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SOCIAL STATUS OF WOMEN IN GERMANY (1848-1933): LEGAL AND CULTURAL ASPECTS

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Abstract

The study focuses on the circumstances and factors influencing the status of German women between 1848 and 1933, which are essential for understanding the basic issues of socio-economic, political and legal development of the German nation itself as well as many other nations. The problem of female emancipation became the most critical one in German society. There has been an exponential increase in the number of women expressing their interests and challenging conventional notions of the traditional destination of the "weak" sex. This was the beginning of a confrontation with the old-centuries ideological and legal barriers preventing the equal status of women in German society. The retrospective of granting women equal legal status with men confirms that this is primarily a matter of public culture, and then of rights. The emergence of legal norms guaranteeing the principle of equality indicates an improvement in the culture of society. Equalization of the legal status of a person regardless of gender is possible only when there is an internal consent of the most citizens and the required level of legal consciousness, which recognizes the priority of rights and freedoms over any social norms. An entrenched view of the people as the source of power has contributed to the expansion, equalization of the status of women. Analyzing the legislation of the German states, we can argue that the deprivation of women's rights has not generally been enshrined in law. The exclusion of women from certain rights was natural and did not require legislative establishment.

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1. Introduction

Compliance with the principle of equality of citizens regardless of gender is an important criterion for judging the level of legal culture of society, state and individual. Legal culture mirrors the degree of civilization of society. Cultural society is only one that provides for and protects individual rights, especially natural rights, to the fullest extent possible. The issue analyzed in this paper belongs to a set of culturological and legal studies that provide insight into the legal culture in Germany and simulate the social image of women.

2. Problem Statement

The social status of women in society is one of the most important issues from the standpoint of prevailing moral principles and widely recognized norms of law, especially in historical retrospect. This entails an increase in research interest and an appeal to the origins and trends of gradual equalization of the legal status of the individual. As the most integral part of the world community, the German people made the most significant (although diverse and various) impact on it (Pereverzeva & Shamne, 2017; Suzdalova et al., 2017). The study of the circumstances and factors influencing the position of the woman in German society has great significance for understanding the main issues of social, economic, political and legal development of the German nation itself as well as many other nations. Between 1848 and 1933, the problem of female emancipation became the most critical one in German society. There has been an exponential increase in the number of women expressing their interests and challenging conventional notions of the traditional destination of the "weak" sex. This was the beginning of a confrontation with the old-centuries ideological and legal barriers preventing the equal status of women in German society.

3. Research Questions

This research examined the laws and regulations of Germany of the 19th and early 20th centuries governing the status of women (Die Verfassung von Sachsen-Coburg, Die Verfassung des Herzogtums Nassau, Die Verfassung von Schwarzburg-Rudolstadt, Das Preußischen Vereinsgesetz, Gesetz, die Angelegenheiten in der Presse betreffend, Das Reichsvereinsgesetz, Verordnung über die Wahlen zur verfassunggebenden deutschen Nationalversammlung (Reichswahlgesetz), periodicals, archival documents, monographic literature, indicated trends in the status of women in 1848-1933; described the place and role of customs, consciousness and legal culture in granting women an equal social status with men.

4. Purpose of the Study

The purpose of the study is to provide a scientific analysis of the social status of women in Germany (1848-1933) in the context of legal regulation and the level of legal culture in society. The result will be to identify and study the development of the role and place of women in the legal culture of German society between 1848 and 1933.

5. Research Methods

This study was based on the principles of scientific objectivity and historicism, which have contributed to a more or less complete study of the content of German women's status in a broad, specific historical context. The study uses a variety of special historical research methods to identify common and specific features of women from different social backgrounds. The formal and legal method aims at disclosing the legal component of the status of German women. The work analyses scientific developments on equality issues, the provisions of German legislation. The authors focus on the analysis of archival sources in the fonds of the Russian State Archive of Social and Political History (RSASPH), in particular, the documents of K. Zetkin (Foundation No. 528. Clara Zetkin). The work studies the periodical printing of the examined period, where it is possible to find a discussion of different points characterizing the status of a woman ("Frauen-Zeitung", "Volksfreund", "Rote Fahne", "Der Angriff", "Days").

