

Law, Love and the Limits of Liberalism

Marital Norms and Monogamy in the German Empire

Julia Moses

Abstract

The creation of Imperial Germany in 1871 sparked a nationwide debate about the nature of marriage and the family. Behind these discussions was a common assumption: families were anchored in monogamous marriage. The assumption was so widely held that it was, with few exceptions, unspoken. It was revealed only in exceptional instances, for example, in confrontation with colonial others, bigamists who were deemed criminals or life reformers living on the fringes of mainstream society. By tapping into a discourse about civilization and human progress, it also linked discussions about the homeland and its overseas Empire. Drawing on a matrix of jurisprudence, social-scientific writings, tracts by social reformers, missionaries and government discussions, this article suggests that Germans embraced monogamy as the tacit rule of marital life within the boundaries of the metropole. Nonetheless, monogamy as a marital standard did not apply consistently within Germany's overseas colonies. Instead, understandings of racial and religious difference, couched in a specific logic of imperial liberalism, predominated and meant that indigenous people were often left to continue their own family practices.

Keywords Imperial Germany, Law, Marriage, Monogamy, Polygamy

Marriage is »first and foremost a moral relationship that for many also has religious significance. At the same time, however, it is a legal institution, in that it shapes the foundation of the social order of a state, and this must therefore establish certain legal guidelines.«¹

»The family, the foundation of the state, has its roots in the moral-legal institution of marriage; the protection of the latter has been from time immemorial a key task of every cultural people (Kulturvolk)«.²

1 Manfred Cohn, *Das Problem der Bestrafung des Ehebruchs*, Breslau 1915, p. 42. All translations by the author unless otherwise noted.

2 Ferdinand Holz, *Zur Lehre von der Bigamie*, Wiesbaden 1895, p. 7.

The creation of the German Empire in 1871 sparked a nationwide debate about the nature of marriage and the family, and the role of the law and the state in governing this domain. These discussions came to a head in the twenty-year movement to codify German family law as part of Germany's new *Bürgerliches Gesetzbuch*, which was ratified in 1896. They also took centre stage in a series of court cases regarding bigamous marriages and official decisions against the practice of polygamy within Germany and in favour of polygamy in its overseas colonies. Not least, these issues were highlighted by increasingly vocal feminist groups, social scientists and life reform movements from the 1890s. Behind these discussions was a common assumption: families were anchored in monogamous marriage, and it was monogamous marriage that was the foundation of society and the state alike. This assumption was so widely held that it was, with few exceptions, unspoken. When it came to family life in Imperial Germany, monogamy was a hegemonic norm. It was revealed only in exceptional instances, for example, in confrontation with colonial Others, bigamists who were deemed criminals, or life reformers living on the fringes of mainstream society. By tapping into a discourse about civilization and human progress, debates about monogamy also linked discussions about the homeland and its overseas Empire.

Historiography on the family has echoed this emphasis on monogamy as the norm for German families in the nineteenth and early twentieth centuries to the extent that it has rarely problematized how the concept was understood and used at the time. Instead, literature on the *Kaiserreich* has often focused on the family's reconstitution due to urbanization, migration and industrialization related to modernity. It has also focused on the connection between the culture of the family and social class, where cultivating the image of the *Bildungsbürgertum* went hand in hand with gendered views about the roles of wives and mothers, and husbands and fathers.³ Nonetheless, in Imperial Germany, thinking about the family – as well as everyday lived experiences of getting married, divorced and running a household – related to a broader grappling with modernity and diversity more generally, as a growing body of literature has shown.⁴ In this context, monogamy – and the small, north-western European-style nuclear family that accompanied it – was often seen as both modern and »cultured«, as well as inherently Christian and enduring. Yet, monogamy was also seen as an issue related to the freedom to choose one's spouse and live equally as companions within a marriage. In this sense, the concept of monogamy was intimately connected to debates about the relationship between liberal modernity and the family that ranged from Germany across Europe and North America, as contemporaries at the fin-de-siècle grappled with accepting divorce, cohabitation and extramarital sex, let alone polygamy and other familial practices, both at home and in their overseas empires.⁵

3 For example: Ingeborg Weber-Kellermann, *Die deutsche Familie: Versuch einer Sozialgeschichte*, Frankfurt a.M. 1996. An exception, though it does not focus on monogamy: Christopher Neumaier, *Familie im 20. Jahrhundert: Konflikte um Ideale, Politiken und Praktiken*, München 2019.

4 On these issues, see for example Edward Ross Dickinson, *Sex, Freedom, and Power in Imperial Germany, 1880-1914*, New York 2014; Till van Rahden, *Jews and Other Germans: Civil Society, Religious Diversity, and Urban Politics in Breslau, 1860-1925*, Madison 2008.

