

„Frauen wollen Deutsche bleiben!“ -The (trans-)national struggle for an independent citizenship of the German Women’s movements.

Abstract: Gender and citizenship in the German Empire, 1880-1933

This project addresses a gap in historical documentation by connecting research on citizenship and gender history. It focuses on the historical analysis of derivative citizenship of married women in the German Empire from 1880 to 1933.¹ The project analysis is based on the following questions: How did the gendered system of inclusion and exclusion of people in and from the German state develop in an (inter)national context? How did the trans(national) fights to become citizens by different groups of actors develop during the German Empire? What consequences did derivative citizenship have on the lives of women? What forms of resistance became possible through this legal construct?

The central thesis of the project begins from the assumption that marriage is central to modern states as it has a direct influence on the composition of the population of a state.² Marriage alongside birth and naturalization, was one of the central means to become a citizen of a country. The “unity of the family” in terms of citizenship rights, meaning that the wife and children following the husbands’ citizenship, became a decisive principle for almost all states worldwide until the middle of the 19th century.³ Up into the 20th century women’s movements fought for independent citizenship as part of a broader struggle for equal rights.

The subject of the project –the negotiation of derivative citizenship—explores how citizenship can transcend the nation state and is subject to intermittent relevance contingent upon international relations. Consequently, the research project operates on a national, trans- and international level and relies on methods developed in the field of transnational history. Through an integrated analysis, this project focuses on individual actors in the struggle for citizenship to discern the complex interactions between and amongst different levels of European society. The project is funded by the Gerda Henkel Foundation in the second year.

¹ Citizenship here refers to a narrow, legal definition of the term, s. Canning, Kathleen: Reflections on the Vocabulary of Citizenship in Twentieth-Century Germany, in: Eley, Geoff; Palmowski, Jan (Eds.): Citizenship and National Identity in Twentieth-Century Germany, Stanford 2008, p. 214–232.

² Cott, Nancy: Public Vows. A History of Marriage and the Nation, Cambridge 2002, p. 5; Moses, Julia: Introduction. Making Marriage Modern, in: Moses, Julia (Ed.): Marriage, Law and Modernity: Global Histories, London/New York 2017, p. 5; Donzelot, Jacques: Die Ordnung der Familie, Frankfurt (Main) 1980.

³ Irving, Helen: Citizenship, Alienage, and the Modern Constitutional State: A Gendered History, Cambridge 2016, p. 8.

Becoming stateless through marriage: Aloisia Johnson, née Adams

Aloisia Adams worked as a language teacher when she met the American soldier Benjamin Franklin Johnson in 1922. He was part of the American occupation army in the German *Rheinland* after World War I. They got marry on January 20, 1923 in the civil registry office in Koblenz. Five days after their marriage Johnson was relocated with his troop to the United States. Aloisia Adams tried to reach him privately as well as through official channels but could not get a hold of him.⁴ According to the German Nationality Law of 1913 married women took on the nationality of their husband.⁵ The American Cable Act of September 1922, ruled that women who married an American citizen would not gain the American citizenship through marriage.⁶ As a consequence of these two laws, Aloisia Johnson, née Adams, became stateless through her marriage. Additionally, Johnson could not get a divorce because the German code of civil procedure (*Zivilprozessordnung*) ruled that the residence of the husband was decisive for which court would be in charge of the divorce. She could no longer work as a teacher, neither was she eligible for poor relief as a German citizenship was a prerequisite for both.

(Trans-)nationalization of the struggle for an independent citizenship

In 1923 Marie Elisabeth Lüders, who in 1927 became aware of Johnsons case, was already involved on a national as well as international level in the fight for an independent citizenship for married women. Through her experience working at the Central Office for Employment (*Zentralstelle für Arbeit*) in the War Ministry during World War I she was well aware of the situation of women married to foreigners.⁷ Already on December 15, 1921, Lüders together with deputies from the German Democratic Party (DDP) filed a petition in the *Reichstag* asking for a change of the Nationality Law, so that German women would not lose their citizenship upon marriage with a foreigner.⁸ However, the petition was rejected by the German government with the argumentation that this could only be solved through international conventions.⁹

German as well as international women's organizations were already opting for an independent citizenship of women from the beginning of the 20th century. The International Council of

⁴ The following passage is based on the correspondence between Aloys Adams, Aloisia Johnson, née Adams, Dr. Marie Elisabeth Lüders, Soelling by the time undersecretary of the Prussian Ministry of Justice and the barrister Dr. Hugo Kaufmann I, February 1927 – March 1928, Bundesarchiv (BArch), N1151/246.

