German women face their problem, a pamphlet on an experiment in human freedom. [1951]

Gethmann, Hildegard
Washington: American Association of University Women, [1951]

https://digital.library.wisc.edu/1711.dl/LA7XYS7E5CRFA8R

A PAMPHLET ON
AN EXPERIMENT
IN HUMAN FREEDOM

German Women Face Their Problem

by

HILDEGARD GETHMANN

ARRANGED BY
PHOEBE MORRISON

AMERICAN ASSOCIATION OF UNIVERSITY WOMEN
WASHINGTON, D. C.

Table of Contents

25 cents

INTRODUCTION

Since 1945, when the drafters of the United Nations Charter used terms by which they consciously and explicitly brought women within the purview of the Charter, women have faced a new situation. Directly within the protection of the Charter, not only have they to earn and keep their position on the international scene but also they have a new pressure to exert in making demands upon their governments - the duty of Member States to live up to the obligations of the Charter. This is, however, only a change in procedure; the substantive issues remain the same - how far governments have permitted women to be fully participating members in the community and what women have in fact accomplished.

On the international level, the record of that accomplishment falls into two categories - what the United Nations has asked others to do and what it has done itself.

First, through its several agencies, the most important of which is the Commission on the Status of Women, the United Nations has kept before itself and its members the progress of its members in giving women the opportunities guaranteed them by the Charter. The work to secure greater participation for women is most easily traced in the field of political rights. According to a United Nations report of September 7, 1950, there are now 56 nations which give women the right to vote. It is significant that 21 of these 56 states took action in this field after 1945. It is difficult to determine whether the step was taken because of United Nations' action and the duty to meet Charter obligations, or whether it came as a part of the slow but steady tide in that direction. The United Nations report goes on to state that in three other

countries women can vote provided they meet special tests to which men are not subject, and in five others they can vote only in municipal elections. There are 16 states in which women still cannot vote.

The bare right to vote is not the sole index of the admission of women to full partnership, even in political life. Holding public office, particularly on the policy-making level, is the additional evidence necessary to show that either an international organization or a nation has indeed given women full partnership. This second phase of the United Nations' record is not as encouraging as the first. A report of the Secretary-General, released March 16, 1950, announced that of the 3,916 persons serving the United Nations on November 30, 1949, either at its Headquarters, in Geneva or in its several information centers, 1,737 were women. This proportion (about 44 percent) becomes less impressive when the distribution by sex is shown by grade - i.e, by grade according to regular full employment, not on an hourly or consultative basis. In the six top level categories there are 348 positions, of which women hold 11 or 3.1 percent. Not one of these eleven positions is in the top bracket. Eight are in the sixth. The next six categories account for 1,050 jobs of which women hold 257 or 22 percent. The greatest number of women are to be found in the fifth and sixth lowest grade, in which 371 and 464 women have been given employment. These are the secretarial, clerical, and non-professional categories. Here in these grades are found half of the women who work for United Nations.

The picture is little changed by looking at the number of women who work for the United Nations in other capacities. It is not basically changed by the Secretary-General's report of March 19, 1951.

This second half of the United Nations picture combines with the first to pose two questions for thinking women the world around: (1) is our international organization living up to the philosophy written into the Charter so far as concerns the admission of women to full partnership, and (2) is it possible for our international organization to live up to such a philosophy.

The picture and the issues do not change much, when attention is shifted to the states which have recently given women the right to participate in political life, or even to those which have for years admitted women to the rights and duties deriving from the franchise. The record is often fragmentary and always hard to evaluate, because it is difficult to collect evidence of what effect this step has had on the life of the country, what participation it has meant for women who wanted to share in their country's administration and were equipped to do so, and what proportion of women were found to be adequately trained.

There is, however, one country on which more information is currently available for a variety of reasons - Germany. The Nazi regime abrogated the political rights given German women under the Weimar constitution. Reconstituted Germany has rolled back this abrogation. The constitutions of the various states provide for equal rights for women, as do the constitutions which now exist both for Eastern and Western Germany. And yet, as of July 1950, in Western Germany women held only 51 out of 549 seats in state legislatures and only 31 seats out of the 401 seats in the Bonn Parliament. This situation has apparently been static because, writing in 1948, Megan Lloyd George reported that of the 1,886 seats in the legislatures of all the German states only 219 were held by women.

This result is all the more surprising statistically and legally, when one considers the predominant place which German women now hold in the German scene.

While the strategic importance of German women can be demonstrated by a mass of evidence, a few basic facts will perhaps suffice here. According to the 1946 census, women constitute 55 percent of the German population. For every 100 men between 20 and 40 years of age there are 170 women.

