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## From Faith to Race?

### ‘Mixed Marriage’ and the Politics of Difference in Imperial Germany♦

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‘I am setting my entire hope on you’, declared Anna Kleeblatt Modistie to the Chancellor of the German Empire, Otto von Bismarck. The stark declaration made in 1872 had nothing to do with high politics. Anna wanted to marry her lover. Living in Munich, in predominantly Catholic Bavaria, her desired marriage to a Jew was not possible.<sup>i</sup> Anna was Catholic, and the Catholic Church did not allow intermarriage, and Bavaria did not have a policy on civil marriage at the time. As a result, the only way for Anna to marry was through the Church or converting to Judaism and then marrying through the synagogue of her fiancé. ‘Your highness would have the thanks of a thousand hearts on your head. All people are equal, all have only one God, so why should belief make such an enormous difference? God wants of course that all of his children are happy’, she explained. However, her parents and siblings were against the union, and others were against it, too, she decried. Nonetheless, it was ‘only [a matter of] love of a man of the Jewish confession ... if God brings two hearts together, why would people separate them?’<sup>ii</sup> In order to address her heartbreak, Anna pleaded with Bismarck to introduce civil marriage as a national law across recently unified Germany. When Anna wrote, just a year after unification, the issue was already on the national policy agenda and widely discussed in the press. By 1875, civil marriage was rolled out across the country, in theory, solving Anna’s problem, though of course not undoing the disapproval of her parents, her Church and her broader community.

Across the German states in the mid-nineteenth century, marriage between members of different religions frequently proved impossible. Prior to national unification in 1871, marriage and family law were handled by the over thirty kingdoms, duchies, principalities and other bodies that would later become united as Germany, alongside various religious authorities such as the Catholic Church and the Protestant congregations that often operated at state level like the Prussian Protestant Church. Until various civil marriage laws were introduced within the individual German states between the 1840s and 1870s, and with the national policy in 1875, the act of marriage itself remained within the remit of the church. Until 1900, with the introduction of Germany’s Civil Code, family law was still governed by individual German states, and some aspects of family life – such as the religious education of children from interconfessional unions – continued to be

decided at state level even afterward. The civil marriage laws of the mid-nineteenth century thus effectively (if not entirely) secularized marriage, even if churches (and families) could disapprove of interconfessional unions. Indeed, the national policy was introduced during a period of broader ‘Cultural Struggle’, or *Kulturkampf*, to render control from the Church and transfer it to the state (for background, see Clark and Kaiser, eds., 2003). Prior to the enactment of these laws, therefore, marrying across confessional lines was rarely permitted – unless, of course, one of the betrothed converted. The implications were clear: marriage was seen as the embodiment of one’s culture – defined primarily in confessional (alongside socio-economic) terms, and it was also viewed as a key transmitter of culture by bringing about new generations of faithful observers of particular denominations. As a country divided between three confessions, consisting of a small majority of Protestants, followed by a large minority of Catholics and a small minority of Jews, religion in mid- to late nineteenth-century Germany proved an important aspect of cultural difference within the new German nation state (Walser Smith, 2001). As a consequence, contemporaries saw ‘mixed marriages’ (*Mischehen*) between confessions as contentious, resulting in various kinds of bans alongside individual plights to circumvent confessional rules on intermarriage (on the broader context, see Freist, 2017; Luebke & Lindemann, eds., 2014).

By the end of the nineteenth century, following the introduction of civil marriage laws, mass waves of internal and external migration, the growth of urbanization and the expansion of the German overseas empire, the connotation of ‘mixed marriage’ in Germany appeared to have shifted. It remained a code for crossing confessional lines, but its resonance had changed. By the late nineteenth century, ‘mixed marriage’ had come to characterize another kind of cultural mixing: that between races, both at home within Germany and abroad within its colonies and diasporic outposts. And, between 1905 and 1912, ‘mixed marriage’ between Germans and ‘natives’ had been banned in German Southwest Africa, East Africa and Samoa (for a related observation, see Essner, 1997). For some scholars, these early German bans on intermarriage – alongside everyday politics of interracial relationships and families on the colonial ground – even seemed to foreshadow later National Socialist policies on race, including the prohibition of Christian-Jewish unions (for example, Kundrus, 2003; Zimmerer, 2004; Essner, 2005 and 2017; Grosse, 2005; Fitzpatrick, 2009).

In various ways, as this article argues, intermarriage proved a key site for testing the politics of difference within the multicultural German Empire. To be sure, there were other and related

battlegrounds within Germany and the neighbouring German lands in which politics of difference were hashed out during this period. As Tara Zahra has shown for the vast and multiethnic Austrian Empire, the rearing of children proved a central point of contestation in shaping identities, as individuals, charitable groups and the state worked to claim the next generation in their own image. And yet, understandings of difference, community and individuality remained complex, as individuals often remained ‘indifferen[t]’ to the trappings of national identity such as language and, in particular, the use of German, even if they cultivated particular aspects of that identity to assimilate or move ahead socially (Zahra, 2006; 2008; 2010). In the German lands, the complexities of identity and difference were manifested in a variety of practices and beliefs, such as localism and an emphasis on Heimat (the homeland), local and regional customs and celebrations, as well as the adoration of local notables and royals. Social movements across the political spectrum, from the pro-imperial Pan-German League and Navy League to the Wandervögel (birds of passage) youth movement that espoused communing with nature as an alternative to city life played critical roles in defining ‘Germanness’ during this period (for example, Applegate, 1990; Blackbourn and Retallack, eds., 2007). The sexual reform movement and women’s movements that expanded considerably from the late nineteenth century posited new and alternative visions to German identity and, in particular, the nature of the family within it (for example, Allen, 2005; Dickinson, 2014). Not least, the growth of Germany’s overseas empire and diaspora communities, as well as the experience of mass migration to and from Germany over the second half of the nineteenth century and into the early twentieth, shaped understandings of German identity decisively (for example, O’Donnell, et al., eds, 2005; Schulze, 2016). Imperial Germany was characterized, then, by tensions over identity and cultural diversity, leading some scholars to suggest a crisis of modernity within the country at the turn of the twentieth century (for example, Eley, et al., eds., 2016).

Intermarriage was a focal point in Imperial Germany’s conflicts over diversity, not least because it was part and parcel of a broader experience of grappling with cultural difference in an era of explicit and increasingly tangible nationalism. It tested a core challenge of multiculturalism: assimilation (Hartmann and Gerteis, 2005). Whose religion, language, and values would predominate within the family created out of a ‘mixed marriage’? Was it possible to overcome cultural and social differences within a family? What were the implications for creating a coherent German national identity? Behind these questions lay core assumptions about the formation of

both symbolic and social boundaries that were critical in the new German nation state and its expanding empire. In the case of intermarriage, these boundaries interacted closely. As Michèle Lamont and Virág Molnár have noted, ‘symbolic boundaries are conceptual distinctions made by social actors to categorize objects, people, practices and even time and space.... [they] separate people into groups and generate feelings of similarity and group membership’. Social boundaries draw on their symbolic counterparts and serve as ‘objectified forms of social differences manifested in unequal access to and unequal distribution of resources (material and nonmaterial) and social opportunities’ (Lamont and Molnár, 2002, at 168). In this sense, intermarriage tested both endogamy – staying within one’s group – and homogamy – keeping within one’s social status, not least because ‘the children of mixed marriages are less likely to identify themselves with a single group’ (Kalmijn, 1998, p. 396). Intermarriage mattered to families and broader communities, including, in certain instances, legislators and government bureaucrats, because it was a pivotal means through which social groups formed, interacted and maintained boundaries. Those groups were not, however, rigidly defined and were instead characterized by complex understandings of religious, ethno-linguistic, racial, gender and class-based identities.

Why and how was intermarriage a flashpoint in debates on German identity politics at the turn of the twentieth century? With these questions in view, I aim in this article to explore the form and function of contestation about intermarriage in Imperial Germany. To this end, I bring together the rich secondary literature on intermarriage, including between Jews and Christians but also between colonial subjects and colonizers, which, to date, has generally been examined separately even if parallels have been drawn between these two cases (for example, Kundrus, 2003; Zimmerer, 2004; Davis, 2012, pp. 77-8, 119-29). I also draw on a wide variety of archival materials and contemporary pamphlets, periodicals, legislative debates and books concerned with marriage and the family. I shall explore these issues in three steps, first examining confessional understandings of intermarriage as a potentially taboo practice and then analyzing the transposition of discourses about ‘mixed marriage’ to colonial settings. In the final section, I shall consider how marriage – and, with it, the family – in the German Empire came to be redefined in ostensibly inclusive terms through a new and specific imaginary of German national identity.

