



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

Marie-Elisabeth Lüders (FDP) on the Petition by the Conference of Catholic Bishops in Fulda (February 1953)

The liberal FDP politician Marie-Elisabeth Lüders rejected the Conference of Catholic Bishops' argument that the preeminent authority of the husband and father in marriage and family was derived from the natural order. Moreover, she opposed the legal continuation of patriarchy in West German family law.

We agree with the bishops that it is the task of the state authority to bring the situation of married women into line with the changed social, economic, and cultural conditions, and to align the civic rights of the wife – we add: also of the mother – with the needs and demands of the present, while taking the common welfare of the family into account. [. . .]

The difficulties in the discussion arise only with the question of what consequences the fundamental change in living conditions, which is also acknowledged by the bishops, should have for the civic rights of the wife – and we repeat: also the mother, and not only, as the bishops admit without reservation, in the area of marital property law. – The bishops proceed very generally from the so-called “natural order” as the guideline for relations within marriage and the family. They identify this “natural order” *a priori* with the “authority in the person of the husband and father.” By contrast, we are of the opinion that this one-sided, authoritarian order is *not* “natural” in a multifaceted relationship that is grounded in fidelity and the duty of care, as marriage and family are; rather, it runs counter to our common and highest endeavor to firmly ground marriage and family in inner desire and not in external coercion. Moreover, we believe that the equally important authority of the mother in the eyes of the children is impaired by the one-sided order, in contravention of the demand “Honor thy father and *thy mother*.” We furthermore believe, based on decades of experience, that the crucial willingness to extend mutual understanding to arrive at an agreement in differences of opinion – that is to say, to find the basis, in practice, for the continued existence of an endangered marriage and family – is seriously imperiled by the man’s awareness that he is fundamentally right by law. – The bishops’ demand amounts to prescribing patriarchy, by law, for all spouses. But does the state truly have the right to establish an “interfamily hierarchy” in favor of the husband or the wife? Among spouses with equal rights, everyone is completely at liberty to voluntarily submit to the other in every regard. In the process, as the government’s draft also states, the stronger personality will decide. We do not believe that men in general are so weak that they need special legal support such that a possible absence of reason must be replaced by authoritative command. Only genuine authority that is grounded in the nature of the person has a conflict-preventing effect, but not so-called “presumptive authority” (Mitteis). And we ask further: has the

patriarchal system in the existing civil law had the effect – expected by the bishops – of strengthening marriage and family? Unfortunately, the facts give no reason for hope that this “natural order” is a means for leaving the “essential order of the domestic community untouched.”

Source: Manuscript by Marie-Elisabeth Lüders (FDP). BA/Bestand Nachlaß Lüders; reprinted in Klaus-Jürgen Ruhl, ed., *Frauen in der Nachkriegszeit* [*Women in the Postwar Era*]. Stuttgart: Deutscher Taschenbuch Verlag, 1988, pp. 176-77.

Translation: Thomas Dunlap