And then why are the results such as have been reported in the political picture, when the constitutional channels have been opened for women to exercise not only political, but even equal rights? Is the fundamental concept of woman's place in the community such that the constitutional provisions require careful and extensive implementation, not only in law but also in social practice, if they are to achieve their ultimate goal? Is family law, not the law on political privilege, a truer index of women's participation in community living?

An American version of the answer as concerns Germany has been given in the Journal by Sara Southall in the Spring 1950 issue. Wishing to know also the German side, the AAUW has sought the good office of the German Federation of University Women in securing an essay on the changes necessary in state statutes to bring them in line with the Bonn Constitution. Dr. Hildegard Gethmann of Dortmund, distinguished both as a lawyer and as a woman deeply concerned in public affairs, has prepared the following description of those changes at the request of the German Federation. In its formulation she has relied not only on her experience in women's organizations and in conferences such as that recently held at Bad Reichenhall, Germany, but also on the discussions of legal groups. As publication in the Journal would have required reduction in its length, the Committee on the Legal Status of Women decided to forego reaching the entire membership through the Journal. Instead, at its request, the Associate in International Relations has used material which she has been collecting for it, as well as Dr. Gethmann's essay in full text, to arrange this pamphlet. It

has every confidence that, her essay set on this wider stage, Dr. Gethmann's analysis will make a substantial contribution not only to the understanding of the German women's problems by American women but also to the more efficent solution of some American problems.

Washington, D.C.
March 1951

GERMAN WOMEN FACE THEIR PROBLEM

By Hildegard Gethmann

In Germany, as in other countries, the concept of the equality of the sexes has undergone a long evolution. For reasons of space, this development can be touched upon only briefly in this article.

German women received their first political rights under a Reich statue of 1908, which gave them the right to take part in political affairs and to be members of political organizations. Their next step came as a result of their expanded professional work during World War I and their increased participation in the political destiny of the German people. That was the 1918 grant of the franchise. The Weimar Constitution of 1919 provided in Article 109 that all Germans were equal before the law and that men and women had the same fundamental rights as citizens. It also provided in Article 119 that marriage was predicated upon the equality of the sexes. As a result of the stipulations of Article 128, paragraph 2 of the Weimar Constitution, all regulations discriminating against women in the civil service were abrogated.

According to one group of commentators, Articles 109 and 128 expressed the prevailing law, which could be changed only by a law amending the constitution. Over against this opinion stood the general belief that the other provisions on the equality of women had only a prospective character. They should, it was thought, be considered only as directives to future legislators.

By 1933 the equality of women had been achieved in the fields of civil service and in political life; but the realm of family law and all its related sectors of law, equality remained for women only a

reform demand pressed by several progressive groups. Family law as found in the German Civil Code has retained the same basic principles right up to the present time. In this connection it must be remembered that the German Civil Code is purely patriarchal in its premises and that, introduced in 1900, it is now hopelessly obsolete.

The National Socialist State put an abrupt end to the demands for reform of the Civil Code as well as to the ever-increasing part played by women in public life. Thus, for example, the civil service law of 1937 in Article 63 re-introduced the so-called marriage clause for women in civil service. This article provided that a married woman in civil service was to be dismissed, if her economic maintenance seemed assured according to the level of family income. In terms of National Socialist law this meant:

> The provision is aimed at relieving the labor market, diminishing double employment, and returning the woman to her true calling as wife and mother.

The new German state is also not favorably inclined to the employment of women in policy-making positions in the civil service. It considers it preferable to let only men function in such posts on the theory that because of her temperament a woman is less suited to hold posts which represent official authority and involve appearance before the public.

After 1945, the old demand for the equality of the sexes in all Reich statutory provisions and especially in family law, was again energetically taken up. In the first place, the constitutions of several Laender answered the challenge decisively with suitable definitions. The conclusive step was taken, however, in the constitutions of the Federal Republic of Germany (Western Germany) and of the

German Democratic Republic (Eastern Germany). Both constitutions recognize the equality of men and women as a valid rule of law, but they differ basically in their instructions concerning the relation of these constitutional provisions to the prevailing legal norms.

According to the constitution for Eastern Germany, all statutes and regualtions which are opposed to equal status in law are abrogated immediately. Until there is conclusive statutory regulation elsewhere, it is the task of the courts, in the various cases submitted to them, to give the decision which the principle of the equality of the sexes as a legal rule has as its basis. As to regulations concerning marriage in general (as set out in sections 1353-62 of the Civil Code), these are regarded as a "thesis for discussion by the legal committee of the German People's Council." The new regulations suggested thereby should serve the judges in the interim as the most important points.

The rulings in Western Germany are radically different. In Article 3, paragraph 2 of the Bonn Constitution it was stipulated that men and women have equal rights. The provisions in conflict with the constitution were not abrogated at once as was done in Eastern Germany. Article 117 provides:

> Law which conflicts with Article 3, paragraph (2) shall remain in force until it is adjusted to this provision of the Basic Law but not beyond 31 March 1953.