### **Crossing the Confessional Line**

Anna Modistie's plight points to perhaps the most examined example of intermarriage in German history: that between Jews and Christians. This important history has been told widely elsewhere, and this article does not attempt to retrace in detail this complex terrain but rather to situate it within the broader landscape in which confessional difference mattered for marriage within Imperial Germany. The experience of National Socialism, in particular, has played a prominent role in both popular memory and historical scholarship on intermarriage in Germany, and has, in turn, shaped scholarship on intermarriage in Imperial Germany. We can think here, for example, of the 1935 Law for the Protection of Blood and Honour that banned intermarriage with Jews (Mouton, 2007; Wildt, 2012, ch. 6) as well as the everyday attempts by courts and individuals to prevent new Jewish-Christian intermarriages and undo existing ones through quick divorces (Kaplan, 1998, pp. 89-93). We can think, too, of the daily plights of individuals under National Socialism who were married across confessional lines, such as the non-Jewish women of the Rosenstrasse protest who, together with relatives and friends, lobbied to prevent their Jewish husbands from deportation to concentration camps (Stoltzfus, 1996). It is important to note, however, that the Nuremberg Laws and the contestation around them drew on a view within National Socialism that Jews were not simply a religious minority; they stemmed from an entirely different race, with different blood, that should be kept separate from 'pure' Germans (Szobar, 2002). Under National Socialism, as at other junctures, then, the line between race and religion was often blurred when it came to intermarriage, even if the explicitly racial and pseudo-biological thinking and language behind NS edicts against intermarriage was relatively recent. Indeed, a longer history of German Anti-Semitism, dating back to the rise of radical right parties in the nineteenth century as well as the legacy of both medieval and Reformation-era edicts against Jews as a religious minority also fed into considerations against Jewish-Christian intermarriage at the turn of the twentieth century (for general background: Meyer, et al., eds., 1996). For example, the 1215 Fourth Lateran Council required Jews to wear a characteristic symbol on their clothing, in part, in order to make it easier for Christian women to avoid accidentally falling in love with Jewish men (French, 2012, pp. 202-3; Brundage, 1993, p. 271).

However, Modistie's plea to marry a Jewish man in the mid nineteenth century was relatively uncommon, even as late as the 1870s, when she wrote to Bismarck with her case. As both Marion Kaplan and Till van Rahden have shown, Jews and 'other Germans' often intermingled in their daily lives, as demonstrated in van Rahden's pathbreaking research on Breslau (Wrocław), in East

Prussia (Kaplan, 1991, 85-116; van Rahden, 2008, 94-120). And, intermarriage between Jews and non-Jews in Germany increased gradually over the late nineteenth and early twentieth century, from 4.6% of marriages involving Jews in Prussia between 1876 and 1880 to 12.8% in 1912 (Lowenstein, 2006, at p. 56; see also Lowenstein, 2005). Nonetheless, marriage was seldom on the cards, not least because many Jews – especially in the middle classes – preferred to marry other Jews when possible. There were, of course, regional variations, with intermarriage more common in urban areas and locations with few Jewish families, meaning that the choice of marital partner was rather limited. Parental pressure and concerns about social standing played a role here, as did the ease of meeting a potential future spouse in one’s local community. (Kaplan, 1991, 85-116; van Rahden, 2008, 94-120; Tilse, 2011, 94-134; Voigtländer and Voth, 2013, 79-85).<sup>iii</sup> Moreover, these concerns were hardly new to Imperial Germany, as rabbis had already centuries earlier attempted to dissuade out-marriage – even if, in practice, Christian-Jewish ‘unmarriages’ were not uncommon (Karras, 2012, p. 109-14; see also Nirenberg, pp. 130-5). Concerns about protecting Jewish blood and racial purity that drew on the Bible, Talmud and other religious texts informed these considerations (Hayes, 2002), in a way, inversely mirroring contemporaneous and later Anti-Semitic discourses about intermarriage.

The politics of difference that underlay broader edicts against interconfessional marriage in Imperial Germany – as well as personal and familial decisions against it – was by no means unique to the case of Christians and Jews. Intermarriage between Christians – and especially between Catholics and Protestants, was also rare, and had been for centuries. Medieval anxieties about intermarriage with ‘heretics’ – new Christian sects like the Lollards – had contributed to scepticism about marrying Christians from different denominations (Cristellon, 2016). And, in the wake of the Reformation, Christian intermarriage declined further in the seventeenth and eighteenth century. Some German states attempted to dissuade interconfessional marriage through pastoral pressure, and the Catholic Church’s decree *Tametsi* (Although) declared that only marriages conducted by Catholic priests (as opposed to clandestine unions) were valid. Nonetheless, the main deterrent was social pressure, and this cut across class lines. As a consequence, in seventeenth-century Augsburg, for example, only 1% of marriages were interconfessional between Christians of different denominations (François, 1991, 192). Numbers of interconfessional marriages amongst Christians increased again, however, in the late nineteenth century, rising to about 10% of marriages in Prussia by 1912 (Luebke, 2014, 1 and 6). Moreover, in larger towns that were

denominationally mixed, such as Ulm and Ludwigshafen, intermarriage rates between Protestants and Catholics went up to approximately 25% and 38%, respectively (Zimmer, 2010, fn. 21).

Both the cases of interdenominational Christian marriage and Christian-Jewish marriage suggest that religion was hardly understood in isolation when it came to intermarriage in Imperial Germany. Class politics, regional identities, gender roles, ethno-linguistic identities, shifting understandings about race, and a growing divide between increasingly urbanised metropolises and rural villages played a role here. That is, various different social and symbolic boundaries co-existed and reinforced each other in encouraging or deterring particular kinds of marital unions. As a consequence, for a society increasingly in flux, concerns about enforcing endogamy paradoxically became more and more endemic, as David Warren Sabean has shown for Neckarhausen, in Württemberg (Sabean, 1998). Of course, however, many couples in Imperial Germany did cross social and symbolic boundaries when marrying, especially when inspired by love (for example: Pinwinkler, 2014).

These tensions could be felt especially clearly in the Ruhr industrial belt in Prussia, which was predominantly Protestant, when over 300,000 Poles, who were, for the most part, Catholic (alongside a Jewish minority), found work in the local coal mines (McCook, 2011). In 1885-6, Prussia enacted a policy of mass expulsion of Polish and Russian migrant workers, alongside their Prussian-born wives. Under German law, like the laws in many other countries at the time,<sup>iv</sup> women lost their citizenship upon marrying foreign nationals (Nathans, 2004, 63-5, 209-12, 238). The policy reflected the view that a woman's citizenship followed that of her husband, and her father before him, in a form of coverture which gave power over financial, legal and political matters to the men within families (Gosewinkel, 294-303). As a result of intermarriage with foreigners, it seemed, it was impossible to protect German women from incidents like that in the Ruhr (Reinecke, 2008). By 1904, regional authorities intervened in the issue by attempting to prevent these unions from arising in the first place. Police throughout the Ruhr were surveyed about numbers of intermarriages involving Polish immigrants and local German women. The mayor's office in Essen responded a few years later with the result that there had been 10 marriages between Russian men and German women, but it was unclear how many of these 'Russians' were ethnically 'Poles'.<sup>v</sup> The Polish state had ceased to exist in the late eighteenth century and was divided between Russia, Austria and Prussia, meaning that Polish identity always coincided with the citizenship of one of these other states, confounding further the question of 'intermarriage'.