5 On these issues, see for example Geoff Eley/Jennifer Jenkins/Tracie Matysik (eds.), *German Modernities from Wilhelm to Weimar: A Contest of Futures*, London 2016. Of course, ideas about conflict be-

Why was monogamy seen as the cultural norm in the German Empire? How did ideas about conjugal love, as part of a larger nineteenth-century turn towards sentimentality, relate to views on monogamy? And, what role did the law play in policing monogamy? This article uncovers a web of jurisprudence, social-scientific writings, tracts by social reformers, missionaries and government discussions and draws from a variety of court cases to investigate these issues. It argues that debates about monogamy in the German Empire, both at home and overseas, pointed to anxieties about liberal modernity, individualism and the politics of difference. Drawing from work on the implicit nature of legal norms,⁶ I suggest that Germans across the political spectrum, different religions and genders embraced monogamy as the tacit rule of marital life within the boundaries of metropolitan Germany. Nonetheless, monogamy as a marital standard did not apply consistently within Germany's overseas colonies, where understandings of racial and religious difference predominated according to a specific logic of liberalism and empire which meant that indigenous people were often left to continue their own family practices.⁷ This essay charts these tensions, first, by exploring the concept of marriage in Imperial Germany, and the long legal and theological heritage upon which it drew, before considering the effects of confrontations with polygamy both at home and overseas, as well as moral panic about bigamy and the changing nature of the family in the metropole.

Monogamy and Imperial Family Norms

In order to understand assumptions about monogamy in Imperial Germany, we must first ask a more basic question: what did the concept of marriage mean to contemporaries at the time? For many, the answer pointed to procreation. As Carl August Janke argued in 1860, in a sentiment that continued to resound after national unification, »through sex, the nature of man and woman merge, and they are connected for a long time as a family through the child and especially through its helplessness, which lays the foundation for human society«. ⁸ The idea was not only upheld by jurists like Janke, but also by theologians, politicians and others. For some, it seemed that the basic pretext of marriage, going back to Martin Luther, was about an efficient division of labour, with men in charge of employment that was remunerated in cash or kind as well

tween »Western« norms of the family and other practices around the world predated languages of liberal modernity. See, for example, Sarah M. Pearsall, *Polygamy: An Early American History*, New Haven 2019.

6 Christoph Möllers, *The Possibility of Norms*, Oxford 2020, esp. pp. 123-126.

7 There is a vast literature on the intersections of liberalism and empire. Some inroads: Uday Singh Mehta, *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought*, Chicago 1999; Jennifer Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France*, Princeton 2005; Matthew P. Fitzpatrick (ed.), *Liberal Imperialism in Europe*, New York 2012; Andrew Fitzmaurice, *Liberalism and Empire in Nineteenth-Century International Law*, in: *The American Historical Review* 117 (2012) 1, pp. 122-140; Duncan Bell, *Reordering the World: Essays on Liberalism and Empire*, Princeton 2016. On these issues regarding Germany, see also Matthew P. Fitzpatrick, *Liberal Imperialism in Germany: Expansionism and Nationalism, 1848-1884*, Oxford 2008.

8 Carl August Janke, *Der Begriff der Ehe und seine Konsequenzen fuer die Gesetzgebung*, Leipzig 1860, p. 1.

as in charge of the family, while women literally laboured in bringing children into the world, alongside caring for the home.⁹ From this perspective of mutual dependence, marriage relied on the union of a single man and woman. How could the returns of a man's labour – whether in terms of his income or assets – be fairly apportioned? How could a woman stay dedicated to homemaking, and following the rule of her husband? Having a clear understanding of who belonged to his family, in the form of his legal wife and legitimate children, was crucial to delineating an aspect of economic order and, more generally, the broader social order which it underpinned.

Indeed, as Janke went on to argue, marriage was so crucial to social order that the word itself was synonymous with the word for the law in old German. The meaning of »*ee*« referred, he suggested, both to marriage (*Ehe*) and law (*Gesetz*). It was no wonder, therefore, that marriage and the family were amongst the first items codified in any law. From that basic legal foundation, »the educational progress of mankind went hand in hand with the improvement of marriage law.«¹⁰ This emphasis on progress and improvement was not merely a turn of phrase. For Janke, as for many observers in Imperial Germany at the time, marriage and family law fundamentally pointed to the nature of one's history and civility.¹¹ In this understanding, the concept of marriage was necessarily exclusionary: only one kind of marriage (and family formation) could be counted as progressive or civilized, and it was monogamous. Polygamy was, by contrast, implicated in a number of injustices as well as moral abasements: »Polygamy is an injustice against men who must remain without wives, and polyandry an injustice against women who cannot get a husband.«¹² This understanding of marital injustice is telling of the particular propertied and procreative dimensions behind Janke's concept of marriage: polygamy proved unjust to those who could not marry, rather than to those who were one of several spouses. The key issue here was a more even division of wealth and children, which could be guaranteed by spreading out the supply of spouses. Yet, there were also moral concerns with polygamy: »The fallibility and injustice of polygamy and polyandry lead necessarily to the unnatural consequences of self-abuse, homosexuality and sodomy.«¹³ For this reason, an essential role of law was upholding the monogamous social order: »The concept of monogamy and marriage is one and the same, and its content is the legal cohabitation of a man and a woman for the purposes of copulation and conception.« This idea of monogamy was a matter of both »marital duties and rights«.¹⁴

