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# Food Profiteering, Paper Laws, and Criminal Justice in the Bohemian Lands after 1918

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## Abstract

The article deals with food profiteering in the Bohemian Lands after the declaration of Czechoslovakia in 1918. The new state faced a disintegrated society in which various units continued to fight each other for an advantage in the food market. While food shortages persisted, the Czechoslovak authorities had to deal with a situation in which food rationing laws had lost some of their power to distinguish between the legal and the criminal. Moreover, collective ideas about what was right and wrong, about the victims and perpetrators of food profiteering, and of whom to punish and how, varied according to the different social and ethnic affiliations of the population. Political instrumentalization of such ideas jeopardized the postwar consolidation based on the promise of a better future. Thus, the introduction of food profiteering courts with lay judges was an attempt to institutionalize conflicts over food profiteering and to reduce the impacts of the atomization of society until the economic situation improved.

**Keywords:** food profiteering; criminality; rationing; Czechoslovakia; World War I

## Introduction

In the autumn of 1918, Czechs were euphoric at the declaration of an independent Czechoslovak state that had emerged victorious from the ruins of the defeated Habsburg monarchy. The relatively peaceful course of the coup d'état on 28 October 1918 and the exhilarated mood of broad sections of the population were due not only to the strength of abstract political promises but also indications of an early material improvement in everyday consumption. Even before that, in late summer and early autumn of 1918, various Czech political declarations had stated that the envisaged national sovereignty would include improving the nation's food supplies. Thanks to the prospective independence, the Bohemian Lands would not be "plundered" for food exports to Vienna<sup>1</sup> and "profiteering" (*lichva*) would be eradicated, as the new "national public interest" superseded "all private interests."<sup>2</sup>

These expectations seemed realistic when in Prague, Brno/Brünn, and elsewhere, there were noticeable reductions in the prices of pork and other basic foodstuffs and increases in their availability in shops soon after independence was declared.<sup>3</sup> Moreover, in the area of rationing, the state demonstrated its optimism by increasing flour rations from 1,150 g per person per week to 1,400 g on 18 November 1918, and to 2,100 g on 15 December 1918.<sup>4</sup>

However, this widely welcomed development in food supplies did not last long. Soon it became clear that the new state and the end of the war would not have a major impact on existing food supply conditions and that there was no need to offload accumulated stock at lower prices to reduce

<sup>1</sup>"Sb. 186," in *Souhrnná hlášení presidia pražského místodržitelství o protistátní, protirakouské a protiválečné činnosti v Čechách 1915–1918*, ed. Libuše Otáhalová (Prague, 1957), 405–9.

<sup>2</sup>"Dok. č. 80," in *Sborník dokumentů k vnitřnímu vývoji v českých zemích za 1. světové války 1914–1918, sv. V., rok 1918*, ed. Jaroslav Vrbata (Prague, 1997), 285.

<sup>3</sup>Národní archiv, Prague (hereafter NA), f. Předsednictvo ministerské rady, Praha (1918–1945) (hereafter PMR), k. 3629, Ministry of Justice to Ministry for People's Supply (7 January 1919).

<sup>4</sup>Jiří Štěpek, *Přídělové systémy na území Československa 1915–2015. První část (1915–1945)* (Prague, 2018), 69.

potentially even greater losses in the future. Even before the end of 1918, prices again began to rise and goods disappeared from the shelves.<sup>5</sup> Moreover, the larger food rations existed only on paper and materialized sporadically.<sup>6</sup> Not only did profiteering not end in late 1918, but the insufficient and unequal availability of food would be one of the new state's fundamental shortcomings for the next few years.

In this article, I argue that the breaking of food supply laws could not be easily dismissed as food profiteering (*lichva* in the language of law or *keťasování* in common parlance) in terms of stereotypical exploitation of the misery of the many by the few for immoral profit. When the state was becoming chronically unable to ensure food rations as promised by law, it seemed questionable whether it was justified to apply criminal sanctions for breaking these dysfunctional food supply laws. Hence, these laws lost some of their ability to distinguish between legal and criminal actors and the newly created Czechoslovakia had to deal with a fundamental contradiction that lay at the heart of the reconstitution of the disintegrated state and society: while one organizational unit may have considered a particular violation of food supply regulations a necessary or even heroic deed of food procurement, another unit that did not profit from this transaction may have seen the same deed as a capital crime.

Recent studies of the downfall of the Habsburg monarchy, influenced by cultural–historical approaches, the history of everyday life, and microhistory, understand discourses and practices around insufficient food supply as a window into the mentality and agency of individual as well as collective actors through which we can learn more about the development of the society as a whole.<sup>7</sup> Often, these authors look at the publicly visible symptoms of food shortages, such as food rationing, collective violence, or political and media debates. Less attention has been devoted to the manifestations of food shortages hidden from the public eye, such as the illicit trade in food, especially in the period after 1918. While Maureen Healy rightly argues that victims of food shortages typically do not create stable organizations “demanding compensation for wartime losses,”<sup>8</sup> the end of the war and the declaration of Czechoslovakia nevertheless encouraged many of these victimized people to settle the score with their alleged wartime oppressors and claim satisfaction. Combined with politicization and nationalization, identified by Ota Konrád and Rudolf Kučera as the new driving forces of social conflicts after 1918,<sup>9</sup> the dysfunctional food supply laws could cause fatal destabilizing effects for the new state in the making. Despite the centrality of “profiteers” and “profiteering” in the antisemitic vocabulary and people's imaginations at the time,<sup>10</sup> the problem was of a more general nature and permeated the whole society. Food criminality and criminalization of profiteering in the time of regime change thus offer an opportunity to disclose practices of food supply law violations, identify and analyse meanings conferred to these acts, and contribute to our understanding of the process of the postwar transition.<sup>11</sup>

The first part of this article reconstructs one of the most prominent court cases that prosecuted profiteering, which took place soon after Czechoslovak independence and demonstrated the ambiguity of profiteering, in the sense of whether it was a crime or justifiable self-help. The second part explains this ambiguity as a consequence of social disintegration due to food shortages, which invalidated many

<sup>5</sup>NA, f. PMR, k. 3629, Ministry of Justice to Ministry for People's Supply (7 January 1919).

<sup>6</sup>Arthur C. Ringland and Dorothy Gerberding, “Food Survey and Sample Diet Studies in Czechoslovakia,” *American Relief Administration Bulletin, Series 2*, no. 7 (31 December 1920): 29–36, here 30.

<sup>7</sup>Out of the growing body of literature the classic is Maureen Healey, *Vienna and the Fall of the Habsburg Empire: Total War and Everyday Life in World War I* (Cambridge, 2004); for Germany, see Michael Geyer, *Verkehrte Welt: Revolution, Inflation und Moderne, München 1914–1924* (Göttingen, 1998), 167–204; Belinda J. Davis, *Home Fires Burning: Food, Politics, and Everyday Life in World War I Berlin* (Chapel Hill, 2000); Rudolf Kučera, *Rationed Life: Science, Everyday Life, and Working-Class Politics in the Bohemian Lands, 1914–1918* (New York, 2016); most recently on Central Europe, see Ota Konrád and Rudolf Kučera, *Paths Out of the Apocalypse: Physical Violence in the Fall and Renewal of Central Europe, 1914–1922* (Oxford, 2022).

<sup>8</sup>Healy, *Vienna and the Fall*, 86.

<sup>9</sup>Konrád and Kučera, *Paths Out of the Apocalypse*, 304.

<sup>10</sup>Michal Frankl and Miloslav Szabó, *Budování státu bez antisemitismu? Násilí, diskurs loajality a vznik Československa* (Prague, 2015), 78–88; see also, Healy, *Vienna and the Fall*, 67.

<sup>11</sup>Cf. Gerd Schwerhoff, *Historische Kriminalitätsforschung* (Frankfurt am Main, 2011).

food supply laws and created the need for self-help measures from “below.” The next part focuses on narratives that attempted to give new meanings to the breaking of food supply laws, both negative and positive, thereby influencing how the issue was dealt with. The final part focuses on the profiteering courts that were introduced in 1919 and on their function in prosecuting profiteers.