The survey laid bare the underlying concern about these unions: what was at stake was not just the relationship between the married couple. It was also the protection of German girls and women from foreign men, which proved an enduring trope in Imperial German, as in other contemporary and later debates about intermarriage both at home and abroad (for example, Höhn, 2002; Woesthoff, 2017).<sup>vi</sup> Yet, above all, it seemed that what was at stake when it came to interconfessional unions was the future of the nation: the couple's children. It is in the 'national interest', as the Landrat of the District of Ruhrort decried, that marriages involving Galician Jews and local Prussian women be prevented and, at the very least, that they – and the 'resultant children' be registered.<sup>vii</sup>

In Imperial Germany, the question about mixed marriages across confessional lines fundamentally pointed towards anxieties about how children would be brought up – and what this meant for national culture and identity. Already in 1853, the battle lines on this issue were drawn clearly in Prussia, when the Bishop of Trier declared that any Protestant marrying a Catholic would be required to raise his or her children as Catholics (for the broader context, see Rathgeber, 2010; Fonk, 1961). Frederick William IV, the King of Prussia, retaliated with a decree that any military officer who chose to follow the Bishop of Trier's order would be sacked.<sup>viii</sup> The battle over Protestant-Catholic mixed marriages, and the children that stemmed from them, would continue for decades. Several bishoprics came out with decrees effectively banning mixed marriage, including Cologne in 1860 and 1866, Paderborn in 1864 and Münster between 1858 and 61. The Church in Trier, for example, required papal dispensation for mixed marriages – as well as promises to raise one's family to observe Catholicism. Similar strictures were made elsewhere and also required papal dispensations. In 1882, for example, the Catholic Church in Greifswald, in north-eastern Prussia, declared that mixed marriages would be declared void if they were performed by a non-Catholic minister.<sup>ix</sup>

These efforts to prevent intermarriage involving Catholics were hardly confined to individual churches. The Pope issued an Encyclical on Christian Marriage in 1880 that spoke out against interconfessional unions and specifically cited concerns about the rearing of future children (Pope Leo XIII, *Arcanum Divinae*, 10 Feb. 1880; for background: Weibel, 1898, p. 30), and the 1917 *Codex iuris canonici* renewed the Church's disapproval of confessionally mixed marriages. Meanwhile, pamphleteers in Germany attempted to convince Catholics across the country to avoid 'mixed marriages' because the future of the religion depended on it. As a 1912 tract argued, 'the

increasing number of mixed marriages is a cancer (Krebsschaden) on our Catholic people in Germany'. It would result in 'hundreds of souls cut loose from the mother heart of the true church with all its mercy and blessings' because the purpose of marriage was procreation, making a family like that of Mary and Joseph of Nazareth, which 'mixed marriage' would undermine. And, intermarriage with Protestants was particularly problematic since, unlike Catholics, Protestants did not view marriage as a sacrament (Driesch, 1912, pp. i, 6 and 8). Nonetheless, Catholics were not alone in voicing these kinds of concerns. The Protestant Church closely monitored intermarriage statistics across Germany at the turn of the century and similarly puzzled over the implications for child-rearing, for example, noting that the rate in Silesia alone went from 93.3 up to 100.2 out of 200 marriages between 1876 and 1880.<sup>x</sup> Meanwhile, Protestant ministers made public declarations about the openness of the Church to intermarriage, while simultaneously bemoaning the possibility that the children of 'mixed marriages' might be brought up as Catholics (for example, Splittgerber, 1898).

In response to these movements, some state governments made their own rules targeting mixed marriages by governing the confession in which the children of these unions would be brought up (for background: Schmidt, 1890). In Saxony, for example, state law required children of interconfessional marriages to be raised in their father's religion. The rule held into the early twentieth century, remaining untouched by the new Civil Code that Germany introduced nationally in 1900, and continued to confound families who preferred alternative arrangements for raising their children. For instance, Friedrich Wilhelm Hering in Dresden sought special dispensation to raise his children as Protestants, following his wife Maria Auguste's religion, even though he was Catholic. He argued that his seventeen-year-old daughter and thirteen-year-old son had decided to attend Protestant services, and his daughter had also been confirmed. He wanted his son to continue being raised as a Lutheran and also confirmed in the church.<sup>xi</sup>

Since individual German states like Saxony had their own rules on the religious instruction of children from interconfessional marriages, a committee of the German Protestant Church considered a proposal in 1908 to create a new federal law on the issue. The policy would have required all children throughout the country to be raised in the religion of their father – regardless of whether he was Catholic or Protestant. In this context, it seemed that the Church ultimately prioritized patriarchy over confession when it came to governing the family.<sup>xii</sup> A few years later, however, during the First World War, the Protestant Church revised its campaign in light of the

many husbands and fathers lost on the battlefield. An alternative proposal now argued that state laws which applied to the rearing of children from mixed marriages no longer made sense in a context where fathers were absent and unable to serve as role models.<sup>xiii</sup> The predominantly Catholic Centre Party joined the campaign, putting forward a petition in the Prussian House of Representatives so that children could be raised in a religion other than their father's ('Mischehenantrag' [Mixed marriage petition], 1917). Meanwhile, individual courts throughout the country, like the highest appeals court in Berlin, attempted to tackle the issue on a case by case basis by allowing interconfessional couples to raise their children following the mother's religion (Vellmer, 2010, 97-8).<sup>xiv</sup> These questions related to the children of interconfessional marriages were only resolved in 1921, when the Weimar Republic issued a new law on parental choice for the religion of children that nullified all related state legislation (Gesetz über die religiöse Kindererziehung vom 15. Juli 1921 [Law on the Religious Education of Children]; for background: Besig, 1921).

Debates about interconfessional marriage in Imperial Germany often pointed to questions specifically focused on children's religious education. Nonetheless, cases like Wilhelm Hering's also pointed to the broader and ongoing conflict, into the late nineteenth and early twentieth century, that individuals within metropolitan Germany faced when marrying across confessional lines. Social pressure, alongside religious edicts and state law militated against easy unions between Catholics, Protestants and Jews, regardless of whether one was located in Prussia – including its multicultural Ruhr industrial belt and Eastern borderlands – or in southern Germany or Saxony. Moreover, city dwellers and rural citizens were both affected. Despite the extent of this conflict, on balance, attitudes towards interconfessional marriage had begun to change by the late nineteenth century. The introduction of Germany's civil marriage law in 1875 as well as state-level civil marriage laws between the 1840s and 1870s contributed to this development, as did mass internal and external migration and urbanisation, bringing individuals outside of their local communities and family networks and into contact with new cultures that nonetheless shared an ostensibly unified German national identity within the new nation state. As a consequence, interconfessional marriage rates did rise, albeit gradually, into the early twentieth century. And, as the movement to liberalise the spiritual education of children from these unions indicates, for many, marriage across confessional borders had become increasingly acceptable. By contrast, 'transgressive unions', as David Luebke and Mary Lindemann have coined cross-cultural

marriages in the German lands (Luebke and Lindemann, 2014), became increasingly taboo abroad, especially in Germany's colonial outposts but also, to a certain extent, in its diaspora communities.

### **Crossing the Colour Line**

Questions about the possibility and regulation of intermarriage and sexual relations more generally between German citizens and so-called 'natives' abroad, and specifically people of non-European ancestry, posed larger legal dilemmas alongside anxieties about boundary maintenance. This had not always been the case. Intermarriage across what seemed to be a 'colour line' was problematized increasingly from the late eighteenth century, as thinking in terms of racial difference began to gain prominence amongst European intellectuals like Montesquieu and Paolo Mantegazza. However, the practice was relatively rare. European men overseas often took on indigenous concubines or set up households with local women without marrying them, preferring instead to marry other Europeans – even if their wives remained 'back home' (Flüchter, 2017; see also Ghosh, 2006). Indeed, relationships between German men and local women overseas were not uncommon, though few were ultimately registered as legal marriages. Prostitution and concubinage were frequent, especially in the port cities of Southwest Africa, and German men frequently entered long-term 'wild marriages' – cohabitation – with local women while failing to tie the knot. As a consequence, numbers of illegitimate children of 'mixed' heritage grew considerably from the 1880s. By the 1900s, the local press began to decry the continued increase (Hartmann, 2002, 215-16; on the broader context of intermarriage in the German colonies, see Wildenthal, 2001, 79-130). And yet, some of these unions were legal, and even condoned as pragmatic by local authorities and missionaries out of the reality that there were few German women available to marry. Moreover, some 'native' women, such as Rehoboth 'Mongrels', were seen as valuable wives, not only able to live contentedly in colonial settings, presumably unlike their German counterparts, but also because they might be endowed with land, livestock and other forms of wealth (Fitzpatrick, 2009; Walther, 2002, 35).<sup>xv</sup>