This interim regulation is designed to prevent legal uncertainty and confusion as a result of the immediate abrogation of all provisions conflicting with Article 3, paragraph 2. As a result of this stipulation, lively debate has arisen all over Western Germany as to how, and in what form, the statutes which are not in harmony with Article 3,

paragraph 2 should be amended. On every side, the organizations of men and women, - some divided according to sex and some not, - have gathered to discuss the problems and to press practical suggestions upon the ligislator.

The literature dealing with the problem cannot be ignored. Thus, it is demonstrated that the countless essays and brochures which have been published by men are averse to the thought of equalization. The two Christian churches view the proposition of equalization partly with scepticism and partly with rejection. With biblical references and quotations from the Epistles of St. Paul, their representatives seek to keep the existing family law in force. The order of the day is seen in the argument that it is necessary to realize that equality alone does not decide justice. The argument is also raised only a shallow materialism could produce the theory that men and women have equal rights from the fact that they are equal in the sight of God. Another argument is that the physical, psychological and functional differences between men and women necessitate their difference under statutes.

On the other hand, many groups of progressive men as well as the innumerable women's organizations again argue that the fact of physical, psychological and functional difference was known to the drafters of the Bonn Constitutions. If, in spite of this knowledge, they postulated the equality of the sexes as prevailing law, there can be no reason to question the proposition. Much more, they point out, is it the task of Parliament to implement the rule of equality in all statutes and regualtions. In spite of the resistance in conservative circles, it looks very much as if the last interpretation would be executed in the broad sense.

It would exceed the boundaries of this essay to enumerate all the statutes and regualtions which must be changed under the rule of Article 3 paragraph 2. It will suffice to enumerate the most

important. At the same time there should be a listing of the demands for reform which have been presented by the various women's organizations and by the important legal organization, Deutsche Juristentag.

In the field of civil service, Article 63 which has been previously cited and according to which a married woman must be dismissed if her economic security seems assured must be abrogated. In consideration of the need for employment for the refugees from the east and the best interests of the rising generation of men and women, retirement from the civil service should be granted on their motion, eventually on a corresponding arrangement, provided they relinquish the right to demand pensions.

Further, the regulation must be abolished that married civil servants draw half the residence subsidy. The same right to maintenance must be granted to the survivors of male and female civil servants. Up to the present time the widower of a woman in civil service has no right to demand a survivor's pension, although in present-day Germany women in civil service must support their husbands who were disabled in war service.

Highly important changes are also required in the statute on nationality. This law, which was originally enacted in 1913, is completely outmoded, when considered in relation to the laws on nationality prevailing in other countries, particularly in the United States, France and England.

According to German law, the foreign women acquires German nationality by marriage with a German man and the German woman who marries an alien or a stateless person loses her German citizenship. The motivation for this rule is "one family, one nationality."

German law works out this basic rule of family union in a most uncompromising form. The rule of the independence of the woman remains completely ignored. Likewise unsettled is the question whether in a given case the interests of the man or of the child are served thereby.

Agreeing with many of the women's organizations, the Deutsche Juristentag has consequently proposed that German nationality is neither gained nor lost through marriage but that, if a man or a woman marries an alien, he or she may renounce German nationality. It is further suggested that aliens who marry German nationals (either men or women) may become citizens on their own motion, provided that there is no valid reason in substance opposing this action. Finally the proposal is advanced that, for purposes of the acquisition or loss of German nationality by the child, the nationality of the mother is as important as that of the father.

German tax law also requires correction. We have in Western Germany the system of taxation by household. This means the combination of the property and income of the man and woman and their children for the purpose of reckoning income and property taxes. This regulation is motivated by the thought that the income and property of the woman are merged with that of the man on her marriage. Accordingly, by reason of these progressive regulations, the tax law concerning total incomes become important. The only possible reform proposal is that regulations based on common taxation be abolished.

In the realm of family law, there are three great sections to be distinguished: (a) regulations concerning marriage in general; (b) the law on the property of the husband and wife; (c) the relations of parents and children during and after marriage.

The sections on the regulations on marriage in general are covered in the Civil Code in sections 1353-62. For purposes of this essay discussion will be confined to those regulations which have been most debated.

According to section 1354, the decision in all questions concerning married life lies with the man. He determines domicile and the residence of the family. Only if his proposals appear as an abuse of his rights does the wife owe him no obedience. Many conservative circles believe that these two provisions suffice fully for the protection of the wife, because at any time the remedy on abuse is available to her. This is, however, not really the case. Through this provision the wife is saddled with the burden of proof that the man has abused his rights. She appears at the outset as the disturbing factor, if she goes to court on this count. In our opinion this whole rule must be abrogated, as has been done, for example, in the northern countries (Sweden, Norway and Denmark). It refers to a concept of marriage in which the man and the woman become one. When such an unification does not in fact exist, the marriage is so disrupted that no official intervention can save it. In this connection it might be desirable more and more to form unofficial advisory councils, to which either spouse may have recourse, as a means of maintaining peace in marriage.