### Profiteering in the Public Interest? The Case of Václav Netušil

In February 1919, the police uncovered an extraordinary instance of food profiteering, which turned into one of the most prominent cases of its kind to be handled by the courts of the new republic. In cooperation with several accomplices, the Prague businessman Václav Netušil bought thirteen wagons of grain in various parts of the Czech-speaking agricultural regions of Bohemia at the end of 1918 and sold them to the predominantly German-speaking industrial regions in northern Bohemia at the beginning of 1919. The town of Ústí nad Labem/Aussig bought six wagons<sup>12</sup> of grain for municipal provisioning, the war kitchen of the Mühlig glassworks in Řetenice/Settenz near Teplice/Teplitz bought five, and the municipal brewery in Most/Brüx bought two.<sup>13</sup>

The investigation did not establish from whom exactly Netušil bought the grain. A denunciation letter that arrived at the anti-profiteering police department in Prague a few months into the investigation directed the police to Planá nad Lužnicí/Plan an der Lainsitz in South Bohemia where Netušil had a house and, reportedly, networks of contacts. It was probably correct, since when the police investigators arrived there, they received a cold reception from the local people. The town mayor, suspected of grain profiteering himself, refused to testify and even sent two armed gendarmes after the investigators to arrest them. The gendarmes released the inspectors after checking their documents, but this illustrated the difficulty in uncovering the background of this crime.<sup>14</sup>

Nevertheless, the investigation successfully refuted one of the main points of Netušil’s defense, namely that he had acted on the instructions of a certain Robert Löwy, later renamed Otto Lederer, an official of the Prague Grain Institute. According to the court, Netušil had invented this character, even though he insisted throughout the trial that this person had given him instructions over the phone.<sup>15</sup>

Moreover, the court proved that Netušil had falsified the consignment’s transport documentation. At a time of tense inter-ethnic relations between Czechs and Germans and disputes over the non-recognized territory of the Province of German Bohemia (*Deutschböhmen*), Netušil first had the wagons sent to Kladno/Kladen in Central Bohemia to the address of a fictitious workers’ cooperative so as to not to raise suspicions over such a large number of wagons travelling from the Czech interior to northern Bohemia. There, he had the transport documentation changed and the wagons continued to the address of the “Vpřed/Vorwärts” Workers’ Cooperative Association in Ústí nad Labem. This association did not exist either, but its name, sometimes inscribed in Czech, was intended to give the impression that it was a supply cooperative of the Czech minority in the German-speaking territory.<sup>16</sup>

The important findings of the proceedings, however, did not concern the ingenuity of Netušil’s fraud, but rather the extent of the collapse of the state supply system during 1918 and its persistence after the political watershed of 28 October 1918. Despite repeated interventions by northern Bohemian district captains, municipal governments, and representatives of local institutions at the Bohemian Vice-Governorship in Prague or the Ministry of People’s Nutrition in Vienna, the state was unable to deliver its promised food supplies. According to the representative of the local economic council, Dr. Osthof, in 1918, supplies in Ústí nad Labem had fallen to a “homeopathic ration,” which could not cover the most basic needs of consumers, and was difficult for the authorities to distribute fairly.

<sup>12</sup>A wagon is an old metric unit that equals 10 tonnes.

<sup>13</sup>Státní oblastní archiv v Praze (hereafter SOA), f. Krajský soud trestní Praha (1850–1949) (hereafter KST), Vr XXXVII 15008/20, k. 1485, Rozsudek (21 February 1920), s. 1–2.

<sup>14</sup>SOA Prague, f. KST, Vr XXXVII 15008/20, k. 1486, Zpráva (12 April 1919); Letter from the widow of engineer R. Vyklasová (1 April 1919).

<sup>15</sup>SOA, f. KST, Vr XXXVII 15008/20, k. 1485, Rozsudek (21 February 1920), 21.

<sup>16</sup>SOA, f. KST, Vr XXXVII 15008/20, k. 1487, Hlavní přelíčení (9 February 1920).

The only effective assistance was that the territory had been declared an emergency area (*Notstandsgebiet*) and had received financial donations from Emperor Charles I of Austria for the purchase of food since the beginning of 1918.<sup>17</sup>

The provision of food, however, remained the responsibility of the local authorities, who thus faced the dilemma of whether to abide by the law and risk strikes and riots due to hunger or to break the law and buy food on the black market. Although the higher state authorities never issued any official permission for such an approach, the informal comments of their representatives clearly indicated that breaking the law would be tolerated to maintain public order, according to the testimonies of several witnesses. Although Netušil claimed in his defense that he had powers of attorney for the purchase from the district captains of Duchcov/Dux, Most, and Varnsdorf/Warnsdorf, the investigation did not confirm the existence of these powers.<sup>18</sup>

Leopold Průša, a former Bohemian deputy governor and later Czechoslovak Minister for Supplies for the People, testified that the authorities generally did not tolerate violations of the regulations, but ultimately preferred extra-legal purchases to “the outbreak of any kind of revolution.”<sup>19</sup> Thus, a grey area for food transactions was created, which local officials perceived as some kind of solution to the worsening supply crisis, while the officials of the higher authorities turned a blind eye to such violations of the law.

It also emerged from the trial that the representatives of the city of Ústí nad Labem, the Mühligg glassworks, and the Most brewery who testified during the court proceedings did not perceive this transaction as unacceptable exploitation of their economic need or as a transaction that had inflicted economic damage on them. On the contrary, their negotiations with Karl Vogelgsang, the German-speaking intermediary with whom they had concluded the deal, were apparently polite and fair, and the goods that were delivered were expensive but in accordance with the prevailing prices on the black market at that time. Consumers were provided with food rations at the official maximum or even lower prices. The two wagons of barley for the Most brewery were even ground into flour and groats and distributed among the workers free of charge.<sup>20</sup> Moreover, the grain acquired from Vogelgsang was not the only illegal purchase. As a witness from the glass factory in Řetenice testified, it was just one of many purchases on the black market, which were the only way of keeping the local war kitchens that fed the neediest running.<sup>21</sup>

The testimonies of witnesses indicated that there was rather a feeling of relief that the deal had been concluded and that, thanks to these illegal supplies, peace and order in the city and production in the glassworks and brewery could be maintained. According to the manager of the glassworks, this illegal transaction had helped avert a workers’ strike and maintain the production of glass, which was also intended for Czechoslovak state enterprises. Although the five wagons of grain could not fundamentally alter the food situation, they were part of the purchasing policy of the glassworks, which attempted to obtain food for its war kitchens by various illegal means.

For the workers of the brewery in Most and the glassworks in Řetenice, the criminal prosecution of Karl Vogelgsang, who for them was the representative of the whole transaction, was not just. In their opinion, these supplies, which had been fairly distributed among the needy, both Czechs and Germans, may have saved the health and even lives of chronically undernourished workers and their family members. One of the witnesses mentioned the risk of hunger oedema that had a growing death toll in North Bohemia, while it was practically unrecorded in the Czech-speaking regions of

<sup>17</sup>SOA, f. KST, Vr XXXVII 15008/20, k. 1485, Zur Sache (no date).

<sup>18</sup>SOA, f. ZST, Vr XXXVII 15008/20, k. 1486, Letter to the District Political Administration in Cheb (4 December 1919); District Political Administration in Varnsdorf to Provincial Criminal Court in Prague (12 December 1919); Provincial Political Administration in Prague to the Provincial Criminal Court in Prague (13 December 1919); District Political Administration in Aš to the Provincial Criminal Court in Prague (13 December 1919).

<sup>19</sup>SOA, f. ZST, Vr XXXVII 15008/20, k. 1487, Hlavní přelíčení (9 February 1920).

<sup>20</sup>SOA, f. ZST, Vr XXXVII 15008/20, k. 1487, Hlavní přelíčení (9 February 1920), Testimony of Ferdinand Grünert, city councillor in Most.

<sup>21</sup>SOA, f. ZST, Vr XXXVII 15008/20, k. 1487, Hlavní přelíčení (9 February 1920), Testimony of Vincenc Fischer, managing director of the Mühligg glassworks.

Bohemia.<sup>22</sup> Workers' deputations also intervened in writing and paid a personal visit to the Social Democratic Minister of Justice, František Soukup, in Prague. In their view, some of the blame also rested with organized labor, which had demanded food rations from the factory at whatever cost to prevent its members starving.<sup>23</sup> Although it may have been an exaggeration when Netušil claimed in his defense that the workers had even petitioned for a state decoration for him for saving their lives, they certainly perceived this transaction as a positive deed that should not be criminalized. Thus, despite the clear fraud and immense profit, some witnesses claimed that Netušil's grain transaction had not endangered the public interest but rather had served it.

### "Paper Laws" from Above, "District Food Supply Politics" from Below

Netušil's case highlighted the degradation of the food supply laws insofar as they had become ineffective "paper laws" that had lost some of their function as social control.<sup>24</sup> These laws did not serve their purpose to secure regular, sufficient, and fair rationing of food organized on the nationwide level. The response to this failure of food rationing from "above" was "district food supply politics" from "below" as a collective bottom-up reaction of smaller communities to failing nationwide food policies, which had developed during the war and continued uninterrupted after the political watershed of 28 October 1918.