Out of these circumstances, confusion over whether 'natives' could – and should – marry Germans fuelled discussions about the family, and these concerns grew after Germany formally annexed a number of 'protectorates' (Schutzgebiete) in Africa and the South Pacific in the 1880s. While missionaries saw intermarriage as a way towards cultivating German family life and

customs on the ground – and as a means to clamp down on illegitimacy, colonial officials were often less convinced of its values, resulting in contradictory decrees.<sup>xvi</sup> For example, the 1870 law on consular marriage permitted Germans to seek civil marriages abroad – through German consulates – when marrying. The policy did not restrict intermarriage with local populations. However, an 1892 law that required Germans residing in Southwest Africa to obtain civil marriages seemed to indicate that civil marriage would not be permitted for members of local populations, even if entering into a ‘mixed’ marriage with a German citizen. Seven years later, a new decree indicated that the rules of the 1870 law still applied: intermarriage – even through civil ceremonies – was allowed (on the legal wrangling and problems with implementation on the ground, see Švihranová, 2014).<sup>xvii</sup>

Part of the confusion surrounding intermarriage in the colonies stemmed from the fact that the practice was technically legal in mainland Germany – even if, as we saw in the case of interconfessional unions, it was also fraught with conflict (on the legal debates: Kundrus, 2003, pp. 234-50). It seemed that there were two entirely different sets of rules as well as normative assumptions when it came to intermarriage: one for the metropole and one for the colonies, or at least Germany’s African colonies. As a consequence, interracial couples who had married in Germany met unwelcome hostility when they tried to settle in the colonies. For example, Mswahili Mtoro bin Mwenyi Bakari, a Swahili lecturer based at the Oriental Seminar in Berlin, was able to marry the factory worker Bertha Hilske in Berlin without difficulty. When he attempted to take her to his home in Bagamajo, German East Africa, however, they were expelled by the local colonial governor as soon as their ship landed.<sup>xviii</sup> Upon return, Bakari lost his job back in Berlin,<sup>xix</sup> and the German press was quick to make fun of their union. To be sure, intermarriage in the metropole was legal, but, the paper implied, only a working-class Berliner like Hilske would deign to marry an African like Bakari.<sup>xx</sup>

Bakari and Hilske’s story was certainly not unique. Moreover, due to the growth in migration to mainland Germany from the empire at the turn of the century, similar accounts became more common over time (on migration statistics, see Aitken, 2016). In numerous other instances, intermarriage within mainland Germany involving colonial subjects was publicly frowned upon and tacitly discouraged by authorities (on this, as well as the broader background, see Aitken and Rosenhaft, 2013, 88-118; on the role of administrators in discouraging intermarriage in Imperial Germany, see also, Lorke, 2017; Lorke, 2018; Lorke, forthcoming, 2019). Concerns about racial

difference – especially between Germans and Africans – played a key role here (on discourses about race and blackness in Imperial Germany, see Campt, 2004). For example, Theodor Friedrich Akapo Assiambo from Togo was living in Mannheim when he attempted to marry a German woman there. The German Colonial Office advised the local government in Baden to attempt to prevent the marriage from happening, not least because it would mean that Assiambo's German fiancée, Margareta Brockelmaier, would lose her German citizenship and become a colonial subject upon the union. Her German children would also become colonial subjects, officials noted, since she had custody of them after divorcing her first husband. Accordingly, as the local magistrates' court pointed out, the question remained whether, upon marrying Assiambo, the children would need to be removed from Brockelmaier's care in order to protect them from this situation (on German colonialism, intermarriage and citizenship questions, see Wildenthal, 1997).<sup>xxi</sup>

As in earlier debates about protecting German women from Polish migrant workers, in these later discussions about intermarriage involving colonial subjects, the question of women's presumed vulnerability proved critical.<sup>xxii</sup> A key aspect of that vulnerability was also their legal status (as well as that of their children). Women's citizenship – and associated rights – were subsumed under that of their husband, following the widespread nineteenth-century logic within international law that a family could not be divided by allegiances to multiple different states (see Moses, forthcoming-a). It was therefore not simply the question of crossing racial borders through marriage that seemed so concerning to officials and the broader public alike. It was also the fact that legal and national borders would be transgressed through the change of a German woman's citizenship status to that of her new spouse. This particular issue distinguished concerns about interracial marriage from those about interconfessional unions between German citizens. Marrying across religious lines might upset families, local communities and perhaps result in leaving one's faith – as well as raising one's children in another faith. It did not, however, necessarily result in the loss of citizenship and associated rights (unless, of course, an interconfessional union also involved a foreign spouse).

This concern was not unique to the colonial context, even if notable cases and widespread public discussion focused on interracial unions stemming from Germany's overseas empire and cited the prospect of German women becoming colonial subjects. Indeed, unions between Muslim men from the Ottoman Empire and North Africa, who were subject to Muslim personal status law

at home, and German women residing abroad or within Germany invoked a similar spate of bureaucratic outcry from the 1900s into the 1920s (Moses, forthcoming-b; for related observations on Britain, see Frost, forthcoming, 2019). German officials were especially worried by what they saw as the negative legal treatment of women within these marriages due to Islamic legal rules on marriage and divorce. They cited polygamy as well as talaq divorce (a husband's right to unilateral divorce by repudiation), in particular, as reasons why German women should avoid taking on Muslim spouses.<sup>xxiii</sup> By 1901, the German Consulate in Constantinople urged the Foreign Office to prevent these unions by refusing to grant dispensations from the need to prove one's eligibility to marry, as well as by advising potential German brides and their families against intermarriage with Muslims from abroad. The Consulate's letter sparked a nationwide inquiry about the extent to which German women had actually married Ottoman Muslims. Ultimately, however, the survey found that few cases of intermarriage with Ottoman Muslim men actually existed.<sup>xxiv</sup>

Nonetheless, when a case involving marriage with an Ottoman Muslim was brought to the attention of the Foreign Office, it attempted to advise against the union. For example, in 1913, it liaised with the consulate in Constantinople to assist a German woman, Else Wreszynski, who was engaged to marry an Ottoman Muslim doctor. It advised her on writing a pre-marital agreement to protect her property rights and to prevent her future spouse from taking on a second wife.<sup>xxv</sup> The following year, the Foreign Office became more interventionist, refusing to process the documents required for Mehmed Bedruddin Messah Bey, a technical employee of the Anatolian railway, to marry a German Protestant woman. Mehmed had planned to bring his bride back to Constantinople to live with him, a proposition which the Foreign Secretary claimed was objectionable. 'In view of both the legal and the social position of Turkish women,' he argued, 'there are enormous reservations against German women entering into a marriage with Turkish citizens of Muslim faith'. Despite Mehmed's persistent letters, the Foreign Office refused to grant a dispensation from the requirement to prove that he was eligible to marry by showing documentation from his home country. As a consequence, the marriage was not allowed to take place in Germany.<sup>xxvi</sup> As these examples indicate, while race was increasingly problematized within Imperial German debates about intermarriage, it was also seen as one factor of several that intersected.

In this context, some unions across presumed racial lines seemed more acceptable than others. This confusion about interracial intermarriage was compounded by different practices and levels of acceptance within Germany's various colonies. In Samoa, in particular, as George Steinmetz

has shown, intermarriage was not uncommon, and local women – like all women in German law under the civil code – took on the citizenship status of their German husbands. In 1912, according to some reports, as many as 41% of German colonial officials were married to local women ('Beamten-Mischehen in Samoa' [Registrar mixed marriages in Samoa], 1912). Significantly, as the governing body in Samoa noted in 1907, in the eyes of the law, Samoans 'were whites, despite their dark skin colour' (Quoted in Steinmetz, 2007, at 335; see also Shankman, 2001 and Loosen, 2014, 367-414). 'Whiteness' depended largely on behaviour. As a colonial judge in Apia noted, 'many of these mixed race people are brought up well... Samoan blood is hardly noticeable in the progeny of these marriages'.<sup>xxvii</sup> Colonial officials, alongside many missionaries and other contemporary observers, often agreed that, while Africans were fundamentally different from Germans, Samoans could be integrated more easily into German culture – and were therefore better suited to intermarriage (for example, von Barts, 1912; see also Fitzpatrick, 2017 and Loosen, 2014, 356-61).