6. Findings

Actively supported theories of women's biological inferiority and their "natural" propensity to lead a household have contributed to the entrenchment of strong thinking in most societies that a woman with a family should not do any other work except household chores. The woman had a role model based on a "natural gender character": to wait for her husband to marry her, and then be a humble wife, mother and tutor for their children. Despite these beliefs, at the beginning of the 19th century in the German states, women from the grassroots had to not only take care of their family and perform household chores but also work. For most of them, the money they earned was only enough to survive. Women without family protection, especially widows and the elderly, were some of the poorest in society. At best, churches and monasteries helped them. Women were not considered independent and had to be in the family' care. If a middle-class girl did not marry, she remained an addict to the family for the rest of her life. Women were deprived of the right to participate in public life: a woman was for the home, a man was for the public. The fact that women proletarians had to work, and their bourgeois colleagues were not permitted to work, later resulted in the women's movement's slogan "liberation through work". Women found work as domestic workers, factory workers in the textile or tobacco industry, as well as in mines, construction and as loaders. They generally received no more than one-third of the wages paid to men for the same work. Rural girls worked in middle-class families. Maids and nurses had to work from early morning until late at night. The dream and goal of girls was to marry a reliable and loyal non-commissioned officer, master or worker.

In 1836, members of the Landtag Lippe (Eulers, 1991, p. 28) proposed to introduce a provision in the constitution depriving women of voting rights. However, most parliamentarians took the position that women were not entitled to participate in Landtag elections as normal state of things because of historical custom. In some German states, however, women still received active voting rights because the right to vote was directly related to the possession of certain assets. Regardless of gender, the owner had the right to vote. Women had the opportunity to exercise their voting rights under the provisions of the Duchy of Saxony - Coburg Constitutional Act of 08 March 1821 (Die Verfassung von Sachsen-Coburg), The

Constitution of the Duchy of Nassau of 1/2 September 1814 (Die Verfassung des Herzogtums Nassau), the Constitution of the Principality of Schwarzburg-Rudolstadt of 8 January 1816 (Die Verfassung von Schwarzburg-Rudolstadt) and others.

Women began to form the first women's associations at the beginning of the 19th century, mainly to help the poor and sick. These associations subsequently become political women's unions. The first political associations with active membership of the female genders in the German states date back to the "Hambach Festival" in 1832. The established associations aimed at improving the social and political status of women. The demands of a new constitution, a single state and a final solution to the "social issue" sounded more and more loud. Women took part in social protests.

The March Revolution in Germany in 1848 brought the right of women to participate in associations and assemblies, but after the defeat of the democratic movement these achievements suffered a so-called reaction (Davis et al., 2017). Some Frau have entered the history of the women's movement. They include a writer and a revolutionary L. Otto Peters, the first German woman who publicly commented on the legal status of women workers in the press. The human rights defender asked the Government not to forget the need to resolve the women's issue. Together with writer M. Anneke, she demanded the participation of women in public life and founded the first political women's publications in Germany. Many of the women's rights activists have been imprisoned or exiled since the failure of the 1848/49 revolution. Women's associations founded during the revolution were disbanded and the political activity of women was banned not by historical custom, but directly by law.

The Prussian law of 11 March 1850 (Das Preußischen Vereinsgesetz) prohibited the admission of women, along with students and schoolchildren, to political associations. In addition, women, students and pupils are prohibited from attending meetings and other activities of such political associations. The law intended to restrict the organization of associations and the freedom of assembly. This fact is clearly expressed in its full official title "On preventing the misuse of the right of assembly and association, which endangers legitimate freedom and order". Most German States borrowed the provisions of this instrument to a large extent, and it existed until 1908.

Some women's clubs had to disguise themselves as charity. Women were brought to justice for certain political actions (RSASPH. Foundation 528. Series 1. Case Number 1883. Sheet numbers 2-16).

On March 14, 1851 the Press Act of Saxony (Gesetz, die Angelegenheiten in der Presse betreffend), the so-called Lex Otto, excluded women from participating in the editorial and publishing of newspapers and magazines along with other restrictions. After that, "only men who have reached the age of 25 and have political rights may edit and publish the press". Lex Otto is a colloquial term. The law was conditionally named after editor L. Otto Peters, whose editorial work was prohibited by this law. L. Otto Peters, the only female editor in the country, got a ban on her profession. The women's newspaper ("Frauen-Zeitung") had to officially cease to exist.