What had degraded the food supply laws to the point that they had become ineffective paper laws was the growing discrepancy between what was declared legal and what was perceived as right or, in legal terminology, between positive law based on written norms and natural law based on values and principles.<sup>25</sup> In such a conflict, "law" was not only "identical to norms issued by the temporary holders of power in the state" but to the basic values and principles codified in legislation in past decades and centuries.<sup>26</sup> An anonymous essay in the Czech legal journal *Právník* from September 1918 warned that a new food supply regulation criminalizing private food supplies by "backpacking" in order to suppress profiteering was actually such a case. The journal argued that the law, as codified in the Austrian General Civic Code, demanded and enforced the duty of men to provide food for family members, and noted that due to the failing rationing system, there was no way to secure adequate food supplies other than the private self-help activity that the new regulation sought to criminalize. Moreover, the neglect of a child's nutrition by its parent was a crime that was punishable by the Austrian Criminal Code. The journal argued that the consequence of such a conflict between what was legal and what was right would be the further erosion of the rule of law and the undermining of the legitimacy of the holders of power who issued and enforced such regulations. In this view, based on natural law, it would not be a crime to violate such legislation, because it would be wrong to abide by it.<sup>27</sup>

In everyday practice, a symptom of paper laws that failed to fulfil the objective for which they were enacted was not only that the population violated such norms, but also that law enforcement agencies were reluctant to enforce them.<sup>28</sup> Indeed, a simple reason why the law was not enforced was that these agencies were understaffed during and after the war. A gendarme from Rozstání/Rostein in North Bohemia reported in February 1920 that local people had smuggled flour, bread, butter, and eggs from his district into neighboring German-speaking districts of Liberec/Reichenberg and Jablonec nad Nisou/Gablonz an der Neiße. The gendarme was alone in the gendarmerie station and was not able to intervene, especially when the smugglers were prepared to resort to violence.<sup>29</sup>

<sup>22</sup>Carl Maase and Hermann Zondek, *Das Hungerödem: Eine klinische und ernährungsphysiologische Studie* (Leipzig, 1920), 9–11.

<sup>23</sup>SOA, f. ZST, Vř XXXVII 15008/20, k. 1487, Hlavní přelíčení (9 February 1920), Testimony of Josef Mates, a worker at the Most brewery.

<sup>24</sup>Atul Setalvad, "Paper Laws," *Economic and Political Weekly* 23, no. 29 (16 July 1988): 1467–70.

<sup>25</sup>Robert P. George, "Natural Law and Positive Law," in *The Autonomy of Law. Essays on Legal Positivism*, ed. Robert P. George (Oxford, 1999), 320–34.

<sup>26</sup>"Soukromé zásobování ve světle práva," *Právník* 57, no. 9 (1918): 313–16.

<sup>27</sup>Ibid.

<sup>28</sup>Setalvad, "Paper Laws," 1468.

<sup>29</sup>NA, f. PMR, k. 3616, Českosl. zemské četnické velitelství pro Čechy, stanice Rozstání (14 February 1920).

Another simple explanation may be that the perpetrators had corrupted some of the law enforcers. These professions, which had enjoyed high prestige and stable salaries before the war, had lost much of their social standing during the war, because they had served the old regime and their salaries had been eroded by high inflation.<sup>30</sup> For example, the Ministry for People's Supply reported in September 1919 that smugglers of lucrative ethanol from Czechoslovakia to Germany and Poland had bribed Czechoslovak officials and soldiers to allow their contraband to pass through the state border in the Ostrava region. Soldiers guarding the border in Hrušov/Hruschau/Gruszów were even said to have fired their weapons at the border crossing not to stop smugglers, but to warn them that a patrol of gendarmes was coming.<sup>31</sup>

The potential for corruption lies not only in the fact that some underpaid law enforcers could be induced to participate in such illegal transactions but also in their individual dependence on food retailers. In an internal report from January 1919, the Ministry of Justice expressed the fear that "intolerably high prices" could internally corrode the functioning of the whole system of justice, which must be based on independence.<sup>32</sup> For example, district judges did not feel free to condemn local retailers for profiteering, because retailers could take revenge by refusing to sell the judges foodstuffs.<sup>33</sup>

More importantly, politicians, state officials, mayors, members of the armed forces, and judges were not always "sincerely convinced" that the food supply laws were just and that the illegal procurement of food was wrong.<sup>34</sup> "The laws and regulations were of such kind that they could not be obeyed either by the state or by private individuals," noted MP for the Agrarian Party Karel Viškovský in a newspaper commentary in April 1919.<sup>35</sup> It was particularly difficult for the district captains and their subordinates when they were required, on the one hand, to enforce laws that did not provide legally guaranteed food rations for the local population while, on the other, they had to ensure the transport of local agricultural products out of the district to be redistributed across the country.<sup>36</sup>

Unsurprisingly, the district captains complained that they did not receive sufficient support from the population in their duties. On the contrary, officials who had enforced food supply laws under the old regime faced a deep crisis of legitimacy after the establishment of Czechoslovakia. The official exoneration of most law enforcers, such as gendarmes or state officials, in that they "only did their duty" under the old regime and would continue to do so in the service of Czechoslovakia, did not correspond to the mood in society that in many cases also expected a change of personnel.<sup>37</sup>

District captains spent a lot of time "explaining and giving instructions as to what was allowed and what was not"<sup>38</sup> and also "comforting and reassuring [the people] by pointing to a more promising future."<sup>39</sup> They complained that their insistence on the validity of food supply laws and the necessity for food requisitions was perceived by the peasants as "Austrian bullying" (*rakouské karabáčnictví*)<sup>40</sup> and that their calls for popular support in law enforcement were rejected as "unpaid policing" (*neplacené policajství*).<sup>41</sup> This was confirmed by a report from Nový Bydžov/Neubidschow in East Bohemia, which stated that peasants were not willing to sell grain to the state because they had to

<sup>30</sup>Friederike Kind-Kovács, *Budapest's Children: Humanitarian Relief in the Aftermath of the Great War* (Bloomington, 2022), 78.

<sup>31</sup>*Věstník Ministerstva pro zásobování lidu v Československé republice* (13 September 1919), 385.

<sup>32</sup>NA, f. PMR, k. 3269, Ministry of Justice to the Presidium of the High Provincial Court (22 January 1919).

<sup>33</sup>"Experimenty?" *Československý soudce* (1 November 1919); "Soudcovstvo a zásobování," *Soudcovské listy* (1 April 1920), 73–4.

<sup>34</sup>Setalvad, "Paper Laws," 1467.

<sup>35</sup>*Venkov* (23 April 1919), 5–6.

<sup>36</sup>Martin Klečáček, *Poslušný vládce okresu. Okresní hejtmán a proměny státní moci v Čechách v letech 1868–1938* (Prague, 2021), 200–10.

<sup>37</sup>Josef Kolečka, *Revoluční dělnické hnutí na Moravě a ve Slezsku 1917–1921* (Prague, 1957), 106.

<sup>38</sup>NA, f. Ministerstvo vnitra I – Stará registratura (hereafter MV-SR), k. 280, District Political Administration in Chrudim to the Ministry of the Interior in Prague (14 November 1919).

<sup>39</sup>NA, f. PMR, k. 3629, District captain's letter to the Resolution of the Social Democracy from Vysoké Mýto to the Government of the Czechoslovak Republic (16 June 1920).

<sup>40</sup>NA, f. MV-SR, k. 280, Provincial Political Administration in Prague to the Ministry of the Interior in Prague (12 December 1919).

<sup>41</sup>NA, f. Ministerstvo pro zásobování, Praha (1918–1933) (hereafter MZL), k. 52, District Political Administration in Nová Paka to the Presidium of the Provincial Political Administration in Prague (31 August 1919).

barter it for labor, services, and products to keep their farms running. Officials of the District Grain Office claimed that they were almost powerless in this regard and could not count on the support of municipal offices, economic councils, or representatives of consumers who, “both out of local patriotism and fear of local citizens,” did not denounce any peasant who could have delivered more.<sup>42</sup>

In March 1920, the district captain of the Turnov/Turnau district in North Bohemia complained that the trains were packed with people carrying bundles and backpacks full of food to barter. When ordered to intervene, railway men refused to do so, arguing that it was not fair to take such draconian action against people who were not receiving their legally prescribed rations. In some places, the railway men even supported people carrying illegally procured food on trains in opposition to the authorities.<sup>43</sup> In sum, the law enforcers understood, and often felt themselves, that “the citizens are actually only claiming their legal entitlement,” even if by illegal means.<sup>44</sup>

Another aspect of these paper laws was that they contained neither adequate sanctions to deter offenders nor incentives for victims to report a violation of these laws.<sup>45</sup> The sanctions were unpleasant, and people tried to avoid them, but they were not a deterrent. “No one takes threats of punishment seriously,” wrote the district captain of Litomyšl/Leitomischl in East Bohemia to the Ministry of the Interior in November 1919 on the poor results of food requisitions in the district.<sup>46</sup> As illustrated above, denouncing people who illegally disposed of foodstuffs did not bring more food for the victims, rather the opposite.