From the 1890s, a number of new attempts to stamp out interracial marriage were made in Germany's African colonies, but these only seemed to spur greater uncertainty regarding the maintenance of racial boundaries. A fundamental question was whether 'mixed' people were allowed to marry German 'whites', but what exactly counted as a 'native' or as a 'mixed' person (a Mischling)?<sup>xxviii</sup> Was 'race' alone the key to being a 'native'? Could a 'native' or 'mixed' person be culturally German? For example, when the farmer C. Eyth argued that his daughter Frieda should be recognised as 'German' rather than 'mixed' and therefore able to marry another 'German' without problems, he pointed to the German-language education, baptism by a local Evangelical missionary and general upbringing. He also pointed out that even her hair was 'German' – 'not a trace of it is curled'!<sup>xxix</sup> These questions provoked considerable consternation for German colonial officials, especially when they extended to interracial marriage involving citizens of other countries. Given Southwest Africa's border to British colonial South Africa, intermarriage with British subjects, including those who were deemed 'racially mixed', threw up questions about the practicality of a ban on interracial marriage within the German overseas Empire (Lindner, 2009; Zollmann, 2014, pp. 266-9). For example, the validity of Charlotte Dixon's marriage to the Swakopmund farmer Carl Behmer came into question in 1911 when they sought poor relief together with their three children. It was unclear, argued a local magistrate, whether she could be seen as his wife given that Charlotte came from a 'coloured' family.



Nonetheless, her father was English, which seemed to indicate that she, too, should be counted as English rather than as a ‘native’.<sup>xxx</sup> Cases like Charlotte’s became pressing because the British government insisted to Berlin that its citizens be treated unequivocally as British citizens in German Southwest Africa – that is, with full and equal rights to Germans.<sup>xxxi</sup> And, since Germany was alone in banning mixed marriage in its colonies, ‘coloured’ residents of German Southwest Africa could – and sometimes did – shop for a new jurisdiction by heading to neighbouring European colonies.<sup>xxxii</sup>

By this time, marriage with local populations had been banned altogether in Southwest Africa (since 1905), and it had also been outlawed in East Africa in 1906 and in Samoa in 1912.<sup>xxxiii</sup> The bans followed a protracted period of debate, both quietly within official corridors and through correspondence, and in the open through the press, parliament and the lobbies of various pro-colonial organizations and missionary societies.<sup>xxxiv</sup> To a certain extent, these discussions followed in the wake of war with the Herero and Nama in Southwest Africa, but they also reflected on miscegenation rules in other countries. The United States, where five states had banned interracial marriage within their constitutions, with other states devising alternative measures to deter the practice, offered a possible model. South Africa, where interracial sexual relations were targeted with various prohibitions and a ban had been debated in the 1900s (and later introduced in 1949), also served as a potential template.<sup>xxxv</sup> In addition, the German government contacted its French, British and Dutch counterparts to inquire about how intermarriage was handled in their colonies. The Netherlands had banned marriage with non-Christians since the seventeenth century, amending the policy in 1848 and then reinstating it in another form in 1898 that attempted to deter Dutch women from marrying colonial subjects. However, neither Britain nor France imposed sanctions against intermarriage in their overseas empires (for background, see Stoler, 2002, 100-5; Camiscioli, 2009, 129-54; de Hart, 2015; Salesa, 2011, 123-4).<sup>xxxvi</sup> What the German Colonial Office found proved so surprising that they contacted France a second time to confirm that they had understood correctly: not only was intermarriage not banned in French colonies, but the law was just changed to making intermarriage even easier to carry out.<sup>xxxvii</sup> Within these debates about bans on intermarriage within the German Empire, arguments put forward by influential colonial officials like Wilhelm Solf, a governor of Samoa and later head of the Imperial Colonial Office who lobbied vehemently against interracial unions proved decisive (on the legislative debates and bans, see Essner, 1997; Wildenthal, 2001). And yet, this thinking also echoed a broader change in

the rhetoric within Germany (as well as elsewhere) regarding race, which increasingly came to be viewed in biological rather than humanist or cultural terms alone (see Fitzpatrick, 2009).

As Ann Laura Stoler has noted, however, ‘that prohibitions against intermarriage were commonly late rather than earlier colonial interventions... suggests that it was not interracial sexual contact that was seen as dangerous but its public legitimation in marriage. Similarly, it was not the progeny of such unions that were problematic but the possibility that they might be recognized as heirs to a European inheritance.’ (Stoler, 2002, 39). In Germany, as elsewhere, unions across boundaries – both racial and confessional – seemed most concerning when they were legally sanctioned, not least because of their implications for citizenship. The 1913 Imperial Citizenship Law, which was debated, in part, in conjunction with the 1912 colonial ban on intermarriage, was based explicitly on the principle of *ius sanguinis* – the right of the blood, meaning that citizenship was inherited through one’s family line. However, the new policy did not prevent German colonial subjects from becoming naturalised as German citizens, nor did it prevent naturalised colonial subjects from passing down German citizenship to their children. Moreover, the new citizenship law allowed German men married to ‘native’ women to pass on their citizenship to their wives and children. Nonetheless, the new Citizenship Law failed to offer a guarantee of legal protection to women marrying colonial subjects or citizens of other countries because it did not allow them to retain their German citizenship upon marriage (Gosewinkel, 295-309, 325-6).

Despite concerns about the consequences of legally permitting interracial marriage, German official dicta against the practice were limited only to the colonial sphere, suggesting that an alternative regime governed politics of difference in the metropole. For Germans at home, it was instead public pressure and administrative creativity that instead militated against unions that crossed presumed cultural divides. In theory, Germans outside the colonies were free to choose a spouse regardless of his or her religion, ethnicity or, indeed, nationality. Moreover, following the precepts of international law, which allowed people to marry following local rules, members of German minority communities abroad – beyond the confines of German colonies and their associated legal regimes – were also free to take up husbands and wives of any race or nationality, as long as their choice in marital partner accorded with the *lex loci* (‘the law of the place’ – that is, of the state in which an activity is carried out). As long as the father was a German citizen, the children of these marriages would count as ‘German’.<sup>xxxviii</sup>

The decision to follow *lex loci* when it came to marriage abroad was especially important for clarifying the position of the thousands of Germans who set off in the middle of the nineteenth century to found what they saw as and called ‘colonies’ in South America: outposts with German-language schools, churches, businesses and newspapers. The family was seen as key to these colonization efforts; it was through women and children that some semblance of ‘Germanness’ – *Deutschtum* – could take hold. Various organizations encouraged the emigration of Germans and the support of so-called *Auslandsdeutsche* (Germans abroad) in regions like southern Brazil (Schulze, 2016). Meanwhile, pamphleteers like Leonore Niessen-Deiters wrote extensively on the value of women in helping to establish households and German culture around the world (Niessen-Deiters, 1913). As some pan-Germanists, who sought to expand German culture and settlements abroad, noted, intermarriage with locals in South America – as elsewhere – had only brought problems. In Brazil, Felix Hänsch noted, the intermarriage of ‘Latins’ and locals effectively meant mixing with former West African slave populations, as was the case with intermarriage in the United States. The practice could endanger German settlers’ bond with the ‘motherland’, which could only be nurtured through the education of children in the virtues of the German Empire and frequent trips back to Germany. German mothers – rather than indigenous wives – would be invaluable in this regard (Hänsch, 1912, 41, 46-47). While other pan-Germanists agreed on the important role of German families and education in settling, not all were as scathing of local populations, presumably because of generations of integration with Spanish and Portuguese colonisers. Locals could be ‘friendly’, if prone to flattery and insincerity, though the men should be avoided, as they were prone to deceiving women into falling in love with them before hiding them away in ‘almost cloister-like’ arrangements at home. It was best, therefore, for Germans to marry other Germans, even if intermarriage with locals was legal (Winzer, 1900).

Whether in Germany’s diaspora communities or colonies, or at home in mainland Germany, as the discussions about interconfessional marriage suggest, a common thread emerged in considerations of intermarriage: that its greatest risk was to German culture, which could be upheld best through future generations of Germans. Children were central to these deliberations: it was through the education of children, at home – under the watchful eye of ethnically and linguistically German women – and at school, that German culture would be both propagated and survive abroad.<sup>xxxix</sup> In this sense, critiques of racially mixed marriages echoed those involving interconfessional unions: non-endogamous marriages were not merely a threat to race or religion;

they seemed to threaten cultural unity, broadly conceived. Nonetheless, from the late nineteenth century, in the wake of national unification, increased internal migration and a bevy of new family law across the German lands, family, and marriage with it, began to be conceived through an alternative lens within mainland Germany: as a flexible hybrid that could include different religious practices, regional identities or ethnicities – as long as they accorded with a general sense of German national identity which was predicated on the German language, monogamy and allegiance to German cultural norms. From this perspective, a valid marriage in Germany could transgress cultural (as well as racial and religious) lines as long as it accorded with a generally accepted imaginary of the family. That imaginary was perhaps best encapsulated in a new practice that began at the end of the nineteenth century: the recording of family books.