Janke's explicit reference to monogamy was rare in nineteenth-century German jurisprudence, even if his emphasis on its foundational purpose for society was not. Indeed, his analysis was part of a wide-reaching legal debate in the mid to late nineteenth century about the nature of marriage and the role of family law in both shaping and preserving it. This debate was by no means unique to Germany. Elsewhere across Europe and the Common Law World, from the late eighteenth century, family law be-

9 Steven E. Ozment, *When Fathers Ruled: Family Life in Reformation Europe*, Cambridge, MA 1983, pp. 50-72.

10 Janke, *Der Begriff*, p. 4.

11 *Ibid.*

12 Janke, *Der Begriff*, p. 5.

13 *Ibid.*

14 *Ibid.*

gan to take shape as its own area of legal reasoning, in part because of the gradual shift from governing the family through the church – via canon law – to state oversight of the family.¹⁵ It was in this context that William Beach Lawrence argued in the journal of the recently founded Institute of International Law that »monogamy, in opposition to polygamy, is an index of human progress«. While polygamy had once been legal in ancient Greece, »monogamy existed in principle, and the union of man and woman through marriage, as in the present, constituted the most important contract of human life«. Key for Lawrence, as for Janke and other critics, was the idea that monogamy was Christian, while »polygamy is an offense against Christianity«.¹⁶

This argument about the Christian nature of monogamous marriage divulges several assumptions. First, in Germany, as across most of Europe and in the Common Law countries, it reveals the understanding that the dominant population and culture was fundamentally Christian and so, too, was the law – even if some countries, such as France and the United States (but not the German states or unified Germany) made claims about the separation of Church and state. Second, and relatedly, the idea that Christian marriage was monogamous pointed to a specific understanding of Christianity, one that excluded certain minority denominations like Mormons and Anabaptists, which practiced polygamy.¹⁷ Third, this notion of marriage was predicated on the union of one man and woman not only in a metaphysical or emotional sense, but also in legal terms that were protected by the Church and increasingly by the state. Marriage determined the legal status of each marital partner, and the status of the couple as a unit. Monogamy comprised the merger of two estates as well as that of civic rights and protections, and that merger was based on patriarchy – a woman in Germany, as across much of the world at that time, automatically assumed her husband's citizenship and lost her own, and the family was treated legally and financially as a single unit.

A final set of assumptions surrounded the relationship between monogamous relationships, history and progress. The distinction between Christian monogamy and non-Christian polygamy implied a civilizational distinction between »modern« and »backward« societies that usually, but not always, associated colonized peoples with the latter. This reasoning implied that monogamous and polygamous societies were fundamentally different and incompatible, for example when it came to legal conflicts related to the family. Indeed, several years later, as the Institute of International Law worked on a series of international conventions on family law, European and North American international lawyers frequently argued that any international agreements could only apply to Christian countries, and perhaps to Japan as well, because, as one scholar put it, »Japan is, and always has been, a monogamous country«. However, Is-

15 Mary Ann Glendon, *The Transformation of Family Law: State, Law, and Family in the United States and Western Europe*, Chicago 1989, Introduction and Ch. 1.

16 William Beach Lawrence, *Etude de la législation comparée et de droit international sur le mariage*, in: *Revue de Droit International et de Législation Comparée* 1st ser. 2/53 (1870), pp. 54-91, cit pp. 54 and 56.

17 On these issues regarding the US context, see Pearsall, *Polygamy*, as well as Nancy F. Cott, *Public Vows: A History of Marriage and the Nation*, Cambridge, MA 2000; Sarah Barringer Gordon, *The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth-Century America*, Chapel Hill 2002. On Anabaptists and debates about monogamy in Germany, see John Witte, *The Western Case for Monogamy over Polygamy*, New York 2015, p. 219.

lamic societies, it was argued, would need to be excluded due in particular to the practice of polygamy, alongside what were perceived as easy and inequitable divorces.¹⁸

This final, civilizational point had deep roots. It could be found in confessional and jurisprudential grappling over monogamy in early Church discussions and beyond, facilitating arguments that the practice was part of a »Western« tradition.¹⁹ In this rendering, monogamy was not simply predicated on the marriage of one man and one woman. It was founded specifically upon the free will of the marrying couple to undertake matrimony's key pursuits: procreation and mutual support. Mutual support could not work – beyond a superficial, material level – unless the two individuals who entered a marriage actually wanted to marry each other. As Freiherr von Hertling, the philosophy professor who went on to become a Centre Party politician and eventually German Chancellor, argued in his tome on *Recht, Staat und Gesellschaft* (Law, state and society), »marriage is based on the connection of a man and woman out of free will to a lasting, undivided life partnership. [...] Accordingly, marriage can only follow the concept of monogamy, the connection of one man with one wife, because only here is such a commitment and real life partnership (*Lebensgemeinschaft*) possible. Where polygamy dominates, the wife is never an equal, free partner of her husband«. ²⁰