However, the problem was not the sanctions and incentives in themselves, but that the very notions of “offenders” and “victims” were distorted. According to the law, the perpetrators were people like Netušil or Vogelgsang, who privately traded state-owned grain, and the victims were their customers, who had to pay much higher prices than those officially prescribed. Even so, operations on the black market were so widespread that they created parallel food supply chains that were regulated more by a “survival morality” than by the ineffective food supply laws.<sup>47</sup> From this perspective, the victims were not those who had to buy on the black market at high prices, or barter food for petrol, clothes, or jewellery, but those who failed on the black market and remained dependent on inadequate state rationing. In other words, victims were people who were threatened by malnutrition, physical weakness, disease, and, ultimately, death.

These reactions to the state’s failure were not only the Hobbesian “war of all against all” on the food market, but also an attempt to prevent such a “war” by “radical state building” from below.<sup>48</sup> As Lars T. Lih pointed out in his study on food supplies in revolutionary Russia, the problem of food procurement by means of self-help on the black market was that it was both rational and anarchic at the same time.<sup>49</sup> It pitted units of various sizes, such as individuals, families, factories, towns, and whole regions against each other in the competition for food. While it provided a solution for improving food availability in one location (in a manner unpredicted and uncontrolled by the center, which sought to distribute food regularly and fairly), it had the indirect effect of worsening food availability elsewhere. For the beneficiaries of illegally procured food, such an act may have seemed like a small victory over the failing system, while for those who ended up empty-handed, it could have been perceived as a serious crime.

Instead of nationwide solidarity, “district food supply politics” was based on local economic, political, and social bonds that prioritized the interests of local people over the interests of others represented by the abstract state. A report from Litomyšl from November 1919 stated that among peasants “one can see no sense of duty, no patriotism and no understanding for the state in general.”<sup>50</sup>

<sup>42</sup>NA, f. MV-SR, k. 280, The District Grain Office in Nový Bydžov to the Ministry for People’s Supply (24 January 1919), 1–2.

<sup>43</sup>NA, f. PMR, k. 3616, District Political Administration in Turnov to the Presidium of the Ministerial Council (2 March 1920).

<sup>44</sup>NA, f. MZL, k. 52, Letter from Nymburk to the Ministry for People’s Supply (15 December 1918).

<sup>45</sup>Setalvad, “Paper Laws,” 1467.

<sup>46</sup>NA, f. MV-SR, k. 280, District Political Administration in Litomyšl to the Ministry of the Interior (4 November 1919), 4.

<sup>47</sup>For the term “survival morality,” see Stefan Mörchen, *Schwarzer Markt: Kriminalität, Ordnung und Moral in Bremen 1939–1949* (Frankfurt, 2011).

<sup>48</sup>Pieter M. Judson, *The Habsburg Empire: A New History* (Cambridge, 2016), 385.

<sup>49</sup>Lars T. Lih, *Bread and Authority in Russia, 1914–1921* (Berkeley, 1990), 223.

<sup>50</sup>NA, f. MV-SR, k. 280, District Political Administration in Litomyšl to the Ministry of the Interior (4 November 1919), 3.

In June 1920 in Vysoké Mýto/Hohenmaut in East Bohemia, the Social Democratic Party and its trade unions forced the district captain to issue orders that would prevent the overpricing and export of eggs, butter, cottage cheese, and pork out of the district and make these products available to local workers. While the Ministry for People's Supply demanded that these orders be rescinded because they had no basis in law, the local Social Democrats complained that "all measures adopted in the district are impeded and made impossible by the Prague authorities."<sup>51</sup> A report from Turnov in North Bohemia from October 1919 summed up this conflict between locally ineffective nationwide laws and local responses to improve the food supply situation as people "playing a republic within a republic."<sup>52</sup>

However, law enforcers had to be careful with the use of force to make the paper laws work and counter district food supply politics. Not only were they weak, but excessive use of force could provoke even more resistance from the population in various parts of the food supply chain. For example, the District Grain Office in Litomyšl, East Bohemia, warned the Ministry for People's Supply in October 1920 that "nobody in our district would tolerate it today" if there were violent requisitions, such as those during wartime, when "local officials girded themselves with a saber" and with no respect to the law requisitioned foodstuffs from peasants by force.<sup>53</sup>

Therefore, for example, when using "military assistance" against peasants who were unwilling to sell their products to the state, military commanders were urged to talk to the peasants before using force. One instruction explained that Czech peasants were historically opposed to the authorities and their orders and that, rather than the use of brute force, peasants should be persuaded to sell their grain with kind words and appeals to patriotism, with reference to the heroic Czechoslovak legionnaires who had risked their lives for Czechoslovak independence and to the threat of Bolshevism that could fatally undermine the republic. On the other hand, it was believed that German-speaking peasants had more respect for the law and should be reminded of their solidarity with other German-speakers in the "hungry districts" of Czechoslovakia.<sup>54</sup>

Although the state could not completely rely on its officials, especially its soldiers, in the enforcement of food supply laws, this did not mean they were not enforceable at all. A report of Ministry of the Interior from July 1920 on individual self-help in food procurement pointed out that there were both legal means and staff available to enforce food supply laws. But if there was not enough food for all, any repression against individual self-help in food procurement would not only be unsuccessful but would give the impression that state authorities were misusing power for "arbitrary violence" which, as a counter-reaction, would "nourish the revolutionary spirit."<sup>55</sup> That is why, in addition to regulating food supplies by law, it was imperative for the authorities to respond carefully to the situation faced by localities and individuals in order to prevent the escalation of defiance by the one-sided enforcement of laws that were widely perceived as dysfunctional.

### Making Sense of Food Criminality: Our Self-Help, Their Profiteering

The food shortages had manifold causes, dispersed responsibility, and complex solutions. As one article in the gazette of the Ministry for People's Supply explained in October 1919, it was impossible to blame one specific group of people for the high prices of food because all were interrelated in a "circulus vitiosus." Going down the food supply chain where one link blamed the previous one for delivering at too high a price, it turned out that the peasants as the original producers of food also had to sell for ever higher prices to be able to make enough revenue to buy the increasingly expensive

<sup>51</sup>NA, f. PMR, k. 3629, Resolution of the Social Democracy from Vysoké Mýto to the Government of the Czechoslovak Republic (16 June 1920); District Political Administration in Vysoké Mýto to the Presidium of the Provincial Political Administration in Prague (22 June 1920).

<sup>52</sup>NA, f. MV-SR, k. 280, District Political Administration in Turnov to the Ministry of the Interior in Prague (27 October 1919), 2.

<sup>53</sup>NA, f. PMR, k. 3631, The District Grain Office in Litomyšl to the Ministry for People's Supply (25 October 1920).

<sup>54</sup>NA, f. PMR, k. 3616, Pokyny pro velitele rekvisičních komand.

<sup>55</sup>NA, f. PMR, k. 3616, Presidium of the Ministry of the Interior to the Presidium of the Ministerial Council in Prague (15 July 1920).



industrial products and other supplies they could not make themselves. The article concluded gloomily: “and in that tightly closed circle all the hopes and dreams that accompanied our liberation are dying, the young generation is weakening and perishing of malnutrition, and the old Czech honesty is crumbling into dust.”<sup>56</sup>

Such a down-to-earth explanation, however economically correct, did not match the mood in a society that was not ready to wait passively. The belief that there must be somebody who profits from food shortages and high food prices while “we” suffer disproportionately, and that following exemplary punishment of such “public enemies” there will be more food available for everyone, was typical during food calamities.<sup>57</sup> However, such mechanisms did not necessarily stop at scapegoating specific groups (such as Jewish refugees from Galicia) for profiteering but could spread distrust among different social groups coping with food shortages and high prices and play them against each other as well as against the state and its central government.<sup>58</sup>

When the food supply laws had lost some of their function to distinguish between right and wrong, both because they were ineffective and a product of the old regime, the situation became even more susceptible to rationalization of food shortages with competing moralizing narratives that interconnected isolated facts, assumptions, and feelings into a coherent story about the food calamity’s causes, perpetrators, and solutions. On the one hand, this made it possible to transform food shortages from a natural disaster caused by abstract forces, for which no one was personally accountable, into a man-made catastrophe for which individuals and collectives could be blamed. On the other, such narratives allowed for the exoneration of “us” by distinguishing between “our self-help,” which made the violation of food supply laws justifiable, and blaming others for “their profiteering,” which threatened “us” and therefore was condemnable and punishable. The dangerous consequence of such group rationalization was the demand for punishment of the “profiteers” not as individuals but to associate profiteering with certain segments of the society and their political representations.<sup>59</sup>

In the following, I will focus on the national and class argumentation about food shortages that were—alongside the well-established and well-documented antisemitism<sup>60</sup>—the most pronounced at this time. In the perspective of the victorious Czech national resistance against Austria-Hungary, the violation of Austrian food supply laws prior to 1918 sometimes came to be interpreted as a patriotic act. When, in July 1919, inspectors of the Ministry for People’s Supply confiscated 5,270 quintals of hidden grain from the public provision of the city of Prostějov/Proßnitz in Central Moravia, the city council argued that violations of supply regulations during the war should not be considered a crime, but rather a commendable act.<sup>61</sup> In their view, procuring grain on the black market, concealing it from the Austrian authorities and distributing it to the local population was not only a necessary non-political effort to make up for shortfalls in rationed supply; it was interpreted as a reaction to the deliberate supply-inflicted persecution of Czech towns due to their hatred of Austria. “[Any person] who deprived Austria of something and gave it to the Czech people did a very patriotic and meritorious act and deserves gratitude and not persecution,” the postwar mayor of Prostějov argued in a meeting of the city council.<sup>62</sup>

Even though such a chain of arguments was more a product of the nationalist imagination and the self-justification of Prostějov’s representatives in an attempt to recover the confiscated grain rather than a true depiction of reality, it fits with the nationwide narrative of Czech domestic resistance against

<sup>56</sup> *Věstník ministerstva pro zásobování lidu v Československé republice* (4 October 1919), 438.