The law on the use of name is also being vigorous debated. The rule now in force provides that the woman takes the man's family name.

If one wishes to follow through here with the concept of equality expressed in the Constitution, henceforward the spouses must, when contracting marriage, have to elect whether they take the man's or the woman's name as the family name. In the absence of such an election, the children always take the family name. Difficulty has arisen under this old rule in connection with the many women's names which have become well known or famous, or

in part in connection with ugly or alien names, or finally in connection with the many peasant-type marriages in which the man married into the woman's family. But, strange to say, the reforms demands of the various women's organizations, which have been made in this connection, evoke the bitterest resistance in the great masses of our people. The reform suggested by the 38th session of the Deutsche Juristentag in 1950 is accordingly that the family name remain basically the man's, but that the woman should be entitled to retain her former name in connection with the man's. It is suggested that the procedure for changing names should also be made easier.

Consistency requires that the so-called right to give notice which the husband now enjoys must cease. According to this rule, the husband has the right to give notice of termination of service, which takes effect at once, when his wife is employed outside the home, provided that the probate court consents. This court must always decree consent if the wife's employment impairs the family interests. In this case, the simple statement by the husband usually suffices as proof.

According to prevailing law, the wife is bound and required to manage the common household affairs. Her right of management is, however, diminished by the power of decision, previously mentioned, which is held by the husband (section 1354 of the Civil Code). Over and above that, the wife is bound to work for nothing in her husband's business, insofar as such activity is customary in the circumstances in which the couple live. This last regulation is particularly injurious to the wife, as she does not participate in the income or savings which such a business bring. For example, in case of divorce after twenty or more years of work in the husband's business, she does not have the slightest claim to the profits which the business earned during that period. On the other hand, the man who

works in his wife's business has, according to settled legal opinion in the higher courts, a claim to payment according to the tariff.

The rules on demand for support are related to this issue. According to existing law, a husband is bound, in the first instance, to furnish the wife with support in proportion to his income and property, while the wife's duty to support arises only if the husband is not in a position to support her. Many proposals have been advanced for the reform of these propositions. The 38th session of the Deutsche Juristentag has joined forces to a large extent with the women's organizations and has commended the following propositions to the legislators:

> Each spouse bears the burden of family support in accordance with his property, his income and his capacity to work. Activity in household affairs is to be valued equally as another form of contribution to family support.

Another proposition that care for the general household affairs basically belongs to the wife has been rejected among women, because it relegates the wife too sharply to the family and the hearth.

The right of the wife to work outside her home does not need to be taken over into family law, because it arises from Article 12 of the Bonn Constitution, which provides for freedom of choice of "occupation, place of work and place of training."

In the case in which one spouse works in the business of the other, it has been proposed that the duty to work should be determined by the social standards and customs of the group in which the couple live. In such cases, the spouse who contributes work should share in the profits, insofar as justice requires it.

Finally, in the subdivisions of this section, the regulations on the wife's so-called right of the key must be changed. According to established regulations, her sole right derives from the fact that, in the course of her domestic activities, she may do business for her husband and may bind him in contract. On the other hand, this rule led to fraud on creditors. If, for example, the husband is judgement proof and the wife has income and property, she is not responsible for the coal bill, even if she ordered the coal and used it.

If the woman demands equal rights, she must also take equal duties upon herself. The revisions which the Deutsche Juristentag has put forward suggest this point:

> The spouses are responsible as joint debtors for the contracts which the husband or wife make to satisfy current family needs. Should the privilege of representing the other spouse be abused, it can be revoked on motion to the probate court.

Extensive proposals for reform have been presented for the difficult reorganization for the rules on property held during marriage, - that is, on the relation of the spouses in the matter of property. Up to this point, most married people have been under the statutory regime for property, which gives its management and enjoyment to the husband. That is, the property which the wife brought to the marriage, including her marriage portion, but excluding her clothing and jewels, is subject to her husband's control. He receives the income from property and can use it as he likes, insofar as it is not required for the family's support. Thus, the married woman stands in effect under the guardianship of her husband. She cannot, for example, independently sell or give away one single piece of her marriage portion; without her husband's consent she

cannot open a bank account, buy a business, etc. This rule goes so far that the husband can squander with another woman the income from property which his wife brought to the marriage, while the wife's parents and sisters, refugees from the east, go hungry.

Among the statutory regulations on property, there are provisions for the making of contracts to regulate such situations. But these have no practical effect, because, so long as the marriage goes well, the wife does not think of entering into such a contract and, when the marriage has been destroyed, the husband is no longer bound to give heed to the wife's wish for such a contract.