Free choice meant, then, the freedom to enter a marriage – an issue which proved especially contentious amidst heated debates about the introduction of compulsory civil marriage across the German states between the 1840s and 1870s and came to a climax during the *Kulturkampf*.²¹ Yet, free choice in marriage also implied the freedom to be an equal partner within matrimony (despite the patriarchal nature of the legal system), which was an issue that came to the forefront when reflecting on familial forms abroad.

Polygamy, Empire and Religious Diversity

The idea that marriage was based on free will – with monogamy as its outcome – saw perhaps its greatest foil in encounters with Germany's overseas empire. As we have seen, there was a general consensus amongst jurists, legislators and theologians that marriage should be monogamous, between a single man and a single woman, that it should result in children and that it should involve the mutual support of the married partners, based on their free will to enter the marriage in the first place. Behind that consensus was the oft unspoken assumption that German family life – as well as its

18 Norman Bentwich, The Adhesion of Non-Christian Countries to the Hague Conventions of Private International Law, in: *Journal of the Society of Comparative Legislation* 15 (1915) 2, pp. 76-82, cit p. 78.

19 Witte, *Western Case*, pp. 103 and 146.

20 Georg Frhr. von Hertling, *Recht, Staat und Gesellschaft*, Kempten 1906, p. 110.

21 See, for example, *Stenographische Berichte des deutschen Reichstags* (SBDR), Drucksachen, 4th Legislative Period, 4th Session, 1881, Seventh Report of the Commission on Petitions, 18 May 1881, p. 4; SBDR, Drucksachen, 4th Legislative Period, 2nd Session, 1879, Fifth Report of the Commission for Petitions, p. 8; Rudolph Sohm, *Die obligatorische Civilehe und ihre Aufhebung: Ein Gutachten*, Weimar 1880, p. 5. On the background of the legislation and surrounding debates, see Inken Fuhrmann, *Die Diskussion über die Einführung der fakultativen Zivilehe in Deutschland und Österreich seit Mitte des 19. Jahrhunderts*, Frankfurt a.M. 1998.

family law – followed Christian norms that dated back centuries. Encounters with various Others, both within Germany's heterogeneous metropole as well as in its colonial and diasporic outposts, brought these views about marriage into sharp relief. On the one hand, marriages involving German citizens – and especially German women – and non-Germans from areas that practiced polygamy raised concerns that polygamy undermined the kind of freedom and equalities associated with monogamous marriage. And yet, ironically, officials as well as broader social pressure worked hard to prevent these kinds of unions from taking place, removing the free choice of (usually female) Germans to marry according to their personal preference. On the other hand, for colonial subjects marrying within German colonial settings, a state of legal exceptionalism presided, meaning that polygamy was allowed – even if it was frowned upon by officials and missionaries alike. As a consequence, as Ulrike Schaper also shows in this issue, colonial subjects were free to be polygamous, while their German counterparts were not.

This difference in the treatment of German and colonial subjects as regards monogamy was linked to international jurisprudence on family law which had declared non-Christian countries and peoples largely exempt from the international legal order due to their lower civilizational status. Rather than being equal members of the »family of nations«, members of these countries, regions and societies could only engage with international law in terms of trade and war, and could also be subject to various imperial laws as colonial subjects. Nonetheless, international legal precepts also applied the rule *locus regit actum*, meaning that an act carried out legally in one country – for example, a marriage or divorce, would need to be treated as legal in another.²² In practice, for Germans seeking to marry foreigners this meant that if they married or resided with non-Germans in the latter's home countries, they would be subject to the local laws – regardless of how »civilized« or »uncivilized« those laws seemed.

The power of local laws outside of Germany was especially important for German women considering marrying foreign men, since they would lose their German citizenship upon marriage and acquire that of their husbands. As a consequence, German women who intermarried could be involved – legally – in polygamous relationships, which proved an issue of great concern for officials in Berlin and in German consulates around the world during this period.