⁵ Röwekamp, Marion: *Gerechtigkeit für Frauen im Sozialstaat? Weibliche Staatsangehörige im Kaiserreich und in der Weimarer Republik*, in: Haerendel, Ulrike (Ed.): *Gerechtigkeit im Sozialstaat: Analysen und Vorschläge*, Baden-Baden 2012, p. 71–78.

⁶ Bredbenner, Candice Lewis: *A Nationality of her own: Women, Marriage, and the Law of Citizenship*, Berkeley 1998, p. 3.

⁷ Nathans, Eli: *The politics of citizenship in Germany*, Oxford 2004, p. 202.

⁸ Petition Lüders, Bäumer, Schücking and others in the *Reichstag*, *Wahlperiode* 1920/21, BArch, N1151/245.

⁹ Report about a provisional discussion in the Ministry of Interior, März 18, 1922, BArch, R1501/108059.

Women (ICW) brought up the topic latest at their conference in Berlin in 1904, when they started an inquiry on the legal status of women in the countries of their national branches.¹⁰ Different women's association such as the Prussian Association for Women's Suffrage (*Preußischer Landesverein für Frauenstimmrecht*) and the Federation of German Women's Association (*Bund Deutscher Frauenvereine*, BDF) filed petitions for an independent citizenship of women when it came to the revision of the German Nationality Law in 1912.¹¹ However, the "unity of the family" was upheld as a major principle in the Nationality Law of 1913.

During World War I, German women who were married to foreigners had to report to the police regularly, they were not able to get a job, especially when they were perceived as "enemy alien", and were not eligible for poor relief.¹² After the war different German as well as international women's organizations intensified their efforts to opt for independent citizenship on a national as well as international level. In 1920 the Women's International League for Peace and Freedom (WILPF) tried to urge Eric Drummond, the president of the newly established League of Nations, to implement a commission that dealt with the question of the nationality of married women on an international level.¹³ In the same year the International Women Suffrage Alliance (IWSA) introduced a committee dealing with the question of the nationality of married women.¹⁴ In cooperation with the IWSA, the BDF and Marie Elisabeth Lüders tried to intensify their efforts on introducing an independent nationality of women in Germany.¹⁵ However, the cooperation was not always smooth, especially between the American and the European delegates as the former were perceived as being too radical in their demands.¹⁶

In February 1927 when Aloys Adams, Aloisias Johnsons father, got in contact with Lüders, she had already published articles in various newspapers and magazines in which she tried to raise awareness of problems that originated in the lack of an independent citizenship. Lüders received

¹⁰ Stritt, Marie: Die Nationalität der Frauenfrage, in: Die Frauenfrage. Zentralblatt des Bundes Deutscher Frauenvereine, April 16, 1917, Helene Lange Archiv (HLA), Bund Deutscher Frauenvereine (BDF), B Rep. 235-01 Nr. 371.

¹¹ Petition of the BDF, August 16, 1912, HLA, BDF, B Rep. 235-01 Nr. 199; Petition of the Prussian Association for Women's Suffrage; HLA, BDF, B Rep.235-01, Fiche 782; German Association for Women's Suffrage, April 25, 1912, BArch R1501/108014.

¹² Material of the center for support and information about the consequences of the Nationality Law from July 22, 1913, BArch, N1136/13.

¹³ Emily S. Balch to Eric Drummond, December 9, 1920, League of Nations Archive (LON), R1273/19/9443.

¹⁴ Provisional draft international convention on the nationality of married women 24. Mai 1923, LON, R1273/19/9443.

¹⁵ Correspondence between Chrystal Macmillan and Marie Elisabeth Lüders, 1922-1923, BArch, N1151/245.

¹⁶ Guerry, Linda: Married Women's Nationality in the International Context (1918-1935), in: *Clio. Women, Gender, History* (43), 2016, p. 86.

many letters by women describing their desperate situation and the problems caused by the inability to get a divorce from their husbands.¹⁷ Lüders picked up the case of Aloisia Johnson, used it in her articles and supported Johnson in multiple ways. The primary aim was to regain Johnson's citizenship which seemed to be a key to her problems.¹⁸ They first managed to regain her work permission. With the support of the Prussian Minister for Interior Johnson regained her citizenship on August 30, 1927 and was finally able to get a divorce because the judge in Koblenz interpreted the law for an annulment of a marriage in her favor.¹⁹ The case became internationally known as Walther Schücking brought it in front of the League of Nations Commission on Nationality which was established to prepare the Hague Congress on Nationality Questions in 1930.²⁰ In contrast to other countries the German government did not introduce the independent citizenship of women in the interwar era. It took until 1953 that women were treated independently from her husbands in terms of citizenship.²¹

Raising public awareness through nationalism in an international field

Women losing their citizenship through marriage and finding themselves in difficult situations due to the consequences was no news in the 1920s. The principle of the "unity of the family" was also in effect when it came to deportations. In 1885/86 when Polish Jews faced mass expulsion from Prussia, many former Prussian women were deported alongside their Polish Jewish husbands. Some of them wrote letters appealing to the German Empress to intervene on their behalf, arguing on grounds of their "Germanness" (*Deutschtum*).²² However, only in very few cases did the Prussian government reverse its decision.