### **We are Family**

Keeping family books – rather than recording new marriages only in official state registries as well as the family bible – was espoused by state authorities from the 1890s, and eagerly advocated by the many new companies that began publishing them. They were fundamentally an administrative aid, but their symbolic function was significant. Governmental officials saw the practice as a means to make administration more efficient. For example, the Prussian Ministry of the Interior declared that families should keep their own genealogy books, including information on marriage, birth and death, to save the civil service from ‘time robbing’ activities. Civil registry offices would sign off these books, placing an official stamp under every major life event.<sup>x1</sup> Although they took off in response to bureaucratic anxieties about minimising paperwork, family books also helped feed into common understandings of ‘the German family’. As both identity documents and consumer goods, the new family books helped to encode a specific imaginary of marriage and family life in Germany, and that imaginary allowed for a degree of diversity (on paper, at least), both within families and between families. That diversity was limited, however, to the German metropole.

Family books proliferated across Germany over the next several years, helping to disseminate this vision of marriage and the family. Several state governments followed Prussia in adopting the practice, handing out their own standardised ‘family books’, provided by communal taxes. For example, in 1902, Alsace-Lorraine made it mandatory for all newly married couples to begin

maintaining these books, which also served as a form of passport that could be used by individuals when confronting the state in their everyday lives (Familienchronik [Family history], 1901).<sup>xli</sup> By 1913, the assembly of civil servants at Düsseldorf voted to introduce a uniform family book for the district. In fact, by the early 1900s, family books were already widespread in many of the larger towns and cities in the Ruhr Valley, including Dortmund, Bochum and Gelsen-Kirchen. As a member of the Düsseldorf conference noted, the practice was especially welcome as a means to monitor the fluctuating populations working in the area, including the numerous migrant workers from the Russian-Polish borderlands and elsewhere. By having families write their own life histories – under the watchful eye of civil servants – it would finally be possible, he noted, to have a reliable method of spelling Polish names.<sup>xlii</sup> Not least, it would be easier to keep a record of mixed marriages involving the many immigrants living within the Ruhr region. Nonetheless, as some detractors noted, using family books to record marriages and other life events could result in more disorder than uniformity: the fact that so many publishers produced them, with varying information – and set at various price points was certainly an issue.<sup>xliii</sup>

In the end, numerous regions began adopting the custom, either through governmental decree or with church support. There were slight variations in uptake of the practice, with urban areas and industrial districts more likely to participate. The Evangelical Church was particularly keen to encourage the use of family books, which dovetailed closely with earlier traditions of inscribing key life events in the family Bible.<sup>xliv</sup> And, many versions of family books allowed for official church stamps to exist side by side with seals from civil registrars, which made them particularly attractive to church officials. These books, of course, also allowed for marginalia from family members, and many publishers included additional note pages to add personalised inscriptions. As quasi-official identity papers that also served as personal memorabilia, the books proved enormously appealing to individuals.

By the end of the nineteenth century, therefore, marriage appeared to be standardised on paper – at least in metropolitan Germany. It was based on kinship networks, monogamy and heterosexuality. The standard was so consensual that, in 1911, a Landgericht (state court) in Graudenz ruled family books as holding legal validity when assessing disputes – in this case, an inheritance conflict.<sup>xlv</sup> In order to clarify that standard, most family books included a copy of the 1875 Personal Status and Civil Marriage Law, along with information that might be relevant for a newlywed couple, such as rules on vaccinating children. Trinckler and Schneider's 1899 Familien-

Stammbuch, for example, allowed six pages for details on children – as well as several lines in which to catalogue their death dates, reflecting the reality of child mortality figures during this period. It also solicited the ‘Stand’ (socio-economic status) of the couple, of their parents and grandparents, along with details of the marriage and identifying information such as birth dates and locations and religion (Familien-Stammbuch [Family genealogy book], 1899).

According to family books of the time, therefore, marriage implied an institution which the state sanctioned with official seals and signatures, which required two witnesses, and which stemmed from mothers and fathers and resulted in numerous progeny. It is telling that religion was recorded in a family book, yet it was noted separately for each spouse. However, ethnicity and nationality remained absent from the books, suggesting either that they did not matter or – more likely – that marriage in Germany was presumed to transpire only between ethnic Germans. In principle, the German family was an expansive concept, and could be a hybrid including different religions, regions and perhaps even ethnicities – just like the new German Empire. Family books detailed intermarriages of various kinds, accepting that, in theory (if not in practice), marriage could take various forms.

## **Conclusions**

Over the course of the nineteenth and early twentieth century, contestation about intermarriage proved a flashpoint in debates on identity politics in Imperial Germany. Intermarriage mattered to families and broader communities, including, in certain instances, legislators and government bureaucrats, because it was seen as a pivotal means through which social groups formed, interacted and maintained boundaries. On the surface, the boundaries that mattered most appeared to shift in emphasis over time, as anxieties about interconfessional difference gave way, to a certain extent, to those about racial otherness. Several factors accounted for this development, including the expansion of Germany’s overseas empire, the growth of international migration to and from Germany, an increased emphasis on racial and biological thinking and language in the 1900s and growing acceptance of interfaith relationships. Not least, the broader project of nation building and attempting to grapple with the complexities of a quickly modernizing, multiethnic and growing nation state contributed to the unification and secularization of the legal system within metropolitan Germany. As a result, a civil marriage policy was introduced in 1875, followed by a

uniform system of family law with the Civil Code in 1900, meaning that interconfessional marriage became easier to carry out and, if necessary, to dissolve.

Anxieties about intermarriage within Imperial Germany did not, however, shift seamlessly from concerns about crossing confessional lines to later taboos about transgressing racial barriers. Instead, considerations about marrying across groups revealed how diverse categories of difference often intermingled. This uncertainty about categories itself proved a source of tension, highlighting the ambiguity of national identity, group identity and individual self perception in an era of monumental transformation. Nonetheless, the specific discourses about interconfessional and interracial intermarriage and their legal treatment largely ran in parallel, even if they intersected at key points. This pattern reveals the ways in which diversity was understood and addressed within the emerging multi-ethnic German nation state. At first glance, diversity appeared over time to be less pressing within the metropole amidst a growing emphasis on national unity, which came to be symbolised in the new family books that took off from the 1890s. Abroad, both within Germany's diaspora communities and overseas colonies, in contrast, preserving a specific form of ethno-linguistic German identity was often seen as essential and militated against interracial marriage. On the ground, however, understandings of identity and difference proved more complicated.

To be sure, a clear change in tone against interracial marriage could be detected in Germany's colonies from the 1890s, as a movement to ban miscegenation proliferated. Nonetheless, pressure against intermarriage in the overseas empire was often ignored on the ground, by settlers and missionaries, as well as some officials. For some observers, intermarriage with 'natives' even seemed a special opportunity to take advantage of racial mixing, enabling Germans and Africans to shed their worst traits and instead develop an improved racial blend (Deutscher Anthropologentag [German anthropologists conference], 1913). Not least, understandings about intermarriage in Imperial Germany were further complicated by the fact that racial differences were viewed in various ways. Some 'races', like members of certain African 'tribes', seemed more different from 'Germans' than others, like Samoans and other groups living in the South Pacific – and, therefore, more difficult to marry and integrate into German culture. In this context, questions about difference and intermarriage came to the forefront perhaps most clearly when race (as well as religion) intersected with nationality. Marriages involving German women and Ottoman and North African Muslim men, as well as those involving men from Germany's African colonies,

therefore provoked particular concern. Since a family would take on the husband's nationality, a German wife (and her children) would lose her citizenship and associated rights and protections.

Ultimately, implicit ideas about class – broadly conceived in cultural as well as socio-economic terms – and community often underlay these considerations about intermarriage in the German Empire, both at home and overseas. Pressures against exogamy could be found within communities and families due to concerns about keeping up appearances and maintaining one's social status. This emphasis could be seen, for example, in the reluctance of middle-class Jewish families towards intermarriage with Christians, just as it could be found in the denigration of women living in Germany who decided to marry African men from the colonies. These assumptions could also be found in the new family books that were published independently but propagated by state governments and local registrars. In the new family books, social status as a category sat alongside both religion and place of origin. And yet, related anxieties about status and community also extended to concerns about upholding a broader, national community, which could be preserved through the education and rearing of children, as discussions about both Catholic-Protestant 'mixed-marriages' and interracial marriage in Germany's colonies revealed. Intermarriage therefore had the potential simultaneously to transgress both social and symbolic boundaries in the multicultural and rapidly transforming German Empire, making it into a litmus test for the politics of difference. These identity politics surrounding intermarriage would continue to resound into the mid-twentieth century and beyond in Germany, long after the fall of the Second Empire and the loss of both overseas territories and the shifting of Germany's borders at home in the metropole. Their legacy could be found not only in National Socialist policies on marriage, the family and procreation, but also in later debates about guest workers and international visitors to Germany after the Second World War (for example, Mouton, 2007; Woesthoff, 2017). Not least, the heritage of Imperial Germany's identity politics related to the family and intermarriage can be seen to the present in ongoing debates about multiculturalism and its possible limits (for example, Chin, 2017).