When a number of German women attempted to marry Ottoman and Chinese citizens in the early 1900s and into the interwar period, for example, there was public outcry as well as the attempts of civil servants to snuff out the unions before they could become legal. The reason behind official (as well as familial) consternation at these matches (beyond concerns about upholding »racial purity«, which were also sometimes expressed) was often the potential for seemingly innocent, naïve German women to be led astray by cunning foreign men, only to enter into unions involving multiple wives and few rights or privileges of their own. Since German law meant that women

22 On these issues, see the essays in Mark W. Janis (ed.), *The Influence of Religion on the Development of International Law*, Dordrecht 1991; Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law, 1870-1960*, Cambridge 2001, Ch. 2; Antony Anghie, *Imperialism, Sovereignty and the Making of International Law*, Cambridge 2005.

marrying foreigners would lose their German citizenship and protections, preventing women from entering these marriages seemed particularly important.²³

These anxieties about polygamy were part and parcel of broader concerns about protecting a particular image of family life based on *bürgerliche*, monogamous norms of behavior and the special role foreseen for women as wives and mothers. For example, in 1906, the Foreign Secretary put in an inquiry with his counterparts in Berlin about the potential marriage of the Prussian Else Wanda Amalie Massow with Yung Hu, a translator at the Chinese embassy in Berlin. He turned to several books in German on Chinese family law in order to figure out whether it would be possible for a woman married in Germany to be one of several wives of a Chinese man upon their move to China. Since Yung Hu was Confucian, he argued, he was in theory able to have several wives – or at least a wife and several concubines. Regardless of whether Else ended up a wife or concubine, he declared that it was a worrying situation: »[even if] a European woman in China is the ›first wife‹ of a Chinese man [... the situation would] be unbearable for her«. ²⁴ A few years later, the German consulate in Beijing wrote to the Chancellor declaring that German women should be warned off marrying Chinese men:

The foreign environment, the unknown language, the complete difference of views and living standards in China, the unbearable climate in many parts of the country, as well as the entirely different position of women in Chinese family life bring German women who marry Chinese men into bitter disappointment in most cases. Since according to German law, the woman will be a Chinese citizen, the German authorities can only help her to a limited extent.²⁵

Ultimately, the consulate decided that it would be best to use the press to warn German women against marrying Chinese men.²⁶ The Prussian government, which, like

23 An enormous field of research has tapped these issues, with a special focus on protecting women from intermarriage in general rather than polygamy per se, for other European empires as well. See, for example: Ann Laura Stoler, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule*, Berkeley 2002; Julia Clancy-Smith/Frances Gouda (eds.), *Domesticating the Empire: Race, Gender, and Family Life in French and Dutch Colonialism*, Charlottesville 1998. For an overview of recent trends, see Julia Moses and Julia Woesthoff, *Romantic Relationships across Boundaries: Global and Comparative Perspectives*, in: *The History of the Family* 24 (2019) 3, pp. 439-465.

24 Geheimes Staatsarchiv Preußischer Kulturbesitz (GstAPK): I.HA. Rep. 84a. Nr. 11898: 95b: Prussian Minister of Foreign Affairs to the Minister of Justice, 26 July 1906. On worries about Chinese concubinage and maltreatment of European wives, see also Christoph Lorke, *Das Dilemma des Diplomaten? »Nationale Mischehen« im Deutschen Kaiserreich*, in: *WerkstattGeschichte* 76 (2017), pp. 5-15; Betty de Hart, *Regulating Dutch-Chinese Marriages and Relationships in the Netherlands (1920-1945)*, in: *The History of the Family* 24 (2019) 3, pp. 539-559; Christoph Lorke, *Undesired Intimacy: German-Chinese Couples in Germany (1900s–1940s)*, in: *The History of the Family* 24 (2019) 3, pp. 560-584. On the conundra posed by binational marriages in Germany more generally, see also Christoph Lorke, *Liebe verwalten: »Ausländerehen« in Deutschland 1870-1945*, Paderborn 2020.

25 BArch R901: 28151: unnumbered: German Consulate in Peking to Chancellor Bethmann Hollweg, 15 Jan. 1913; unnumbered: letter from 6 Dec. 1912 from R. Schobert of Berlin to the German Consulate in Peking.

26 BArch R901: 28151: 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.

those in other German states, was responsible for providing and approving documents for its citizens seeking to marry, also relied on bureaucratic delays and runarounds to prevent these unions, but the effects were limited: couples simply went elsewhere and found other means to get married. The government had kept track of Chinese-German marriage statistics, and seven marriages had taken place regardless of these efforts. As the consulate in Tientsin was quick to point out, the majority of the women involved came from working-class backgrounds; presumably, they were less concerned about upholding German family values than their middle-class counterparts.²⁷