<sup>57</sup> Cormac Ó Gráda, *Famine: A Short History* (Princeton, 2009), 129–37.

<sup>58</sup> Harold James, *Schockmomente. Eine Weltgeschichte von Inflation und Globalisierung 1850 bis heute* (Bonn, 2023), 164–66.

<sup>59</sup> Jean-Louis Robert, “The Image of the Profiteer,” in *Capital Cities at War: Paris, London, Berlin, 1914–1919*, eds. Jay Winter and Jean-Louis Robert (Cambridge, 1999), 104–32; Healey, *Vienna and the Fall*, 61–8.

<sup>60</sup> For an analysis of the antiemitic image of Jewish “profiteers” and collective violence against them in early Czechoslovakia, see Frankl and Szabó, *Budování státu bez antisemitismu?*, 26–97; see also Ines Koeltzsch, “Antijüdische Straßengewalt und die semantische Konstruktion des, Anderen’ im Prag der Ersten Republik,” *Judaica Bohemiae* 46, no. 1 (2011): 73–99.

<sup>61</sup> NA, f. PMR, k. 3631, Declaration of the Ministry for People’s Supply (26 November 1920); Prostějov City Council to Presidium of the Ministerial Council (3 November 1920).

<sup>62</sup> Ondřej Příkryl, *Úryvky ze zápisů v době válečné* (Prostějov 1928), 127.

Austria-Hungary.<sup>63</sup> Furthermore, the “hunger riots” in Prostějov on 25 and 26 April 1917, during which twenty-three people were shot dead and another thirty-eight injured by the military assistance, were evidence of where this Austrian food supply discrimination could lead and why violating the food supply laws was commendable.<sup>64</sup>

National narratives also brought an additional explanation to the dry legal aspects of the Netušil case. The Czech press paid a lot of attention to the details of the case and interpreted his grain deliveries as treason. A Czech sold “Czech” grain to Bohemian Germans at a time when other Czechs did not have enough and when there was still conflict over the territorial integrity of Bohemia between Czechoslovakia and Austria: “We tightened belts on hungry stomachs, and the Germans in Most brewed beer from our grain . . . !”<sup>65</sup> A fictional satirical story about Netušil further emphasized the motif of national treason. In this story, the former Bohemian vice-governor Max Julius von Coudenhove was going to grant Netušil a state decoration and the title of Imperial Councilor for exporting food from the Czech-speaking part of the Bohemian Lands to the Province of German Bohemia and for depriving the Czechs, as “a secret rebel force, of the power and ability to resist our orders,” while supporting the “faithful and loyal country” of German Bohemia.<sup>66</sup>

Netušil himself also used the national perspective for his defense in court, but he reversed the Czech story of resistance against hegemonic Austrian state oppression. He argued that his wagons of grain broke the “Chinese Wall” of food between Czechs and Germans in Bohemia, that they had dismantled the “dam between Czech and German stomachs” and contributed to national reconciliation. Instead of the nationalism of Czechs or Germans, Netušil positioned himself as a true republican, who had distributed grain fairly to the neediest citizens and helped to prevent strikes, riots, and revolts. Moreover, Netušil argued that the image of Czechoslovakia abroad would suffer at the ongoing Paris Peace Conference or in the League of Nations if Bohemian Germans could internationally weaponize their hunger against Czechoslovakia.<sup>67</sup>

Class was another prominent category in narratives on profiteering. Lamenting the lack of justice, organized labor had wanted to stress the importance of 28 October 1918 to the subject of food supplies and accused political parties on the right of siding with profiteers. Moreover, the left not only had the power of words but also that of direct action. For social democrats, however, the numerous food riots up until then had been an unproductive waste of energy that could have been better employed for organized political action such as strikes leading to tangible results.<sup>68</sup> In a commentary in the Czech Social Democratic daily *Právo Lidu* on the food riots in Kladno in January 1919, the author complained that “a great deal of damage was caused, which bore no relation to the gain . . . Nobody collecting shoes thrown from the shops onto the street managed to find two shoes of the same size and type.”<sup>69</sup> Similarly, those punished by the court for participating in the food riots were those who had been caught, not those who were responsible for the fact that the original “just cause and protest” had degenerated into criminal looting.<sup>70</sup>

The trigger for anti-profiteering demonstrations that were orchestrated by local Social Democratic functionaries at the end of May 1919 was the lack of trust in fair punishment for notorious profiteers by regular courts of justice. They were related to the case of a miller named J. K. Ort from Koštice in North Bohemia, who was investigated for a similar profiteering crime by the Regional Criminal Court

<sup>63</sup>Pavel Marek, “První světová válka očima starosty města,” in *Archivum Trebonense XIII* (Třeboň, 2014), 75–90.

<sup>64</sup>Pavel Marek, “‘Hladové bouře’ v Prostějově v dubnu 1917 – pravda a fikce,” *Střední Morava: Vlastivědná revue* 25, no. 48 (2019): 27–38.

<sup>65</sup>*Večer. Lidový deník* (28 March 1919), 3.

<sup>66</sup>“Sen keťase Netušila,” *Rašple. List politicko humoristický* (1 June 1919), 42.

<sup>67</sup>[Václav Netušil], *Aféra Netušilova jest velkou obžalobou policie, zvrhlé žurnalistiky i ovládané dnešní vlády* (Prague, 1920), 61–71.

<sup>68</sup>For the most recent analysis of the food riots in the Bohemian Lands during and after World War I, see Konrád and Kučera, *Paths Out of the Apocalypse*, esp. 162–88, 258–64.

<sup>69</sup>*Právo lidu* (8 May 1919), 10; see also Görtler et al., *V první linii*, 57–8.

<sup>70</sup>*Právo lidu* (8 May 1919), 10.

in Prague at about the same time as Netušil.<sup>71</sup> Public outrage was sparked by reports in the social democratic press that Ort had been transferred from a pre-trial detention prison to the clinic of Rudolf Jaksch at Prague General Hospital. There, Ort was said to be receiving exclusive medical attention, good food, and the right to move freely around the building. In the imagination of the social democratic press, this was a conspiracy of the “arch-profiteering mafia” (*velkoketaská mafie*), which could even declare Ort medically unfit to stand trial and set him free.<sup>72</sup>

The demonstrations that began outside the prison on 20 May 1919 quickly spread around Prague and in the following days to various places in the Bohemian Lands. On the one hand, they were clearly coded as a Social Democratic pre-election campaign. This manifested in red flags, the singing of workers’ songs, and attacks on the representatives of competing political parties, mainly the Agrarians and National Democrats. In Prague, the editorial office of the Agrarian newspaper *Venkov* was stormed, while in smaller towns local representatives or sympathizers of right-wing parties were forced by the protesting crowds to promise that they would not agitate against the left.<sup>73</sup>

However, the core of the demonstrations was centred around a “people’s court,” a popular form of transitional justice, administered by organized labor as a “final warning to profiteers.” Protesting workers equipped themselves with props symbolizing the death penalty, such as wooden gallows with nooses and stuffed effigies, broadaxes, guillotines, and staged trials with local “profiteers.”<sup>74</sup> In some rare cases, protesting crowds even celebrated those who in their opinion had not profited but protected the working class, such as a Jewish yard tenant in Sluhy/Sluha, east of Prague.<sup>75</sup> But more typically, the gallows procession carried a long list of names of local “profiteers” who were to be “tried” by “the people.”