In the 1850s, the German Empire experienced an economic boom, which ultimately benefited the entrepreneurs. There were nothing changes for employees in their working conditions. L. Otto-Peters, together with her teacher O. Schmidt, founded the "All-German Association of Women" in 1865. The main objectives of the association indicated the education of women, increasing their social role in

society. Addressing the rapidly growing poverty of women, which increasingly affected middle-class women, was also the focus of the established association (Lizunkov et al., 2020).

The labor market needs more workers. As academic occupations were generally closed to women, they had to find employment in the service sector and compete with workers. This ultimately creates a contrast between the bourgeois and proletarian female movement.

Only in 1891 the Reichstag of the German Empire first discussed the issue of women's voting rights (Eulers, 1991, p. 28). In 1902, the Prussian Chamber of Deputies allowed women to participate in political meetings. However, they had to stay in the special segment of the assembly hall. The segment represented an area separated by a cord. Only there women were allowed to be. They also had no right to say what they thought about the political issue that had just been discussed in the meeting.

Representatives of the labour movement evaluated women's work in different ways (Tarakanov et al., 2019). In the "Communist Manifesto" K. Marx and F. Engels accused industrial capitalism of breaking up a working-class family. F. Lassalle and his followers thought it reasonable to limit the role of women to household, motherhood and child-rearing. A.A. Bebel's book "Woman and Socialism" contributed to a turning point in the ideas about the role of women. There was a growing number of supporters of the social democratic movement who were aware of the need to give women equal rights (Anisimova et al., 2019; Rebrina & Shamne, 2019). Describing the political and legal culture of the German society, A. Bebel said that a woman in the majority's ideas takes second place, after a man. It is so deep in the consciousness that such a position is considered in the order of things. Most women see this as an inevitable fate (Bebel, 1879, pp. 95-96).

Under the influence of the book by A. Bebel, the human rights activist K. Zetkin began organizing women in the social-democratic movement after 1890, although they received full membership only through the Act of 19 April 1908 (Das Reichsvereinsgesetz). The year 1908 marked the beginning of the state's consolidation of the elements of equal legal status for women, because for the first time the division which stated that only a man could and should engage in political affairs, was abolished. Thus, a woman was recognized as a political being, just like a man, who wanted to participate in this society in the same way as a man. K. Zetkin is considered the founder of the proletarian women's movement. According to the proposal of Clara Zetkin, 8 March was officially declared International Women's Day and first celebrated in 1911. The wives and children of workers must earn money to support their families. The spouses of workers were the first to experience the double burden of work and household management.

At the beginning of the 20th century, there were more and more meetings against the restriction of women's political rights (Volksfreund, 29. Januar 1904, No. 24, P. 1). Supporters of full political equality between men and women using the ideological provisions of natural law theory indicated that women, like men, are granted political freedom and equality on the ground of birth (RSASPH. Foundation 528. Series 1. Case Number 1710, sheet number 21). However, bourgeois and proletarian women's movement achieved success in implementing the principle of equality only after 1918. Before the outbreak of World War I in 1914, there were three clubs in Germany fighting for women's right to vote. In 1917, they came together to form the "German Association for Women's Voice". The year 1918 was the birth year of the women's right to vote in Germany. Some authors note that German women were not eligible for election

until 1919 (Rote Fahne, 1919, p. 5; Die Frauen, 1921, pp. 3-4), but this is not entirely true. We should note that the right of women to vote was not granted in 1919, but in 1918, because this right was established in §2 of the German Legislative Assembly Election Ordinance of 30 November 1918 (Verordnung über die Wahlen zur verfassunggebenden deutschen Nationalversammlung (Reichswahlgesetz). Thus, it would be more correct to say that German women could personally participate in the elections of the authorities for the first time in 1919. All German citizens, irrespective of gender, receive relatively equal civil rights and obligations, and women and men over 21 years of age are granted active and passive suffrage.

7. Conclusion

Women do not show gratitude in their votes to social democracy, which has consistently defended the idea of granting women the right to vote. Most women vote for bourgeois, conservative candidates for the National Assembly.

But even after the declaration of universal suffrage in Weimar Germany, for a long time, there were two types of ballot papers available to voters to determine the political maturity of women: "ballot paper for women" and "ballot paper for men" (Der Angriff, 1930, p. 6). Some parties have often seen a violation of the principle of vote confidentiality in this circumstance and have appealed the results of the elections. Daily newspaper "Days", published by Russian emigrants in Paris under the editorship of A. F. Kerenskiy reported that a German feminist organization proposes to appeal the elections on the grounds that women voted separately from men (Days, 1928, p. 3).