Bureaucratic runarounds to prevent intermarriage, alongside popular (as well as official) narratives of women of a »lower class« marrying foreign men, also characterized the experience of German women marrying Muslims from the Ottoman empire and elsewhere across the Middle East and North Africa. For example, in 1901, the German Consulate in Constantinople asked the Foreign Office to advise potential German brides and their families against intermarriage with Muslims from abroad. In case the advice did not suffice, it said, the Foreign Office could also hold up the necessary paperwork for German women to marry Muslim men from abroad by demanding that they prove their eligibility to marry in their home countries.²⁸ These strategies were applied in various cases. For example, Else Wreszynski, a Jewish Prussian, sought to marry an Ottoman Muslim doctor and was advised by the Foreign Office against the union, urging her at the least to write a pre-marital agreement to protect her property rights and, in particular, to prevent her future spouse from taking on a second wife.²⁹ When Mehmed Bedruddin Messah Bey, who worked for the Anatolian railway, sought to marry a German Protestant woman the following year, the Foreign Office refused to process his paperwork. »In view of both the legal and the social position of Turkish women,« declared the Foreign Secretary, »there are enormous reservations against German women entering into a marriage with Turkish citizens of Muslim faith«. This line of argument about the »legal and social position of Turkish women«, predominated in coming years, despite the fact that the Ministry of Interior tracked down few cases of these intermarriages. It was even cited during the First World War, when Germany was technically allied with the Ottoman Empire.³⁰ Occasionally, officials supported such marriages, but only when the Ottoman Muslim in question was seen as sufficiently assimilated to German culture, as in the proposed marriage of the embassy secretary Chakir Djémal Bey to Ines Martha Therese Menshausen. As the Foreign Secretary argued,

The fiancé, who has been known by the Foreign Office for many years, has resided in Germany so long that he can be trusted with German social mores. On the other hand,

27 BArch R901: 28151: unnumbered: German consulate in Tientsin to Bethmann Hollweg, 22 July 1914.

28 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. The same strategy was followed for Egypt soon afterward: BArch R3001: 1370: 41: German Consulate in Cairo to the Foreign Office in Berlin, 1 Nov. 1923.

29 BArch R901/28224: unnumbered: Foreign Office Memo, 27 Mar. 1913.

30 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 such considerations into the Weimar Republic.

the bride grew up in Alexandria and is completely in the position to form a picture of her future on the side of a Muslim.³¹

In contrast to these instances of marriage with Ottoman Muslims and Chinese Confucians, intermarriage between German women and African colonial subjects seldom brought about similar worries about polygamy, even if they raised frequent and fervent criticisms regarding the meaning of these unions for racial purity.³² Polygamy was practiced in parts of Germany's African colonial territories, including in German East Africa and Cameroon.³³ However, within metropolitan Germany, German family law ruled – meaning that polygamy was banned, so colonial subjects residing in Germany could not marry polygamously there. Meanwhile, within German colonies, indigenous subjects and Europeans were ruled by two different sets of law, with Europeans continuing to be subject to similar laws to those practiced at home in the metropole, meaning that Germans could not choose to marry polygamously in Germany's colonies. In any case, the possibility of entering a polygamous union was even further reduced when intermarriage with colonial subjects was outlawed in Southwest Africa (1905), East Africa (1906), Samoa (1912) and New Guinea (1912). As in other European empires, in the German Empire, colonies were handled from the perspective of legal exceptionalism: what applied in the mainland did not translate entirely to overseas territories. This was especially the case when it came to the application of personal status law. In the colonies, laws governing the family, including marriage, birth, and inheritance were based on local customs and especially one's own religious denomination.³⁴ As a consequence, for example, Hindus, Jains, Christians and Muslims in British India were subject to different rules on family law, just as French citizens and Muslim colonial subjects in Algeria were subject to different rules.³⁵ In German East Africa, Muslim colonial subjects could legally practice polygamy – but they could not marry Germans polygamously.

Behind this legal distinction lay a widespread consensus in Germany as well as elsewhere across Europe and the United States that non-Western peoples were inherently different, not only in terms of their racial makeup but also in terms of their familial and sexual lives. This idea could be found in eighteenth-century musings on the Ori-

31 BArch R901/28223: unnumbered: Foreign Secretary to the Minister of Justice, 11 June 1916.

32 For example, see the case of Mswahili Mtoro bin Mwenyi Bakari, a Swahili lecturer in Berlin who married the factory worker Bertha Hilske: »Auch etwas zur Eingeborenenpolitik«, insert in: *Usambara-Post* 45 (1905) 1, in: BArch R1001/5422: 5. For details, see Julia Moses, *From Faith to Race? »Mixed Marriage« and the Politics of Difference in Imperial Germany*, in: *The History of the Family* 24 (2019) 3, pp. 466-493. On African-German intermarriage, see also Robbie J. M. Aitken/Eve Rosenhaft, *Black Germany: The Making and Unmaking of a Diaspora Community, 1884-1960*, Cambridge 2013, pp. 88-118.

33 On these issues, see also Ulrike Schaper's contribution to this issue as well as her excellent book: *Koloniale Verhandlungen: Gerichtsbarkeit, Verwaltung und Herrschaft in Kamerun 1884-1916*, Frankfurt a.M. 2012.

34 A clarification about these distinctions: BArch R1001/5417: 53: offprint: Dr. Friedrich, *Die rechtliche Beurteilung der Mischehen nach deutschem Kolonialrecht*, in: *Koloniale Rundschau* 6 (June 1909).