The section on the division of property which is found in one sector of the reform proposals is viewed as the best future statutory regime for property, - that is, the rule that during the marriage each spouse manages property independently and decides upon its use. This rule is, however, not just to the wife who is not gainfully employed but who is only a wife and mother. If purchases and savings are made during the marriage, the housewife and mother is generally responsible for thrifty management and self-denying economies. In the thinking of our people, particularly that of the masses of workers and white-collar people, the concept is held that all that is bought or saved during the marriage belongs to the spouses jointly and that, when the marriage is terminated by death or divorce, there must be a division of such property. The form of such a division is an extremely difficult question for statutory drafting. Many people argue for joint ownership during marriage; but more people, considering the difficulties of joint administration, want separate ownership during the period of marriage and division of the residue remaining on hand at the termination of the marriage. This proposal is also not simple in execution. Consideration must in

justice be given to the issue whether one spouse has dissipated his share through prodigality and carelessness while the other has increased his portion.

An opportunity to regulate property relations by contract should also be given in the statutory provisions on property. However, the regulations governing this procedure must be changed since they are not fully up to standard.

It is especially peculiar that the Civil Code which stresses the importance of the wife and mother for the family gives the wife and mother only very restricted rights in her own special field of action. The so-called administration of the parents is in fact only paternal administration. The mother is subordinate to the father in matters pertaining to the care of the child's physical needs. She is the child's legal representative only if the father is not available or dead. A like rule applies to the administration of the child's property. If the mother remarries after the death of the father, the child acquires a guardian. The legislator in 1900 was openly afraid that, under the influence of "an evil stepfather," the mother would neglect or hurt the child. On the other hand, if the father remarries, he retains full parental rights.

In the days to come, the legislator must build out of this paternalistic system a true parental system, which has equal rights for the father and the mother. Full parental authority must go to the surviving parent in case of the death of one parent. After a divorce, the care of the person of the child, his legal representation and the administration of his property must be given to one person. The prevailing rule now is that the legal representation and administration of the child's property remains with the father in case of divorce, even if custody is awarded to the mother. This rule is indefensible.

In the course of this reform, the statutes on religious education for the child must be changed. It is not right that in such issues the father should have the decisive voice.

In addition to the changes mentioned in the foregoing pages, there are many statutes and regulations which require redrafting.

We hope that, before March 31, 1953, we shall be successful in executing all these reforms on the principle of a true equality between men and women - to the benefit of the family and the German people.

PROJECT FOR AN AAUW BRANCH

After reading Dr. Gethmann's report on the problems confronting German women, you will wonder how their situation differs from your own and you will want to know more about the whole problem on a comparative basis. A brief bibliography of general American material is to be found in Annex 1. Books on this subject field are not always easy to read and are seldom cheap. If you get into blind alleys on this score, see if your state library cannot help you through inter-library loans and similar devices.

Reading alone naturally will not satisfy you. You will want to set up a practical experiment in comparison. These are some of the points you may wish to explore:

1. What provisions in your state constitution are of special interest to women, and how do they compare with the UN Charter, the Declaration of Human Rights and the Bonn Constitution;

2. How do your state laws stand on the points raised by Dr. Gethmann, and do they meet the challenge she makes;

3. How many women have been elected to your state legislature (See Annex 3 and Annex 4, table 1);

4. What is the practice of your state in appointing women to positions in the state administration (See Annex 4, table 2);

5. What is the record of your city in having women on the city council (See Annex 4, table 3);

6. What is the practice of your institutions of higher education in having women on their faculties (See Annex 4, table 4);

7. What is the practice of your institutions of higher education in the admission of women students (See Annex 4, table 5);

8. How do your findings under (2) relate to your findings under (3),(4),(5),(6) and (7) and how do you expalin them.

Point two is the point on which you may want some technical help. Even so, before you seek it, try reading some of your state statutes in your court house library, the county bar library, and so on. Then turn to the legislator, the lawyer, the social worker for aid. They will be in a position to contribute to your American information. A panel discussion with representatives of these groups might start off a good meeting of the town hall variety, especially if there are some competent and keen questions from the floor.

In reviewing the provisions of the Bonn Constitution, some sections of which are reproduced in Annex 2, you may want to give consideration to the attitudes of the occupation authorities, not only to the admission of women to full partnership in community life, but also to the very process of constitution making. If you have the opportunity, compare your findings as to the German constitution with the work in other countries, such as France and Italy.

When you have gathered all your evidence and made your comparison, you will have the material for a good feature story in your newspaper - or a good radio report. Your Publicity Chairman will help you use it to best advantage.