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<sup>i</sup> Bavarian marriage law was complex, divided between the rules in the Palatinate that had been introduced under Napoleon and the Bavarian civil code, which did not allow for civil marriage but included some caveats which made interconfessional marriage possible in certain instances (for background: Scholz Löhning, 2004).

<sup>ii</sup> Bundesarchiv Berlin (BArch) R3001/3788: 6: Anna Kleeblatt Modistie to Chancellor Bismarck, 9 Sept. 1872.

<sup>iii</sup> Of course, endogamy as an outcome of the attempt to maintain status hierarchies was hardly unique to Jewish communities in modern Germany (Jallinoja, 2017)

<sup>iv</sup> In Germany, this policy was only changed in 1957. Meanwhile, women in various other countries were allowed to retain citizenship upon marrying a non-national earlier – for example, in post-revolutionary Russia in 1918; the United States (1922/1934); Romania (1924); and, France in 1927, amongst others. Some states, however, like the Netherlands (1964), followed suit even later. This legal reform movement was sparked by a mixture of feminists and international lawyers, culminating in agreement at the 1930 Conference for the Codification of International Law that women should be allowed the right to retain their current citizenship upon marriage (for background, see Cott, 1998; Bredbenner, 1998; Berkovitch, 1999; Camiscioli, 1999; de Hart, 2006; Fahrmeir, 2007, 126-32; Moses, forthcoming-a).

<sup>v</sup> Landesarchiv Nordrhein-Westfalen (NRW): Abt. Rheinland: Regierung Duesseldorf, Präs. Büro: Br0004: Nr. 898: 1: Police administration in Barmen to Royal Governmental President in Düsseldorf, 6 Oct. 1904; 10: Police administration in Essen to Royal Governmental President in Düsseldorf, 3 Oct. 1907.

<sup>vi</sup> See also the contributions by X and Y (anonymized due to on-going review process) in this special issue.



- <sup>vii</sup> Landesarchiv NRW: Abt. Rheinland: Regierung Düsseldorf, Präs. Büro: Br0004: Nr. 898: 24: Landrat of Kreis Ruhrort to Royal Governmental President in Düsseldorf, 4 Oct. 1904
- <sup>viii</sup> Geheimes Staatsarchiv Preussischer Kulturbesitz (GStAPK) I. HA. Rep. 89. Nr. 22733: unnumbered: Friedrich Wilhelm to the War Ministry, 7 June 1853.
- <sup>ix</sup> GStAPK I. HA. Rep. 89. Nr. 22733: unnumbered: copy of ‘Eheschliessung und gemischte Ehen in Preussen nach canonischen Recht’ [Marriage and mixed marriages in Prussia according to canon law].
- <sup>x</sup> Evangelisches Zentral-Archiv (EZA): 7/3317: 281-308: Protestant Upper Church Advisor, ‘Denkschrift über den Schutz der evangelischen Kirche auf dem Gebiet der gemischten Ehen’ [Memorandum on the protection of the Protestant Church in the field of mixed marriages], 30 Nov. 1882.
- <sup>xi</sup> Hauptstaats-Archiv (HstA) Dresden: Kultus: 10923/2: 52: Friedrich Wilhelm Hering to the King of Saxony, 8 Jan. 1909.
- <sup>xii</sup> EZA 1/892: 141-50: ‘Anlage II zum Protokoll des Deutschen Evangelischen Kirchenausschusses vom 3./4. Dezember 1908’ [Appendix II of the Minutes of the German Protestant Church Committee from 3-4 Dec. 1908]: ‘Abschrift: Die religiöse Erziehung der Kinder aus Mischehen’ [Transcript: The religious education of children from mixed marriages].
- <sup>xiii</sup> EZA 1: 893: unnumbered: copy of pamphlet: B. v. Bonin, Die Bestimmung des Bekenntnisses bei Mischehekindern: Denkschrift auf Anregung des Präsidiums des Evangelischen Bundes [The provision for the denomination of children from mixed marriages: Memorandum commissioned by the presidium of the Protestant Association] (n.d., ca. July 1916). See also EZA 1: 893: unnumbered: copy of Die Mischehenpflege: Praktisches Handbuch zur Orientierung über die Notwendigkeit und zur Einführung in die Gestaltung der Mischehenpflege [Support for mixed marriages: A practical guide to its importance and to ways of providing it], 3<sup>rd</sup> edn (Berlin: Evangelischer Bund, 1918).
- <sup>xiv</sup> EZA: 1:893: unnumbered: copy of ‘Kindererziehung in Mischehen’ [Raising children from mixed marriages], Deutsche evangelische Korrespondenz [German Protestant Correspondence], 142 (20.12.1911) elaborates on a case similar to Friedrich Wilhelm Hering’s: Kammergericht: Zivilsenat 1a, 7 July 1911, X, 628, 1911.
- <sup>xv</sup> The term ‘Mongrel’ was widely used by contemporaries to denote Rehoboth people who stemmed from Boer-Hottentot relationships. The term is often translated elsewhere as ‘Bastard’, but was originally used not to imply illegitimacy – as in an illegitimate child – but rather an animal lacking a pedigree.
- <sup>xvi</sup> For example: Vereinte evangelische Mission (VEM) Archives: RMG: 2.491: 240-1: Dr A. Schneider to the Director of the Colonial Department of the Foreign Office, 15 Dec. 1899.
- <sup>xvii</sup> BArch R1001/5423/44: District Judge Richter to Governor Leutwein, 6 June 1899.
- <sup>xviii</sup> ‘Auch etwas zur Eingeborenenpolitik’ [Also something about policy on native populations], Beilage zur ‘Usambara-Post’ [Supplement to the ‘Usambara Post’] 45/1 (1905), in BArch R1001/5422: 5.
- <sup>xix</sup> BArch R1001/5422: Bakari to Dernburg, the head of the Colonial Department in the Foreign Office, 21 Dec. 1906.
- <sup>xx</sup> ‘Die Rassenfrage in unseren Kolonien’ [The race question in our colonies], Deutsche Worte [German words] (19 Nov. 1905), in BArch R1001/5422: unnumbered. This trope about class politics and interracial marriage extended beyond the German Empire. See, for example Tabili, 2005; Bland, 2005 and, Z in this special issue.
- <sup>xxi</sup> BArch R1001/5428: 8-9: Baden Ministry for Justice and Foreign Affairs to the Colonial Office, 4 June 1913; 16-17: Colonial Office to the Baden Ministry for Justice and Foreign Affairs, 18 Aug. 1913.
- <sup>xxii</sup> These debates would soon come to a head during the Weimar Republic in the so-called ‘black horror on the Rhine’, in which French colonial occupation troops in the Rhineland were accused of abducting, raping and murdering German women. The discussions continued into the 1930s and often focused on out-of-wedlock German children fathered by these troops. Merging colonial and eugenicist discourses, the debate about the ‘Black Horror’ and the children that stemmed from it has often been seen as a precursor to later National Socialist racial policy and resulted in the forced sterilization of many of the children from these unions (Pommerin, 1979; Koller, 2001, 204-62; Przyembel, 2003, 48-62; Maß, 2010; Roos, 2013; Wiggers, 2017)
- <sup>xxiii</sup> Similar concerns were also voiced at the time about intermarriage between German women, as well as other Europeans, and Chinese husbands. For example, GStAPK: I.HA. Rep. 84a. Nr. 11898: 95b: Prussian Minister of Foreign Affairs to the Minister of Justice, 26 July 1906; BArch R1001/ 5421: 3: clipping of ‘Rassenschmach’, Der Tag, 26.4.06; BArch R901: 28151: unnumbered: German Consulate in Peking to Chancellor Bethmann Hollweg, 15 Jan. 1913; unnumbered: German Consulate in Tientsin to Bethmann Hollweg, 22 July 1914; unnumbered: clipping of ‘The Intermarriage of Foreign Women and Chinese’, The Tientsin Sunday Journal, 1 Aug. 1915 (see also de Hart, forthcoming, 2019; Lorke, forthcoming, 2019).
- <sup>xxiv</sup> Even if cases with Ottoman Christians and Jews could be identified. BArch R901/28224: unnumbered: Foreign Office to Justice Minister, 6 May 1914, citing the 30 Oct. 1901 letter; BArch R901/28224: unnumbered: Secretary of the Interior to the Secretary of the Foreign Office, 18 Oct. 1910. Relatedly, the same tactic was followed for Egypt soon afterward: BArch R3001: 1370: 41: German Consulate in Cairo to the Foreign Office in Berlin, 1 Nov. 1923.