35 On these issues, see for example Judith Surkis, *Sex, Law, and Sovereignty in French Algeria, 1830-1930*, Ithaca 2019; Kenneth M. Cuno/Manisha Desai, *Family, Gender, and Law in a Globalizing Middle East and South Asia*, Syracuse 2009.

ent, as in Montesquieu's writings about polygamy and child marriage,³⁶ and was also reflected in early nineteenth-century social-scientific and medical investigations of extra-European sexuality, as in the display and later autopsy of the »Hottentot Venus«, Sarah Bartmann or Sartjee, who was a member of the Khoi of sub-Saharan Africa. As Andrew and Harriet Lyons note, three views of non-Western sexuality, and by extension, family life, predominated amongst nineteenth-century social scientists. Accordingly, Africans, both male and female, were troublingly hypersexual – a view that was also extended to Muslim men, and Polynesian women – the (frequently young) vixens portrayed by Paul Gauguin in Tahiti – were hypersexual as well, but their sexuality was seen as less problematic. Meanwhile, North American indigenous men (as well as Southeast Asian men) were effeminate. These sexual deviancies – none of these societies were portrayed as simply sexual, but rather as suffering from too much or too little sexuality – resulted in familial practices that included both polygamy and excessive, extramarital sex.³⁷ As anthropologists and observers from Johann Jacob Bachofen and Lewis Henry Morgan to Friedrich Engels were eager to note, non-Western societies thus produced a number of different familial arrangements and kinship systems. These even extended to the practice of matriarchy, which seemed far removed from European monogamy, with its implicit basis on patriarchy.³⁸

Against this intellectual and legal backdrop, polygamy was legal for German colonial subjects living within German colonial territories, and yet it did not go without criticism. Authorities – both government officials and missionaries alike – often decried polygamy amongst Africans, whether under African customary law or, in German East Africa, under Islam, and they also condemned the practice amongst populations in Germany's South Pacific Colonies including on the island of Nias off Sumatra. They agreed that it potentially harmed young girls and women, in particular, and missionaries were keen to convert local populations so that they could marry rather than engage in extramarital sex, and do so monogamously.³⁹ For example, a report on the »Christian Marital Order« (*Christliche Eheordnung*) produced by the Rhenish Mission in Nias for use by local missionaries spoke about the ancient Christian heritage of marriage and the need to remind indigenous parents that marriage should be conducted freely by adult daughters and sons – rather than arranged through parents – and could only consist of one man and one woman. The report insisted that it was important to advise people against polygamy. If a Christian took on a second wife, he and the second

36 Anne M. Cohler/Basia Miller/Harold Stone (eds.), Montesquieu, *The Spirit of the Laws*, Cambridge 1989, pp. 63 and 264.

37 Andrew P. Lyons/Harriet Lyons, *Irregular Connections: A History of Anthropology and Sexuality*, Lincoln 2004, pp. 20-50. On South-East Asia, see Mrinalini Sinha, *Colonial Masculinity: The »Manly Englishman« and the »Effeminate Bengali« in the Late Nineteenth Century*, Manchester 1995.

38 On fascination with kinship and matriarchy in particular, see Cynthia Eller, *Gentlemen and Amazons: The Myth of Matriarchal Prehistory, 1861-1900*, Berkeley 2011; Ann Taylor Allen, *Feminism, Social Science, and the Meanings of Modernity: The Debate on the Origin of the Family in Europe and the United States, 1860-1914*, in: *The American Historical Review* 104 (1999) 4, pp. 1085-1113.

39 For example: Archiv- und Museumsstiftung der Vereinten evangelischen Mission (VEM): Rheinische Missionsgesellschaft (RMG) 1.847: unnumbered: »Das niassische Mädchen – seine Erziehung, Verlobung und Verheirathung«, Konferenz-Vortrag von H. Lageman, 1892.

wife were to be thrown out of the Christian community.⁴⁰ The barring of polygamists from local missionary churches was widespread across German colonies and diasporic outposts, as noted, for example, in a report from a missionary in China who refused to permit polygamists to join the church because it was a »push against morals, law and cultural sensibilities (*Volksempfinden*)«.⁴¹

As one missionary put it, due to local polygamy and different values related to marriage – including the idea that marriages could be arranged by parents or involve children, there were »no true Christian marriages« where he worked.⁴² The consequences of this stance were complex. Sometimes local polygamists attempted to justify their lives by referring to the Old Testament, yet missionaries, like those at the United Protestant Mission working in inland Sumatra, directed them to the New Testament instead, and the paradigm of Adam and Eve.⁴³ When Christian converts did resort to polygamy, they left the church but sometimes remained on good terms, as in the case of the former teacher Timotho Agbetsiafa, as well as his wives and children, in Togo.⁴⁴ For some Africans, though, German views on monogamy were called out as a ploy of European colonialism, rather than an attempt to cultivate godly order. As the *Gold Coast Leader* put it in 1919, a year after Germany's overseas empire collapsed: »God as Creator is never against polygamy. The institution of monogamy or matrimonial marriage is a mere design of man to suit the purpose of the people of Europe.«⁴⁵