After the war, the equality of the sexes in terms of the "rights and duties of citizens" was inscribed in the Constitution of the Weimar Republic. However, this did not seem to contradict the principle of the "unity of the family" in the nationality law. Lüders as well as the BDF used the omnipresent claim for the revision of the Versailles treaty to promote the demand for an independent nationality of Women. She published numerous articles with titles such as „*Vaterlandslose Frauen*“, „*Frauen wollen Deutsche bleiben!*“, „*Das Unglück der Staatenlosen*“

¹⁷ Letters from the audience, 1928-1931, BArch, N1151/246.

¹⁸ Letter from Lüders to the Prussian Ministry of Interior, April 7, 1927, in: Geheimes Staatsarchiv Preußischer Kulturbesitz (GSta PK) I HA Rep.77, Tit. 2770, Nr. 3 J Bd.3, Bl.216.

¹⁹ Correspondence between Aloys Adams, Aloisia Johnson, née Adams, Dr. Marie Elisabeth Lüders, Soelling by that time undersecretary of the Prussian Ministry of Justice and the barrister Dr. Hugo Kaufmann I, February 1927 – March 1928, BArch, N1151/246.

²⁰ Correspondence between Walther Schücking and the German Foreign Ministry, Mai 1927, BArch, N1051-F/90.

²¹ Material from the German *Bundestag*, 1952-53, BArch, N1151/247.

²² Reinecke, Christiane: Policing Foreign Men and Women: Gendered Patterns of Expulsion and Migration Control in Germany, 1880-1914, in: Schrover, Marlou (Ed.): *Illegal Migration and Gender in a Global and Historical Perspective*, Amsterdam 2008, p. 57–81.

Frau”, und “*Die Deutsche Frau ist schutzlos, wenn sie einen Ausländer heiratet*”.²³ In many of these articles Lüders highlighted the lack of possibilities of women to opt for their citizenship in the regions which Germany had to give up due to the Versailles treaty, as they had to accept their husband’s decision. The interwar period and the ongoing nationalization of the German state seemed to give a background for the claim for an independent citizenship of women.²⁴ They could claim that due to the loss of inhabitants of the German Empire after World War I, Germany was in need of women marrying foreigners. A similar argument had already worked in France, where fears of a decline in population had led to a change in citizenship law in 1927.²⁵ From the beginning of the struggle introducing an independent citizenship of women was a topic for national as well as international women’s movements and efforts were often taken in cooperation with each other. The IWSA and the national branches would join forces to put pressure on the League of Nations and the national governments. However, this relationship was rather complicated as German women who participated in international associations were often under attack by right-wing German media. After a conference of the IWSA in Paris, Lüders was denounced for not being “German” enough, because of a fight over which flag should represent Germany at the conference.²⁶ So, the BDF tried to uphold the balance between internationalism and nationalism throughout their involvement in international women’s associations, which included by that time the revision of the Versailles treaty and stating that wherever they could.²⁷ However, especially in the realm of the struggle for an independent citizenship they were dependent on international cooperation, as the German government pointed repeatedly to international conventions for a solution.

Conclusion

The women’s movement brought forward the claim for an independent citizenship at a moment of a high rise of nationalism after World War I. They tried to manage between the national and international sphere to push further for an equality of women and in some cases, such as in the case of Aloisia Adams, were even able to change her desperate state. However, the overall aim of an independent citizenship of women was not accomplished until 1953.

²³ Various newspaper articles, 1922-1934, BArch N1151/248-249.

²⁴ Gosewinkel, Dieter: *Einbürgern und Ausschließen*, Göttingen 2001.

²⁵ Guerry: *Married Women’s Nationality in the International Context (1918-1935)*, 2016, p. 76.

²⁶ Lüders, Marie Elisabeth „Sind das noch Deutsche“, 1927, BArch, N1151/261.

²⁷ Stoehr, Irene: *Bedingt beglückend. Internationale Kooperation der deutschen Frauenbewegung vor 1933*, in: Hundt, Irina (Ed.): *Über Grenzen hinweg. Zur Geschichte der Frauenrechtsbewegung und zur Problematik der transnationalen Beziehungen in der deutschen Frauenbewegung*, Berlin 2002, p. 131.

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