The deeds that the protestors wanted to punish had their origins in wartime under the old regime, but the political system that emerged after 28 October 1918 could not end or punish them. During a demonstration on 26 May 1919 in Mutějovice/Mutowitz in Central Bohemia, a crowd of miners led a procession carrying wooden gallows with a noose attached and the slogan “Death and destruction to the profiteers!” The march stopped at Alois Bláha’s mill, where they prevented him from escaping and forced him to recite the words of an oath under the gallows to the effect that he would profiteer no more. The next stop was the grocery store of Josef Mužík, who refused to be branded a profiteer, given the fact that he had served as a soldier during the war and was held captive by the Russians for four years, and therefore could not have profited at home during the war. Unlike Bláha, he was not forced to recite the oath under the gallows but agreed to write down his stocks of staple goods and sell them later at official prices.<sup>76</sup>

In some places, the crowd forced traders to reimburse “excess charges.” In others, goods had to be sold at “fair,” “peace,” or “prewar” prices.<sup>77</sup> House searches for hidden stocks were another type of action and a feature of previous food riots.<sup>78</sup> However, in certain places, organized protests turned into uncontrolled looting, which was the exact opposite of what the organized demonstrations wanted to achieve. Although these demonstrations were intended to show that the left-wing parties were capable of redressing the wrongs of profiteering, the ensuing looting defeated this goal. For example, the right-wing press reported on a case in Prostějov, where a warehouse containing goods confiscated by the police from actual profiteers was looted and, in another location in the same town,

<sup>71</sup>Pavel Mates, “Boj pracujících proti poválečné drahotě a důsledkům rozvratu v zásobování,” *Časopis Matice moravské* 108, no. 1 (1989): 51–65; for details of the Ort case, see Hynek Oberhel, “Ortova aféra: mlynář J. K. Ort ketas, nebo dobrodinec?” *Paginae historiae* 31, no. 1 (2023): 343–57.

<sup>72</sup>*Večerník Práva lidu* (20 May 1919), 1; *Večerník Práva lidu* (21 May 1919), 4.

<sup>73</sup>“Document 323,” in *Boj o směr vývoje československého státu I, říjen 1918 – červen 1919*, eds. Alois Kocman, Václav Pletka, Jiří Radimský, Miroslav Trantírek, and Libuše Urbánková (Prague, 1965), 331–32.

<sup>74</sup>Mates, “Boj pracujících,” 58; Miroslav Görtler et al., *V první linii. Příspěvky k 60. výročí vzniku KSČ* (Prague, 1981), 99.

<sup>75</sup>“Document 556,” in *Hnutí venkovského lidu v českých zemích v letech 1918–1922*, eds. Jaroslav César and Milan Otáhal (Prague, 1958), 328.

<sup>76</sup>SOA Praha, f. ZST, Vr XXX 6427/19 František Schovánek a spol., Letter of Mutějovice gendarmerie station No. 15 to the District Court in Rakovník (30 May 1919).

<sup>77</sup>Mates, “Boj pracujících,” 57; Görtler et al., *V první linii*, 94–95.

<sup>78</sup>František Forst, “Protidrahotní bouře v Nymburce po první světové válce,” *Středočeský sborník historický* 8 (1973): 5–16.

American flour intended for the poor was stolen. Immediately afterward, some of those goods could be bought on the streets at high prices, and thus a protest that aimed at ending profiteering unintentionally contributed to its escalation.<sup>79</sup>

What worried the government at various levels was the successful instrumentalization of profiteering by socialist parties, organized workers, and their press against their political competitors and the association of profiteering with a certain social class.<sup>80</sup> Before 1918 state-controlled war discourses symbolically marginalized profiteers as a few rotten individuals outside a patriotic community that was united in its suffering for the victory in war. A “moral code” that celebrated the patriotic sacrifice of soldiers on the war front and of civilians on the home front in contrast to the selfishness of the profiteers was not practicable in Czechoslovakia after 1918. The war was over, Czechs were “liberated” and thus less willing to suffer from food shortages. Nevertheless, the government understood the need to depoliticize profiteering as the crime of a certain segment of society. In a declaration entitled “The Republic against Profiteering,” Minister of the Interior Antonín Švehla reassured members of parliament and the public about the measures taken by state institutions since 28 October 1918 to tackle acute shortages of basic necessities, high prices, and profiteering. But Švehla also reminded the citizens that a real remedy for profiteering would be the moral transformation of the self, for which he used the widely circulated term to “de-Austrianize oneself” (*odrakouštit se*). In his view, it was not only the four years of war, but whole decades of life under the Habsburg monarchy that had resulted in the thorough demoralization of the whole of society, which had learned to use “refined means,” often with the “cooperation of government agencies,” to undermine its duties to the state for the sake of “selfishness, profiteering, and mammon.”<sup>81</sup> Therefore, the government clearly rejected the idea that profiteering was the crime of a certain group, defined by ethnic, socio-economic, or political criteria and that another group was its sole victim and thus authorized to resort to means of self-help. However, in order to regain control over anti-profiteering resentment, it accepted the view that profiteering must be prosecuted more consistently than had been the case so far.

### Punish, or Pardon?: The People’s Judgment

The government faced a dilemma. If it acknowledged the view that profiteers were behind food shortages and high prices and that severe punishments would be the solution, it would be admitting that popular assumptions about profiteering were true. But if the government rejected the idea and did not adopt any new measures against profiteering, it could be accused of protecting profiteering or even being in league with it. The reaction to such perceived neglect could be further acts of vigilante justice such as food riots. More organized attempts to “liberate” the state from profiteers by overthrowing the government or to liberate the people from the “state profiteering” by secession and establishment of a new state were also possible.<sup>82</sup>

Although profiteering had been a frequent topic in the public discourse on food shortages, the Czechoslovak government did not come up with a new anti-profiteering strategy right after the declaration of independence in October 1918. On the contrary, MP Václav Bouček, who was later tasked with preparing new anti-profiteering laws, stated in parliament in October 1919 that anti-profiteering laws could even have been abolished with the establishment of Czechoslovakia.<sup>83</sup> As the explanatory report for new anti-profiteering laws from September 1919 retrospectively stated, “it would have been embarrassing to begin the era of our independence by sharpening the anti-profiteering laws.”<sup>84</sup> In the

<sup>79</sup>Venkov (1 June 1919), 8.

<sup>80</sup>Věstník obecní hlavního města Prahy (29 May 1919), 152–54.

<sup>81</sup>NA, f. PMR, k. 3629, Republika proti lichvě. Vládní prohlášení [ ... ] dne 23. května 1919; see also “Document 190,” in *Boj o směr vývoje I*, 215–19, here 218.

<sup>82</sup>Michael B. Tyquin, “Profiteering in Australia during the First World War,” *War & Society* 39, no. 1 (2020): 23–41, here 40; James, *Schockmomente*, 166; Frankl and Szabó, *Budování státu bez antisemitismu?*, 300.

<sup>83</sup>Společná česko-slovenská digitální parlamentní knihovna, Národní shromáždění československé 1918–1920, Stenoprotokoly, 84. schůze (17 October 1919), Speech by Dr Bouček.

<sup>84</sup>Společná česko-slovenská digitální parlamentní knihovna, Národní shromáždění československé 1918–1920, Tisk. č. 1548, III. Odůvodnění.

national euphoria of Czechoslovak independence, many expected that the “liberation” of Czechoslovakia from Austria-Hungary would make profiteering simply impossible. The newly acquired national sovereignty should make it possible to prohibit food exports out of the Bohemian Lands and to expel war refugees, often Galician Jews, who were stereotypically associated with profiteering. But primarily, it should be the “moral feelings of responsibility” that would make it unthinkable that a Czechoslovak citizen would profit at the expense of another Czechoslovak citizen and thus endanger the peaceful development of their common state.<sup>85</sup>

To root out the remnants of profiteering, the Czechoslovak government initially decided that the anti-profiteering instruments inherited from Austria-Hungary would suffice, provided they were used actively by the law enforcement agencies, which had fallen into apathy in the final year of the war. It was not only officials at the Ministry of Justice in Prague who were aware of the sensitivity of food profiteering crimes to maintaining peace and order. After a brief period of relief related to the temporary fall in prices in the autumn of 1918, a ministry report from January 1919 wrote of “anger at the persistence of exorbitant war prices” and of members of the public and of parliament calling for more severe punishments for war profiteering.<sup>86</sup>

By contrast, the question arose: if the violation of food supply laws before 1918 was interpreted as a necessity or even as meritorious Czech national resistance against Austria, should it even be prosecuted? An amnesty could bring a fresh start to relations between the state and its citizens and reduce the administrative workload of courts and other institutions. But unlike in the sphere of political criminality, where amnesties became a repeatedly used instrument of penal consolidation and reintegration after 1918, the government was much more reluctant to wield that tool in the field of food supply laws.<sup>87</sup> The idea that people violated those laws in the name of a greater “patriotic” good, or at least were forced to do so by food shortage, competed with the idea that reprehensible profiteers should not escape just punishment. Furthermore, while political amnesties were granted once the political conflict had been resolved and when it was unnecessary to punish people for crimes they were unlikely to repeat, food shortages and profiteering continued well beyond 1918.

