



Volume 8. Occupation and the Emergence of Two States, 1945-1961

Elisabeth Meyer-Spreckels, "Marriage and Family in the Constitution: Report to the Bavarian Constitutional Assembly" (August 14, 1946)

The constitutional debates of the postwar period revolved around the question of whether traditional Christian notions of marriage and family, which had shaped legal conditions in Germany up to that point, could be reconciled with the changes in gender relations. The debates also grappled with the consequences of the markedly greater autonomy that women enjoyed during the war and in the postwar period. In Bavaria, Elisabeth Meyer-Spreckels of the CSU welcomed the constitutional protection of marriage and family. Meyer-Spreckels also supported the adoption of an article that would enshrine the equality of men and women in marriage and thus do away with the inequality of women.

---

Ladies and gentlemen! The section "Marriage and Family" is very brief, containing only four short articles. And yet I consider it the most important article in the constitution, since it deals with the personal life of people and, to put it quite plainly, the preservation of the fabric of the nation. Without defining the essence of marriage and family, the constitution places marriage and family in the realm of the sacred.

[ . . . ]

We must erect a dam against the ongoing deterioration of marriage, against the terrifying sexual permissiveness, against sexual materialism, which almost borders on the realm of the punishable, a dam of purification and restoration, also against the double moral standards of yesterday and the mutual immorality of today.

Marriage naturally produces children. The constitution describes them as the delightful good of the nation. I would have preferred the word "precious" or "valuable": woman's innermost nature rejects any notion of breeding within marriage, rejects any form of biological and demographic materialism. That represents a denigration of woman in her most sacred and essential function. Likewise, the awarding of the Mother's Cross – it was a trivial thing, to be sure, I got one too – was blasphemy, especially from the perspective of the Third Reich.

(Very good! from the CSU)

We affirm motherhood as a grace, not for the sake of human reward, and it carries with it a natural and divine-moral sense of obligation that is connected with the nature of woman. I would like to go so far as to say that if we wish to regain our place as a nation among nations, then

that depends on two things: on the purity of our marriages, and on us as parents fulfilling our natural rights and our highest duty in the raising of our children.

[ . . . ]

I welcome the fact that precisely here, precisely in regard to this question, an article of the constitution presents marriage as the foundation of human society and expressly fuses marriage and family into a single entity. That we have placed special limits on the right of the state to interfere in the family – pedagogically or otherwise – is obvious, since we remember the unbelievable excesses of the Third Reich, which almost brought about the dissolution of the family.

[ . . . ]

Entirely new is the formulation of Paragraph 2 of Article 91: “Within marriage, husband and wife have the same civic rights and obligations as a matter of principle.”

[ . . . ]

I made a motion for the adoption of this addition for the following reason: in the aftermath of the war, the woman has been given substantially greater responsibilities within the family. In countless cases, she now has to fulfill the function of the war-wounded or otherwise emotionally and physically damaged husband, or at least lend very strong support. Not only the material, but also the emotional maintenance of the family has been placed largely in her hands, and she often bears the responsibility of raising the children on her own. However, this expanded portfolio of duties, accepted as a matter of course, in no way accords with the civic-legal status women.

[ . . . ]

Source: Elisabeth Meyer-Spreckels, “Ehe und Familie in der Verfassung: Bericht vor dem bayerischen Verfassungsausschuss” [“Marriage and Family in the Constitution: Report to the Bavarian Constitutional Assembly”], in *Frankfurter Hefte*, January 1947, p. 93; reprinted in Frank R. Pfetsch, ed., *Verfassungsreden und Verfassungsentwürfe: Länderverfassungen 1946-1953* [Constitutional Speeches and Constitutional Drafts: State Constitutions 1946-1953]. Frankfurt am Main: P. Lang, 1986, pp. 107-09.

Translation: Thomas Dunlap