In any circumstance, be sure to file your copy of your findings with the Associate on the Status of Women at Headquarters. Just think if all 48 states, the District of Columbia, Alaska, Hawaii, and Puerto Rico could be covered, even on a single point, like women in elective and appointive offices, what a cross section of American living we'd have - and what a survey!

BIBLIOGRAPHY

This bibliography is not supposed to be all-inclusive. It is designed merely to suggest some sources which will lead into broader field, and to indicate some non-American discussions of the problem.

The entire issue of some periodicals has been devoted to discussion of the problems of Germany. See, for example, the Annals of the American Academy of Political and Social Science, vol. 267 (1950); the Proceedings of the American Academy of Political and Social Science, January 1946; the Journal of International Affairs, (Columbia University) winter 1948 issue. In such instances the articles contained in these issues are not listed below.

If any of the material cited below is not available in your library, ask your librarian to help you through an inter-library loan. Your state library may be of great help in collecting material on this topic.

An attempt has been made to supply both popular and semi-popular sources.

I. GENERAL

Books and Pamphlets

A Guide to Education and Cultural Relations (Office of the High Commissioner for Germany, Office of Public Affairs, Education and Cultural Relations Division. New York, APO 757-A, U.S.Army. 1950).

Educational and Cultural Activities in Germany Today: 1950 Edition (Office of the High Commissioner for Germany, Office of Public Affairs, Education and Cultural Relations Division, July 1950. New York, APO 757-A, U.S.Army. 93 p.).

*Responsibility of Voluntary Agencies in Occupied Areas (A Report of the Second National Conference held in Washington, D.C., November 30 - December 1, 1950 (Edited by Harold E. Snyder and George E. Beauchamp. American Council on Education. 1951. 125 p.).

Almond, G. The Sruggle for Democracy in Germany (Chapel Hill, the University of North Carolina Press, 1949. 345 p.).

*Carey, Jane Perry C. German Politics and the East-West Deadlock (Foreign Policy Association Report, April 1, 1949).

*Carey, Jane Perry C. Germany Today: Security vs. Recovery (Foreign Policy Association Report, March 1, 1949).

Cowan, L.G. France and the Saar (New York, Columbia University Press, 1950. 247 p.).

Friedmann, W. Allied Military Government in Germany (London, Sweet and Maxwell, Ltd., 1947. 362 p.). The best brief text on military government which gives material on all zones, including the Soviet. A basic text.

Friedrick, Carl J. American Experience in Military Government in World War II (New York, Rhinehart and Co., 1948. 346 p.).

Hadsel, W. The Ruhr: Object of Allied Rivalries (Foreign Policy Association Report, September 15, 1946).

Holborn, H. American Military Government: its Organization and Policies (Washington, D.C.: Infantry Journal Press, 1947. 244 p.).

*Inexpensive, popular

Lens, S. Social Democracy and Labor in Germany (Foreign Policy Association Report, November 15,1950).

Liddell, Helen and others. Education in Occupied Germany (New York, Council on Foreign Relations, 1948). One of a series of reports based on conferences held in the Netherlands in October 1947 and April 1948. Excellent for giving the European approach on this topic. Some sections in French.

Neumann, F. German Democracy 1950 (International Conciliation #461, May 1950).

*Neumann, S. Germany: Promise and Perils (Foreign Policy Association, Headline Series #82, July 1950.

Pollack, J.K. and Mason, E.S. American Policy toward Germany (Foreign Policy Association Reports, November 1, 1947).

Price, Hoyt and Schorske, C. The Problem of Germany (New York, Council on Foreign Relations, 1947. 161 p.).

*Prittie, Terence Western Germany on Trial Canadian Institute of International Affairs, Behind the Headlines Series, June 1950).

Periodicals

Bidault, G. "Agreement on Germany," in Foreign Affairs, July 1946.

Coverly, H.M. "Danger on the Right in Germany," in Current History, March, 1950.

*Inexpensive, popular

Dickinson, R. G. "Germany's Frontiers," in World Affairs (London) July 1947.

Dziewanowski, M.K. "France and the Problem of Security," in Current History, September 1948.

Friters, G.M. "The International Authority of the Ruhr," in World Affairs (London), October 1948.

Harkort, G. "Some Data on the German Standards of Living," in World Affairs (London), July 1949.

Helmreich, Ernst C. "Religious Education in Germany," in Current History, September and October, 1950.

Hirsch, Felix E. "Germany: Road to Recovery," in Current History, February, 1951.

Knapton, E. J. "France and Germany," in Current History, November 1948.

Liddell, Helen "Education in Occupied Germany," in International Affairs (London), January 1948.

Mason, E. S. "Has Our Policy in Germany Failed?" in Foreign Affairs, July 1946.

Nettle, Peter "German Reparations in the Soviet Empire," in Foreign Affairs, January 1951.