A new profession for women has been developed in the Weimar Republic, it was secretary. Law, medicine, education fields considered women as undesirable competitors (Rebrina & Shamne, 2020). Neither the professional nor social status of women has improved since the National Socialists, supported by women more actively than male voters, came to power. On the contrary, National Socialists saw the role of women primarily in the mission to be faithful wives and mothers of as many children as possible. Financial benefits provided to encourage married women to give up paid employment. In 1936 the government prohibited women from being judges and lawyers. The National Socialist German Workers' Party (NSGWP) did not allow women to take up leadership positions and limited their total share in the party. Already in 1933 the previous free women's associations were mandatorily merged into Deutsche Frauenwerk (DFW).

Both the bourgeois and proletarian women's movement in Germany at that time developed and promoted their own concepts of emancipation. For example, teacher E. Lange spoke of the need for fundamental reforms in girls' schools. Her theses were publicly discussed, making her the main protagonist of the bourgeois women's movement. The main argument was to improve the society that should use women and their "maternal" qualities. E. Lange, subsequently supported by G. Baumer, proceeded from the gender difference and developed the idea of "spiritual" or "organized motherhood", which was to improve society at all levels. Education is a woman's right because only with the education she can claim to have a positive impact. E. Lange also demanded the right to vote for women, but this was not at the centre of her thinking. For her and a large part of the bourgeois women's movement, who called themselves "moderate", the issue of women was primarily a cultural one, less a legal one. The goal was

not the freedom of the (female) individual, but a more positive development of social relations as a whole: "female nature" had to neutralize, in a professionalized form, cruel, modern capitalism (Müller, 2018, pp. 71-72).

The retrospective of granting women equal legal status with men confirms that this is primarily a matter of public culture, and then of rights. After all, the right is only part of culture. The right arises from the needs of the individual, his or her cultural identity, and seeks to protect established social relations. The emergence of legal norms guaranteeing the principle of equality indicates an improvement in the culture of society. Equalization of the legal status of a person regardless of gender is possible only when there is an internal consent of the most citizens and the required level of legal consciousness, which recognizes the priority of rights and freedoms over any social norms.

An entrenched view of the people as the source of power has contributed to the expansion, equalization of the status of women. Historical experience shows that the imperfection and inconsistency with the living realities of the existing legislation do not reflect the true will of the people and lead to negative consequences. There is no faith in the effectiveness of the power institutions, voters are withdrawing from the elections, the number of dissatisfied with the current state of affairs is increasing, and it may result in a systemic crisis in society, and even revolutionary shocks. Improving the legal culture of citizens and, as a result, the increase in voter turnout is the most important task of the state to solve, including the most complete identification and consideration of the will of the people in decision-making (Bokov, 2019, pp. 110-111).

Two guiding questions always arise when conducting gender legal research: To what extent is the law itself regulated by gender? And to what extent does the law standardize what we understand as "sex"? (Baer, 2004). The legal consciousness of the male population was fundamental to the normative regulation of the woman's status. At the same time, it was not primarily legal acts that carried out regulation. Analyzing the legislation of the German states, we can argue that the deprivation of women's rights has not generally been enshrined in law. A literal interpretation of the German legal regulations of the described period allows us to conclude that in most cases all citizens of the country (without specifying their gender) meeting certain requirements were granted equal rights. However, despite these regulations, there was a perception that the exclusion of women from persons with a right was considered natural and did not require legislative establishment. Thus, a historically established custom, backed up by consciousness, was a source of regulation of social relations that had a higher legal force than the law. Injustice to women was a result of the perception in the majority mind that women must engage only in family and home, and could not or should not engage in public affairs in any way. Today, men and women are legally almost equal in most developed countries, but society still has quite certain ideas about typically male and typically female things. Men often attribute mind-bending behaviour and assertiveness, while women are more likely to be seen as emotionally oriented and passive. Stereotypes like this are mediated in early childhood and often unconscious. Even today, there is no full equality for women at all professional and social levels. For example, women are sometimes paid less than men for the same work, and in managerial positions their share is much lower than men's, the same is true for some technical professions that are still considered "male professions". The law has established the principle of equality between men and women, but the consciousness still opposes it. Gender Mainstream

is gaining momentum at the moment. There is an active discussion of deactivating the gender identity binary code. The issue of equality cannot be fully resolved by legal norms alone.

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