In fact, calls for harsh punishments for “them” and lenient amnesties for “us” were two sides of the same coin. In February 1919, the minister of finance for the National Democrats, Alois Rašín, unsuccessfully proposed an amnesty for all offenses of overpricing committed before 28 October 1918 in order to prevent “war profiteers who have bought goods at high prices and sold them at even higher prices from looking for a new profit now by seeking to get their money back from the person from whom they had bought the goods.”<sup>88</sup> The minister argued that amnestying these offenses up to 28 October 1918 would give the authorities more room to fight violations that happened during the republic.

Putting it more bluntly, a memorandum of the Commission for Transitional Economy, where retailers were represented, argued that “nobody respected food supply laws during the war and violation of those laws, especially the concealing of goods, which would have served the further conduct of the war, was considered a patriotic deed” and therefore all offenses against the imperial ordinance No. 131/1917 up to, “for example, 1 February 1919,” should be amnestied.<sup>89</sup>

By the same token, Minister of Agriculture Karel Prášek argued in Spring 1919 that there were political or even patriotic motives behind offenses against food supply laws among peasants and pleaded for an amnesty for them. Like Rašín, Prášek also feared that reviewing the past conflicts between peasants and consumers at courts of justice could “stir up a new fight between individuals and parties” and “flood courts with denunciations” that may be motivated by revenge, rather than justice. Therefore,

<sup>85</sup>Ibid.

<sup>86</sup>NA, f. PMR, k. 3269, Ministry of Justice to Ministry for People’s Supply (7 January 1919); see also “Document 247,” in *Boj o směr vývoje I*, 262–64.

<sup>87</sup>Jiří Šouša, jr., *Právní úprava amnestie v letech 1918–1953 v českých zemích* (Pelhřimov, 2019), 250–52; Václav Šmidrkal, “Fyzické násilí, státní autorita a trestní právo v českých zemích 1918–1923,” *Český časopis historický* 114, no. 1 (2016): 89–115.

<sup>88</sup>NA, f. PMR, k. 1587, Presidium of the Ministry of Finance to the Presidium of the Ministerial Council (14 February 1919).

<sup>89</sup>NA, f. PMR, k. 3629, Pamětní spis komise pro přechodné hospodářství o „protidrahovním“ hnutí; see also Šouša, *Právní úprava amnestie*, 145.

an amnesty could draw a “thick line” under the past, and protect not only producers but also public peace.<sup>90</sup>

A similar view was also presented by some experts. When judge Josef Zelinka, a specialist on profiteering crimes, expressed the opinion in the Czech legal journal *Právník* that profiteering crimes committed before 28 October 1918 should no longer be punished, he was opposed by the editors of the journal in a footnote. While Zelinka used the same argument that “war profiteering” prior to 28 October 1918 did not harm Czechoslovakia and successfully undermined former Austria, which was a prerequisite for the establishment of Czechoslovakia, and that it was against his legal sensibility for Czechoslovakia to punish such crimes against Austria, the editors of the journal countered that profiteering was not a political crime against the state but the economic crime of “pernicious hunger for money” and “inhuman exploitation of one’s neighbors” that should not be amnestied.<sup>91</sup>

Even if the Ministry of the Interior issued a decree in August 1919 that administrative punishments for lesser offenses in the field of war economy committed before 28 October 1918 should not be enforced any more by district captains, leniency and forgiveness were not the mood of the time.<sup>92</sup> The first innovation in the area of punishing profiteering was the people’s price courts (*lidové soudy cenové*) that were introduced by Act No. 299/1919 of 28 May 1919 in response to the increasing number of disputes about overcharging. Consumers who, out of necessity, had been willing to pay any price for food on the black market, both monetary and in kind, became gradually convinced that after the creation of Czechoslovakia and the end of the war, they were authorized to demand compensation from the producers or retailers for the losses they had incurred during the war. According to the explanatory report to the legal motion, it was a rather unintended consequence of the establishment of the new state and of the radicalized anti-profiteering discourse that let “the bitterness accumulated during the war in people’s hearts for all the suffering” translate into demands for reimbursement. Since the private collection of these excessive charges was marked by uncertainty over their amount and accompanied by denunciations, blackmailing, and even violence, it could lead to even more serious social disintegration. Therefore, the people’s price courts, which consisted of a professional judge and lay jurors representing different social groups, were to facilitate social peace between various groups in the food supply chain. They would decide as to “what is and was adequate and decent and what was not” and enforce the collection of refunds up to a value of 10,000 Czechoslovak crowns (CSK) for transactions concluded before 28 October 1918.<sup>93</sup> In order to bring peace rather than revenge, the law determined in § 13 that for lesser offenses punishable by up to seven days of prison or a fine up to 1,000 CSK a criminal amnesty was possible if the excess charge was refunded and if it was deemed that the defendant would not commit another crime of this sort.<sup>94</sup>

However, these courts were only arbitration courts for civil law disputes and their importance thus depended on claimants’ ability to bring private lawsuits. There are no detailed statistics or case histories of these courts, but they probably did not quite succeed in attaining equitable redress for victims of profiteering. An author in a journal of Czechoslovak judges lamented in November 1919 that it was not always poor workers who reclaimed excessive charges from rich producers and retailers, but, on the contrary, there were also cases where “wealthy yeoman, smallholders, peasants, and profiteers” asked for refunds from poor people, and they were able to make the judiciary instrumental in this new round of injustice.<sup>95</sup>

A more significant legislative initiative was the introduction of profiteering courts (*lichevní soudy*) by Acts No. 567/1919 and 568/1919 of 17 October 1919. As a direct response to the anti-profiteering

<sup>90</sup>NA, f. PMR, k. 3616, Osnovy zákona o lidových soudech pro trestání válečné lichvy a zákona na změny některých předpisů cí. s. nařízení z 24./3. 1917 čís. 131 ř. z. (27 May 1919).

<sup>91</sup>Josef Zelinka, “Několik kapitol z nového práva lichevního,” *Právník* 59, no. 2 (1920): 41–49, here 49–50.

<sup>92</sup>NA, f. MV-SR, k. 280, Ministry for People’s Supply to the Ministry of the Interior (27 August 1919); NA, f. PMR, k. 1587, Prominutí přestupků válečných nařízení hospodářských (26 April 1920).

<sup>93</sup>Společná česko-slovenská digitální parlamentní knihovna, Národní shromáždění československé 1918–1920, Tisk 636, Odůvodnění.

<sup>94</sup>Šouša, *Právní úprava amnestie*, 143.

<sup>95</sup>“Experimenty?,” *Československý soudce*, (1 November 1919).

demonstrations and riots of May 1919, their purpose was to take control of the anti-profiteering furor and move it from the streets to courtrooms and from partisan vigilante justice to judges serving the law.<sup>96</sup>

Compared to the previous imperial ordinance on the subject No. 131/1917, the new law made penalties more severe and comprehensive. For repeated overcharging, in particularly aggravating circumstances, a penalty of up to twenty years' imprisonment and a fine of up to two million CSK could be imposed. The law also allowed for the confiscation of property, the confiscation of objects of daily necessity, the prohibition of residence in a particular place in the case of Czechoslovak citizens, and the penalty of deportation for foreigners. The profiteering court even had the right to initiate the imposition of martial law for profiteering if it provoked massive riots and thus, under certain conditions, profiteers could be court-martialed, sentenced to death, and executed. Thus, profiteering could be punished by the most severe means that existed in Czechoslovak law.<sup>97</sup>

The punishments for profiteering were not only targeted at a person's freedom or wealth but also their reputation. The option of publicly "pillorying" the convict by publishing the verdict on the official notice board in their area of residence and in the local daily press was adopted by Czechoslovakia from the original Austrian ordinance.<sup>98</sup> Moreover, this penalty of public shaming was further extended by the punishment of forced labor in a penal labor brigade, as introduced by Act No. 129/1921 of 18 March 1921. As a both shameful and didactic punishment, profiteers who made money from dubious transactions were to perform hard and unpleasant labor in the public space. Other suggestions of this kind, such as beating with a broom, were not put into law.<sup>99</sup>

In the area of procedural law, the profiteering courts consisted of professional and lay judges. It was these laymen, selected from various socio-economic interest groups (traders and dealers, peasants, workers, employees) and with a quota of women, who were to use their specific everyday experience to decide about guilt and punishment.<sup>100</sup> The law covered offenses since 28 October 1918, so even though there was no formal amnesty, it was clear that crimes committed in the monarchical and republican eras would be treated differently. In addition, administrative offenses that up until then had been dealt with by political authorities were transferred to the profiteering courts, because there was a risk that district captains would be too lenient toward those who were also their partners in procuring supplies. Profiteering offenses were also removed from the jurisdiction of military courts. Nevertheless, the clear effort of legislators to create a uniform judicial environment for all defendants under the new law did not ensure that these courts had a uniform practice.

