mr. Klein. He was Jewish but his wife was Catholic and in order not fall out over the religion of their son, Willi, Mr. Klein chose a protestant faith for his offspring. In fact, Mr. Klein not only was a non-practising Jew, but also totally irreligious.²⁵

The following example demonstrates just how individual denominational and national identities had been defined before. On the 1922 population census the nationalist "Selbstwehr" commented:

Nun ist bei den Juden am interessantesten ihre Religion. Bloß 990 von 1.000 waren Israeliten. Es haben sich nämlich 39 konfessionslos, 11 röm. Kath., 3 evangelisch, 3 griechisch-orthodox gemeldet. Diese Angaben entsprechen auch den Tatsachen. Die Konfessionslosen, das sind die Sozialisten, von den römisch-katholischen wird amtlich ein Beispiel mitgeteilt: ein Jude heiratet eine tschechische Christin, hat sich selbst so wie beide seine Kinder taufen lassen, bei der Volkszählung hat er jedoch sich und seine Kinder zur jüdischen, seine Frau zur tschechischen Nationalität gemeldet.²⁶

One source clearly demonstrates the differences between state laws and "halacha". The law obliged the Jewish communities in the Czechoslovak Republic to maintain registers. Basically, it was assumed that there was a common interest between the state, the communities and the individual citizens to keep registers. Yet from a Jewish point of view this was only true when there was no deviation from the "halacha". In addition, the registers not only served the denominational requirements of the communities, but also the individuals. Ten years after the promulgation of the Czechoslovak marriage amendment act, in 1929, the secretary of the JKG (Jüdische Kultusgemeinde/Jewish Congregation) Prag Gustav Fleischmann argued in the "Selbstwehr":

Die Wahrung der religiösen Bedürfnisse kann nicht im Widerspruche sein mit den staatlichen Gesetzen; gibt es also auf dem Gebiete der Matrikenführung ein religiöses Bedürfnis, welches den staatlichen Gesetzen zuwiderläuft, kann es nicht befriedigt werden.²⁷

However, in the following paragraph he revoked this statement by saying that it are only the communities who can define what exactly constitutes a religious necessity. Potential conflicts of interest are, for example, referred to in terms of whether or not a circumcision is registered in the so-called "Geburtsmatriken." According to Fleischmann circumcision is a prerequisite for general acceptance in the Jewish community. Hence, the registration is of key importance. In this context, documentation of a marriage at the civil registry office only is regarded as a religious necessity. A major difference between state law and "halacha" with regard to the religious affiliation of children from intermarriages is described as follows:

²⁵ Microfilm memoires Leo Baeck Institut (Berlin) (MM II, 33, Box 15). Abels, John: Glad, mighty glad, to be British, Billingham 1996.

²⁶ Selbstwehr No. 46, November 17, 1922, 3.

²⁷ Fleischmann, G.[ustav]: Matrik und Kultusgemeinde I. In: Selbstwehr No. 20, May 17, 1929, 1-2.

Es kann dabei vorkommen, daß solche religiöse Momente, deren Eintragung resp. die Anmerkung ihre Fehls imstande sind, den Betreffenden in den Augen der Religionsgenossen oder bestimmter Kreise der selben herabzusetzen. So kann z.B. jemand, der nach dem staatlichen Gesetz als ehelich geboren oder als Jude gilt, nach den strengen und natürlich nur pro foro ecclesiastico geltenden Religionsvorschriften als unehelich oder als Nichtjude angesehen werden.²⁸

Conclusions

This article has focussed on the meaning of intermarriage in the Bohemian lands and Czechoslovakia between 1880 and 1938. The topic represents one of the most intimate interactions between people of different ethnic identity. I have concentrated on the dynamic evolution of state laws governing marriages and the emergence of a racial discours which especially highlighted intermarriages. In this discourse, religion increasingly became a minor matter, a "Nebensache" as it was referred to in marriage advertisements of the 1920s. Self-ascription and perception by "the other" in social spaces defined as frontiers resulted in identity constructions which are situated on a stratum between what has been termed "biological integration" on the one hand and "(self-)destruction" on the other.

In summary, in the contemporary racist discourse of the turn of the 19th century intermarriages served as a major building-bloc to maintain and consolidate ethnic boundaries. They, thus, became a role model to contrast the earlier, mid-19th century imagination and aspiration of biological integration.

²⁸ *Idem*: Matrik und Kultusgemeinde II. In: Selbstwehr No. 24, June 14, 1929, 3-4.