Rosenstein-Rodan "How Much Can Germany Pay," in International Affairs (London), October 1945.

Whyte. "Quadripartite Rule in Berlin," in International Affairs (London), January 1947.

Zaumser, O. "Losing the War in Germany: the Educational Front," in the Atlantic Monthly, December 1949.

II. THE NEW CONSTITUTIONS

Brecht, A. "The New German Constitution," in Social Research, December 1949.

Fleming, W. "German Postwar Constitutions," in Current History, May 1948.

Friedrich, C.J. "Rebuilding the German Constitution," in Political Science Review, June and August 1941.

Hermans, F.A. "The Bonn Republic," in Current History, August 1949.

Hirsch, Felix E. "From Weimar to Bonn," in Current History, November 1948.

Lewis, Harold O. New Constitution in Occupied Germany (Washington, D.C., Foundation for Foreign Affairs 1948). Basic pamphlet for understanding the constitutional reforms, which contains materials on all zones, including the Soviet.

Neumann, F. "The New Constitution in Germany," in American Political Science Review, June 1948.

III. WOMEN IN GERMANY

Frauen Gestern und Heute (Berlin,Unser Verlag,1946).

"Women's Responsibilities," in Information Bulletin (Office of the High Commissioner for Germany), November 1950. Report on the Bad Reichenhall conference on women.

Baumer, Gertrude Der neue Weg der deutschen Frau (Stuttgart, Deutsche Verlagsanstalt,1946).

Cannon, Mary M. "Women's Conference in Germany," in Bulletin of Department of State, December 25, 1950. Official report by the American representative at the Bad Reichenhall Conference.

Fackt, Elizabeth L. "A New Turn in Woman Participation," in The International Altrusan, March 1951. Another report on Bad Reichenhall Conference.

Kirkpatrick, C. Nazi Germany: its Women and Family Life (New York, Bobbs Merrill & Co., 1938. 353 p.).

Puckett, Hugh W. German Women Go Forward (New York, Columbia University Press, 1930. 329 p.).

Thomas, Katherine Women in Nazi Germany (London, V. Gollancz, 1943. 103 p.).

PROVISIONS OF INTEREST TO WOMEN IN THE BONN CONSTITUTION

Note: the article here quoted are suggested as the provisions of paramount importance to women. The entire text of the Bonn Constitution will repay study.

The text here quoted is that given in Department of State Publication #3526 (European and British Commonwealth Ser. #8. Government Printing Office, Washington 25,D.C. 1949. Price 15 cents).

Art. 2. (1) Everyone shall have the right to the free development of his personality, insofar as he does not infringe the rights of others or offend against the constitutional order or the moral code.

(2) Everyone shall have the right to life and physical inviolability. The freedom of the individual shall be inviolable. These rights may be interfered with only on the basis of a law.

Art. 3. (1) All men are equal before the law.

(2) Men and women shall have equal rights.

(3) No one may be prejudiced or privileged because of his sex, descent, race, language, homeland and origin, faith, or his religious and political opinions.

Art. 6. (1) Marriage and family shall be under the special protection of the state.

(2) The care and upbringing of children shall be the natural right of parents and the supreme incumbent upon them. The state shall watch over their activity.

(3) Children may be separated from the family against the will of those entitled to bring them up only on a legal basis if those so entitled fail to do their duty or if, on other grounds, a danger of the children being neglected arises.

(4) Every mother shall have a claim to the protection and care of the community.

(5) Illegitimate children shall, through legislation, be given the same conditions for their physical and spiritual development and their position in society as legitimate children.

Art. 7. (1) The entire educational system shall be under the supervision of the state.

(2) Those entitled to bring up a child shall have the right to decide whether it shall receive religious instruction.

(3) Religious instruction shall form part of the curriculum in the state schools with the exception of the non-confessional schools. Religious instruction shall, without prejudice to the state's right of supervision, be given according to the principles of the religious societies. No teacher may be obliged against his will to give religious instruction.

(4) The right to establish private schools shall be guranteed. Private schools as substitute for state schools shall require the sanction of the state and shall be subject to Land legislation. The sanction must be given if the private shools, in their educational aims and facilities, as well

as in the scholarly training of their teaching personnel, are not inferior to the state schools and if a separation of the pupils according to the means of the parents is not encouraged. The sanction must be withheld if the economic and legal status of the teaching personnel is not sufficiently assured.

(5) A private elementary school shall be permitted only if the educational administration recognizes a specific pedagogic interest or, at the request of those entitled to bring up children, if it is to be established as a general community school (Gemeinschaftsschule), as a confessional or ideological school, or if a state elementary school of this type does not exist in the Gemeinde.

(6) Preparatory schools shall remain abolished.

Art. 12. (1) All Germans shall have the right to choose their occupation, place of work and place of training. The practice of an occupation may be regulated by legislation.