While some journalists welcomed profiteering courts as a much-needed innovation, legal professionals were less enthusiastic. In their view, the new laws were not new, but often merely reused older legal instruments from the war period. They were also "unfinished and incomplete," so that a comprehensive implementing regulation had to be adopted (No. 597/1919 Coll.) to fix their most serious shortcomings. Most importantly, instead of improving food rationing, they could even cause additional distortions in food production and supplies. The new laws did not bring clarity to the basic question of what price was adequate. In his thorough analysis of the new laws, Josef Zelinka concluded that they were not practicable "if the citizens and even the judges do not know for certain from the law what is right and where the latter are to intervene and the former are to fear punishment."<sup>101</sup>

The implementation of these laws was not only accompanied by high expectations but also by protests. Organized innkeepers in Prague went on strike and refused to cook in protest against "class food distribution," where worker cooperatives were said to be preferred by the state over middle-class

<sup>96</sup>Společná česko-slovenská digitální parlamentní knihovna, Národní shromáždění československé 1918–1920, Tisk 636, Odůvodnění; see also Ferdinand Peroutka, *Budování státu 1/2, 1918–1919* (Prague, 2003), 607–8.

<sup>97</sup>For an analysis of the death penalty including martial law in Czechoslovakia after 1918, see Václav Šmidrkal, "A Milestone or Mistake of Progress? The Death Penalty and State Consolidation in Austria and Czechoslovakia after 1918," *European History Quarterly* 52, no. 1 (2022): 21–42.

<sup>98</sup>Healy, *Vienna and the Fall*, 66–67.

<sup>99</sup>Sv. Průdek, "Trest dle volného uvážení (Dokončení)," *Soudcovské listy* 2 (1921), 25.

<sup>100</sup>Peter Collin, "Laien als Richter," in *Konfliktlösung im 19. und 20. Jahrhundert*, ed. Peter Collin (Berlin, 2021), 127–40.

<sup>101</sup>Josef Zelinka, "Několik kapitol z nového," 162–75, here 174.

restaurants. The new anti-profiteering laws could have worsened the situation of middle-class restaurants when procuring foodstuffs on the black market. Thus, the government admitted that the law would not be imposed on innkeepers and made a first concession even before the law had been applied.<sup>102</sup>

In practice, the option of imposing severe and wide-ranging penalties was generally not taken up. The lay judges brought “a sense of people’s justice” to the work of the courts, which was the exact opposite of angry crowds baying “death to the profiteer!” They had irregular attendance at court hearings and insufficient knowledge of the two aforementioned laws (No. 567/1919 and No. 568/1919) on which their judgments rested. Moreover, they often came to moderate judgments, sometimes even less than the minimum legal requirement, because they found the penalties prescribed by the law too harsh. Instead of disproportionately high sentences, judges were inclined to acquit the accused. Even the notorious Václav Netušil was finally sentenced to ten months in prison and a fine of 50,000 CSK after his lengthy trial was over.<sup>103</sup>

In the retrospective evaluation of the profiteering courts’ four years of activity in October 1923, the report of the Ministry of Justice proposed their abolition and stated that they had not fulfilled all the expectations. They did not become an instrument by which lay judges meted out harsh punishments to profiteers, on whom they could vent the anger and indignation at their criminality so evident in the daily press or public demonstrations. On the contrary, not only was nobody hanged, but the sentences passed were mild, often suspended or commuted by a presidential pardon, and the imposition of secondary punishments was moderate. For example, only around two dozen convicted offenders were sentenced to perform labor in full view of the public in penal labor brigades. The most striking aspect was the growing number of acquittals. In 1921, when food rationing was abolished, 77 percent of the 13,623 cases resulted in acquittals. In 1922, acquittals accounted for 90 percent of the 8,103 judgments, while, in the first half of 1923, 92 percent of defendants in the 3,707 cases were acquitted. Thus, the number of successfully prosecuted cases decreased, and the proportion of serious crimes and offenses also decreased in relation to common misdemeanors.<sup>104</sup> As food supplies improved and rationing regulations were abolished, the social danger of profiteering and the need to punish it declined.

## Conclusion

In early postwar Czechoslovakia, there was probably no crime as emotionally resonant as food profiteering. Competing ideas about victims and victimizers of food overpricing and shortages stayed at the heart of the state’s legitimacy and popular politics throughout the regime transition. Like other successor states, Czechoslovakia inherited from the Habsburg monarchy a disintegrated system of food rationing and a society in which both individuals and organized units continued to compete for advantage in food supplies. Laws regulating this area stayed broadly ineffective and lacked any ability to clearly distinguish between legal and criminal both before and after 1918. Moreover, the government’s stress on peaceful development as a prerequisite for gradual improvement toward a promising future meant everyday local compromises between written norms and actual practices of food supply. Therefore, Czechoslovakia could not stand as a new Leviathan judging food criminality just by written laws and regulations as their validity needed to be renegotiated against the backdrop of the new reality of Czechoslovakia as a democratic republic and a Czech nation-state.

From the start, the Czechoslovak government had neither a plan for transitional justice against food profiteering under the old regime nor a new strategy to fight it in the republic. It came as a surprise that the declaration of Czechoslovakia inspired various actors in the food supply chain to take vigilant action against their alleged victimizers and develop self-serving narratives justifying their own impunity and the criminalization of others. The sensitivity of food profiteering increased when the euphoria

<sup>102</sup>“Stávky,” *Národní listy* (evening edition) (10 November 1919), 1; “Experimenty?,” *Československý soudce* (1 November 1919); [Netušil], *Aféra Netušilova*, 83.

<sup>103</sup>SOA, f. KST, Vr XXXVII 15008/20, k. 1487, Supreme Court in Brno to the Profiteering Court at the Provincial Criminal Court in Prague (9 November 1920).

<sup>104</sup>Archiv Kanceláře prezidenta republiky, Prague, f. KPR, Protokol L, inv. no. 850, Odůvodnění (k vládnímu návrhu zákona) (26 October 1923).



and hopes surrounding the new state's establishment collided with the reality of continuous shortages and high prices of food. The end of the war and its subsequent political changes brought neither a steady improvement in the food supply situation nor thwarted business like Netušil's.

Despite their improvised and imperfect character, the newly established profiteering courts managed to institutionalize the conflicts caused by food overpricing and shortages. Here, the unpredictable and uncontrollable state building “from below” met with the insecure state “from above” to co-decide about profiteering. The laws establishing these courts reflected popular calls for “hanging” the profiteers when they equipped them with the harshest means of punishment possible to be applied for delicts committed in Czechoslovakia after 28 October 1918. Making lay judges co-responsible for the work of these courts enabled them to decide not only on the basis of law but also using the common sense of various social groups. As a result, the verdicts were relatively mild, not only in the case of notorious Netušil but more generally. This did not necessarily mean that they were more just, but they helped to burst some of the profiteering “bubble” and to disable some of the narratives on profiteering that threatened political stability no less than the economic difficulties themselves.

However central the issue of food profiteering—and in general of food shortages—initially was, its importance was only temporal, and it did not leave any long-lasting political legacy or national trauma as in neighboring Germany, Austria, or Hungary.<sup>105</sup> Its discursive framing as an act of Czech national resistance against Habsburg Austria was certainly a way of defending oneself against the imminent punishment of state authorities. In this regard, it was similar to Netušil's self-positioning as a Robin Hood of republican food supply between Bohemian Czechs and Germans. But together with the idea that food profiteering was not home-grown in Czechoslovakia but a temporary relic taken over from a Habsburg Austria demoralized by war, it enabled food profiteering—and the food shortages as such—to be interpreted as something that first accelerated the coming of the republic by undermining the monarchy, and second, that Czechoslovakia was able to overcome, even if it took longer than expected.

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<sup>105</sup>Ernst Langthaler, “Food and Nutrition (Austria-Hungary),” in *1914-1918-online. International Encyclopedia of the First World War*, eds. Ute Daniel, Peter Gatrell, Oliver Janz, Heather Jones, Jennifer Keene, Alan Kramer, and Bill Nasson, issued by Freie Universität Berlin, Berlin 2016-01-06, doi: 10.15463/ie1418.10796; Alice Weinreb, *Modern Hungers: Food and Power in Twentieth-Century Germany* (New York, 2020); Tara Zahra, *Against the World: Anti-Globalism and Mass Politics between the World Wars* (New York, 2023), 43–55; Kind-Kovács, *Budapest's Children*, 69–70.