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- <sup>xxv</sup> BArch R901/28224: unnumbered: Foreign Office Memo, 27 March 1913.
- <sup>xxvi</sup> BArch R901/28224: unnumbered: Justice Minister to Foreign Secretary, 27 Feb. 1914; unnumbered: Foreign Office to Justice Minister, 6 May 1914; unnumbered: Bedruddin Messah Bey to the Foreign Secretary, 12 May 1914. See also, for example, the letters in BArch R901/28226, which show the continuation of these considerations into the Weimar Republic.
- <sup>xxvii</sup> BArch R1001: 5432: 51-6: Kaiserliche Bezirksrichter Schlettwin in Apia to the Governor of Samoa, 19 June 1910. Similar distinctions about behaviour and ‘whiteness’ – and the legal rights associated with being seen as ‘white’ – governed children of mixed marriages in Germany’s Chinese settlement at Kiautschou Bay. In contrast to other German colonies, however, intermarriage was never banned there. See Kaiser, 2009.
- <sup>xxviii</sup> BArch R1001/5427: 7: Colonial Government in Togo to the Imperial Colonial Office, 10 Sept. 1910; 9: Colonial Officer to the Governor in Lome, n.d. (Sept. 1910).
- <sup>xxix</sup> BArch R1001/2191: C. Eyth to Lindequist in the Colonial Office, 2 Aug. 1908.
- <sup>xxx</sup> BArch R1001/5423: unnumbered: Magistrate in Bunslau to the Colonial Office, 4 Dec. 1911.
- <sup>xxxi</sup> BArch R1001/4686: Goschen, British Ambassador in Berlin, to Zimmermann in the German Foreign Office, 29 Jan. 1912.
- <sup>xxxii</sup> BArch R 1001/5424: 18: Imperial Colonial Office to the Governor in Windhoek, 17 May 1913.
- <sup>xxxiii</sup> In addition, the local authorities in New Guinea decided to prevent future intermarriages from 1912. See BArch R1001/5429:48-63: ‘Bericht über die 4. Gouvernementsrats-sitzung der V. Sitzungsperiode am 18. Okt. 1912 in Rabaul’ [Report on the fourth governmental advisory meeting of the fifth session on 18 Oct. 1912 in Rabaul].
- <sup>xxxiv</sup> On official discussions about marriage bans throughout the empire, see in particular the files held in BArch R1001: 5432; BArch R1001: 5417-18; BArch R1001:5420-3, amongst others. Key parliamentary discussions: Stenographische Berichte über die Verhandlungen des Deutschen Reichstages [Minutes from the Debates of the German Parliament], vol. 283, 8<sup>th</sup> session (17 Feb. 1912), 98-114; vol. 284, 50<sup>th</sup> session (29 Apr. 1912), 1521-5; vol. 285, 53<sup>rd</sup> session (2 May 1912), 1648-51; vol. 285, 55<sup>th</sup> session (7 May 1912), 1728-37; 56<sup>th</sup> session (8 May 1912), 1740-47.
- <sup>xxxv</sup> BArch R1001: 5420: 7: clipping from Deutsche Zeitung [The German Newspaper], 2 March 1906; 109: clipping from Der Tag [The Day], 7 Dec. 1910: ‘Die Buren gegen Ehen mit Farbigen’ [‘The Boers against marriages with coloured people’] (on the US, see Pascoe, 2009, 63; on South Africa, see Chanock, 2001, 210-14).
- <sup>xxxvi</sup> In 1907, however, the colonial government in British Ghana banned interracial concubinage (see Ray, 2015, 30).
- <sup>xxxvii</sup> BArch R1001: 5420: 5: letter from Colonial Advisor Schnee at the German Embassy in London to the Foreign Secretary and the Colonial Secretary, 6 Apr. 1906; 49: letter from the German Embassy in Paris to Chancellor Bülow, 14 Apr. 1906; 49: Letter from the German Embassy in Paris to Chancellor Bülow, 6 July 1906; 50: letter from the German Embassy in the Hague, Netherlands to Chancellor Bülow, 18 July 1906.
- <sup>xxxviii</sup> However, children born in countries like the United States, where citizenship was based on *ius soli* (the right of the soil), would also take on the local citizenship – regardless of whether one of their parents was also a citizen of the country.
- <sup>xxxix</sup> A central part of that educational project was also clarifying the difference between ‘Germans’, as well as other ‘Europeans’, and ‘others’ around the world. See Bowersox, 2013.
- <sup>xl</sup> BArch R3001/3724: 6-7: Prussian Minister of the Interior to the Upper Presidents in Prussia, 29 Apr. 1895. On civil registrars’ concerns about the hours of paperwork involved in their jobs – and the possible benefit or burden of family books: HstA Dresden: Min. des Innern: 17758: unnumbered: District Head of Bautzen to the Saxon Ministry of the Interior, 16 Oct. 1879; ‘Promemoria für den Bundesrath bei Abfassung der Instruktion zum Reichsgesetz vom 6. Feb. 1875’ [Memorandum for the Bundesrat on the wording of the instruction of the Imperial Law from 6 Feb. 1875], *Der Standesbeamte*, 1/12 (June. 1875), pp. 105-8.
- <sup>xli</sup> The prompt adoption of the practice in this former French region may, however, have stemmed from its longer heritage in the region. In France, as in other states which shared a Napoleonic inheritance, official, state-mandated family books had served as essential identity documents since the early nineteenth century. BArch R 3001/3724: 6: Minister of the Interior to the upper presidents with the exceptions of Koblenz and Sigmaringen, 29 Apr. 1895, here at f.17.
- <sup>xlii</sup> EZA: 7/3293: 153-6: Royal Consistorium in Westphalia at Münster to the Evangelical Ober-Kirchen-Rath, 6 June 1899; ‘Bericht über die Konferenz der Standesbeamten des Regierungsbezirks Düsseldorf in Düsseldorf am 4. März 1911’ [Report on the Conference of Registrars of the Governmental District of Düsseldorf in Düsseldorf on 4 March 1911], *Das Standesamt* 10/7 (1 Apr. 1911): pp. 75-8; ‘Bericht über die Konferenz der Standesbeamten des Regierungsbezirks Düsseldorf in Düsseldorf am 26. Apr. 1913’ [Report on the Conference of Registrars of the Governmental District of Düsseldorf in Düsseldorf on 26 Apr. 1913], *Das Standesamt* 12/13 (1 July 1913): pp. 146-

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53; 'Bericht über die Konferenz der Standesbeamten des Regierungsbezirks Düsseldorf in Düsseldorf am 20 Sept. 1913' [Report on the Conference of Registrars of the Governmental District of Düsseldorf in Düsseldorf on 20 Sept. 1913], Das Standesamt 12/19 (1 Oct. 1913): pp. 215-17.

<sup>xliii</sup> HstA Dresden: Min. Ausw. Angel.: 10717: 8126: unnumbered: Saxon Ministry of the Interior to the Saxon Ministry of Foreign Affairs, 10 Oct. 1894; 'Aus H. Die Familienbücher' [From H. The family books], Der Standesbeamte 18/34 (1 Dec. 1892): pp. 256-66; 'Über die Familienstambücher' [On family genealogy books], Der Standesbeamte 21/15 (21 May 1895): pp. 115-16.

<sup>xliiv</sup> EZA: 7/3293: 133: Protestant Upper Church Advisor to the Consistorium, 25 Feb. 1899.

<sup>xlv</sup> 'Über die Beweiskraft der Bescheinigungen im Familienbuch' [On the validity of certifications in the family book], Das Standesamt 12/5 (1 March 1913): pp. 56-7.