(2) No one may be compelled to perform a particular kind of work except within the framework of an established general compulsory public service equally applicable to everybody.

(3) Forced labor shall be admissible only in the event of imprisonment ordered by a court.

Art. 16. (1) No one may be deprived of his German citizenship. The loss of citizenship may occur only on the basis of a law and, against the will of the person concerned, only if the person concerned is not rendered stateless thereby.

(2) No German may be extradited to a foreign country. The politically persecuted shall enjoy the right of asylum.

WOMEN IN THE 1949 BONN PARLIAMENT*
POLITICAL AFFILIATION

	C	CDU	CSU	DP	FDP	KPD	SPD	
Baden		1						
Bavaria			1		1		2	
Bremen								
Hamburg		1					1	
Hesse		1						
Lower Saxony		1		1			2	
North Rhine-Westphalia	2	5				1	2	
Rhine-Pfalz		1						
Schleswig-Holstein							1	
Württemberg-Baden					1		2	
Württemberg-Hohenzollern		1						
Total	2	11	1	1	2	1	10	= 28

*The material in this table was supplied by the Women's Affairs Section of Military Government in Germany

C - Center Party; CDU - Christian Democratic Union, which is for practical purposes the heir of the Catholic Center Party as it existed before 1933; CSU - Christian Social Union, which is a Bavarian Party and before 1933 cooperated with the Conservative Center Party; DP - the right-wing German Party; FDP - Free Democratic Party, which tends to be conservative; KPD - the Communist Party; SPD - Social Democratic Party, banned in the soviet Zone and the largest party in western Germany, which adheres in general to its pre-1933 position on socialism. Table restricted to representation from Laender.

BAVARIA - A BASIS FOR COMPARISON*

Table 1 - Women in the State Legislature

Senate - 2 women out of 60 members
House - 2 women out of 180 members

Table 2 - Women in the State Administration

Note: figures refer only to women in high posts

Department	Women	Total
Education and Religious Affairs	5	89
Economics	9	44
Finance	3	150
Food, Agriculture, Forests	13	282
Interior	2	82
Justice	7	140
Transportation	0	26
Special Tasks	5	102

Table 3 - Women in Municipal Administration

The Munich City Council in 1949 had 10 women among its 51 members. Of these 2 were Communists and 5 were Social Democrats

*Material for this Annex was supplied by the Women's Affairs Section of Military Government in Germany

Table 4 - Women on University Faculties

A. Specialized Institutions

	Women	Total
Philosophical Theological		
Passan.....	1	24
Regensburg.....	2	58
Bamberg.....	2	70
Dillingen.....	1	17
Technical Hochschule - Agriculture faculty, Freising.....	1	50
Hochschule for economic and social welfare at Nürenberg.....	3	44

B. The Universities

	Theology	Law	Pol.Sc.	Med.
Munich	0-25	0-23	1-50	
Würzburg	0-17	0-22		

	Veterinary Sc.	Philos.	Nat.Sc.
Munich	0-15	9-154	2-83
Würzburg		4-48	0-26

C. Women on University Faculties in Western Germany

	Total	% Women
Bonn	359	2.2
Erlangen	174	3.4
Hamburg	315	3.5
Kiel	220	2.2
Cologne	216	3.2
Marburg	195	3.6
Heidelberg	271	4.7
Munich	463	3.2
Münster	243	1.1
Würzburg	149	2.6

Table 5 - Women Studying in Hochschule

Semester	Total	Men	Women
Winter 1932-33	19,612	17,020	2,592
Winter 1945-46	14,897	12,006	2,891
Summer 1946	18,293	14,494	3,799
Winter 1946-47	24,646	19,649	4,997
Summer 1947	26,648	21,394	5,254
Winter 1947-48	28;351	23,117	5,234

Table 6 - Women Studying in German Universities

	Total	% Women
Bonn.....	5,617	21.22
Frankfurt.....	3,901	20.35
Göttingen.....	4,749	17.52
Hamburg.....	4,897	25.44
Heidelberg.....	4,026	26.28
Kiel.....	3,199	17.10
Cologne.....	3,745	20.96
Margburg.....	2,659	21.36
Munich.....	9,973	14.99
Münster.....	4,178	22.26
Würzburg.....	3,680	16.01
Technical Universities		
Aachen.....	1,336	4.16
Braunschweig.....	1,473	11.07
Darmstadt	2,368	27.87
Hannover.....	1,378	25.40
Karlsruhe.....	3,817	7.83
Munich.....	4,451	----
Stuttgart.....	3,812	5.46

Many of the women are self-supporting. For example, in the 1948 summer session at Munich, of the 1,858 women students in the university 860 were self-supporting. Of these, 94 were married and had a total of 59 children. In the technical university, of the 180 women students 90 were self-supporting. Of these six were married.