

# Contents

Preface	xi
<b>1 Introduction</b>	<b>1</b>
1.1 Family Law during the Nazi Era	2
1.2 Research Questions and Scope of this Research	2
1.3 Sources	4
1.4 Structure of the Research	5
1.5 Translation of Terminology	6
<b>2 Family Policy According to National Socialism</b>	<b>7</b>
2.1 Introduction	7
2.2 The Origins of National Socialism	8
2.2.1 <i>A Volk Rooted in Nature</i>	8
2.2.2 <i>The Concept of 'Racism' in Völkish Thought</i>	10
2.2.3 <i>Social Darwinism and Racial Hygiene</i>	12
2.2.4 <i>From Racial Hygiene to Anti-Semitism</i>	14
2.3 The Position of Jews in Germany	16
2.4 The Development of Family Policy in the First Half of the Twentieth Century	20
2.4.1 <i>Germany during the Interbellum – the Weimar Republic</i>	20
2.4.2 <i>Population Policy before the Weimar Republic</i>	23
2.4.3 <i>Population and Family Policy during the Weimar Republic</i>	26
2.4.4 <i>Social Hygiene and Eugenics in the Weimar Years</i>	32
2.5 The Nazi Era	35
2.5.1 <i>Volksgemeinschaft – the Strength of a Nation</i>	35
2.5.2 <i>From Social Hygiene to Racial Hygiene</i>	37
2.5.2.1 <i>Compulsory Sterilisation</i>	37
2.5.2.2 <i>Abortion</i>	40
2.5.2.3 <i>Euthanasia</i>	42
2.5.3 <i>National Socialist Family Policy</i>	43
2.5.3.1 <i>Family and Marriage as 'Germ Cell of the Nation'</i>	43
2.5.3.2 <i>The Role of Women</i>	45
2.5.3.3 <i>Kinderreich versus Großfamilien</i>	48
2.5.3.4 <i>'Married Without Children'</i>	49
2.6 Conclusion	50
2.6.1 <i>Pro-natalism versus Selection</i>	50
2.6.2 <i>Anti-Semitism</i>	51

2.6.3	<i>National Socialist Pro-natalism</i>	51
2.6.4	<i>The Results</i>	52
<b>3</b>	<b>National Socialist Racial and Family Law in Germany</b>	<b>54</b>
3.1	Introduction	54
3.2	Family Law in the Weimar Republic	55
3.2.1	<i>Conclusion of Marriage</i>	56
3.2.2	<i>Annulment of Marriage</i>	58
3.2.3	<i>Dissolution of Marriage</i>	60
3.3	From Weimar to Third Reich	64
3.4	March 1933–August 1935: Re-interpreting the Law	65
3.4.1	<i>Conclusion of Marriage</i>	65
3.4.2	<i>Annulment of Marriage</i>	68
3.5	The Nuremberg Laws	72
3.5.1	<i>The Build-up to Amendments</i>	72
3.5.2	<i>The Reich Citizenship Law</i>	76
3.5.3	<i>The Law for the Protection of German Blood and German Honour</i>	85
3.6	Keeping the Aryan Race Healthy – the Marriage Health Law	95
3.7	The New Matrimonial Law for the New Germany	106
3.7.1	<i>The Build-up to a New Marriage Law</i>	106
3.7.2	<i>Marriage and Divorce Law in Austria and the Need to Adapt the Draft Revision</i>	118
3.7.3	<i>The Marriage Law of 1938</i>	123
3.7.3.1	<i>Conclusion of Marriage</i>	124
3.7.3.2	<i>Annulment and Termination of Marriage</i>	129
3.7.3.3	<i>Divorce</i>	137
3.7.3.4	<i>Exceptional and Transitional Provisions for Austria</i>	150
3.7.3.5	<i>Final Provisions</i>	152
3.8	Conclusion	152
3.8.1	<i>Germany</i>	152
3.8.2	<i>Austria</i>	153
3.8.3	<i>After the National Socialist Takeover</i>	153
<b>4</b>	<b>Racial and Family Law in the Netherlands during the German Occupation</b>	<b>158</b>
4.1	Introduction	158
4.2	Dutch Family Law before the German Occupation	159
4.2.1	<i>Conclusion of Marriage</i>	161
4.2.2	<i>Annulment of Marriage</i>	170
4.2.3	<i>Dissolution of Marriage</i>	175

4.2.3.1	<i>Separation from Bed and Board</i>	178
4.2.3.2	<i>Divorce</i>	180
4.2.4	<i>Attempts to Revise Matrimonial Law</i>	185
4.2.4.1	<i>The 1886 Draft Revision of the Civil Code</i>	186
4.2.4.2	<i>The Big Lie</i>	190
4.2.4.3	<i>Discussion about the 'Free Marriage'</i>	193
4.2.4.4	<i>Eugenics and Matrimonial Law</i>	197
4.2.4.5	<i>Further Attempts at Amendments</i>	200
4.2.5	<i>The Application of the Nuremberg Laws between 1935–1940</i>	206
4.3	<i>Years of Occupation</i>	214
4.3.1	<i>Administrative and Legislative Competences during Occupation</i>	214
4.3.2	<i>Defining the 'Jewish Question' in the Netherlands</i>	232
4.3.3	<i>Adoption of the Nuremberg Laws</i>	240
4.3.4	<i>The Problem of Existing Mixed Marriages</i>	258
4.3.4.1	<i>The Privileged Mixed Marriage</i>	258
4.3.4.2	<i>Sterilisation of Mixed-Married Jews</i>	262
4.3.4.3	<i>Divorce</i>	266
4.3.5	<i>Attempts to Revise Dutch Divorce Law</i>	269
4.3.5.1	<i>Schrieke's Draft of 1942</i>	269
4.3.5.2	<i>Reactions to the First Draft</i>	277
4.3.5.3	<i>Schrieke's Second Draft of 1944</i>	284
4.3.5.4	<i>The Aftermath of Schrieke's Drafts</i>	292
4.4	<i>Conclusion</i>	294
4.4.1	<i>Dutch Marriage and Divorce Law before the German Occupation</i>	294
4.4.2	<i>The Law of Occupation and the German Civil Administration in the Netherlands</i>	295
4.4.3	<i>Marriage and Divorce Law and the Position of Jews in that Respect during the German Occupation</i>	296
5	<b>Conclusion</b>	300
5.1	National Socialism – the Family as Germ Cell of the Nation	300
5.2	National Socialism in Practice	301
5.3	National Socialist Family Law?	305

**Bibliography**      309

    Literature      309

    Periodicals      321

    Internet Sources      322

    Archival Source List      322

    Table of Legislation      323

    Table of Cases      333