A critical point common to missionaries working in Africa as well as the South Pacific was how polygyny in particular could contribute to strained relations in a household because of its inherent inequality for wives, as well as imbalanced relations between parents and children. That is, polygamous relations in German colonies undermined not only monogamy per se but the intellectual basis of monogamy, which was the freedom of individuals to enter marriage and to share in marriage as equal partners. As the missionary Philipp Diehl argued in Okahandja, in Southwest Africa, »Polygamy is an evil. It has as its consequence the moral rot of the peace within the house and the heart.«⁴⁶ Reflecting back on his experiences over many years working in Southwest Africa, another missionary argued that the Herero had once seen women as property which could be shared and moved into new households easily, not least be-

40 VEM: RMG 2.784: unnumbered: Brother Rudersdorf from Hoemene, »Christliche Eheordnung«, Referat für die Konferenz Rheinischer Missionare in Nias, 1909.

41 VEM: M109: unnumbered: n.d. (c. 1922) note from the Bruder Wihemer Rhein. Mission in China. The ban on polygamists converting or attending missionary churches was common to other missionary movements, also from other countries, like the Basler, the Bremer and the Scottish Free Church. See VEM: M109: 112-21: H. Schröder, Stellungnahme zu der Polygamistenfrage, n.d. (c. 1922).

42 VEM: RMG 2.899: Missionskonferenzen: Konferenzreferate, 1880-1912: unnumbered: transcription of H. W. Volkmann, »Die christliche Ehe«: Wie sie gegründet auf die Heilige Schrift, von unseren Batakchristen nach und nach zu erstreben ist, Sigompulon, May 1893. On the Mission's concerns about upholding monogamy in the region, see also VEM: RMG 2.728: 116-123: Protokoll der Konferenz zu Toumeanglajang, 1883.

43 VEM: RMG 2.899: Missionskonferenzen: Konferenzreferate, 1880-1912: unnumbered: transcription of Volkmann, »Die christliche Ehe«.

44 VEM: M109: 112-21: Schröder, Stellungnahme.

45 *Gold Coast Leader*, 20 May 1919, cited in VEM: M109: 112-21: Schröder, Stellungnahme.

46 RMG 2.613: Missionarskonferenzen im Hereroland: Protokolle, 1885-1892: 19-21a: Ph. Diehl, Okahandja, Aug. 1885.

cause marriage was not seen as indissoluble, unlike under Christianity. This was a particular problem because of the enormous sway of parents over unions. Echoing contemporary anthropological assessments, he suggested that the treatment of women as property who could be married off and easily swapped also meant that indigenous people were excessively sexual, already from a young age. The children of both sexes were »sexually overstimulated and weakened from childhood«, he claimed. As a result of both the »physical and psychic« condition of their marriages, as well as the sexually transmitted diseases encouraged by their marital customs, the Herero had few children, he suggested. Not least, these marital customs had also contributed to marriages among close relatives and incest, yet another taboo for the Christian understanding of marriage. Rather than marriage leading to mutual support and procreation, as under Christian monogamy, Herero practices seemed to have undermined both.⁴⁷

Monogamy and Moral Panic at Home

Encounters with polygamy, both at home and overseas, reinforced the idea that monogamy was central not only to Germany's marital and familial order, but also to its moral order. Moral panic about polygamy often therefore revealed broader anxieties about the shifting nature of the German family in the late nineteenth and early twentieth century. To many, it seemed that growing expectations about marriage within metropolitan Germany – that it be predicated upon companionate relationships, even love and perhaps also sexual fulfillment – had created their own problems that might ultimately chip away at the very foundation of monogamy. These expectations could, for example, be found in marriage ads in newspapers, which took off during the *Kaiserreich*. Personal ads, as well as the booming, if often illicit, matchmaking industry also provided an opportunity to find partners from similar backgrounds, whether in terms of religion or lifestyle.⁴⁸ Behind this popular industry was a growing consensus not only that it was increasingly difficult to find love in modern life and in increasingly anonymous cities, but also that romantic relationships should be companionate and fulfilling for the individuals involved. In a way, this was an outgrowth of Christian edicts on consent as the basis for marriage, but it also drew on a companionate image of the monogamous, married couple that could be found in earlier nineteenth-century portrayals of the middle-class home in Germany. Biedermeier paintings, furniture and architecture revealed the special intimacy of middle-class family life, including a

47 VEM: RMG 2.621: Missionarskonferenzen im Hereroland: Referate, 1910-1934: unnumbered: Das Problem der christlichen Ehe unter den südwestafrikanischen Heidenchristen, n.d. (May 1922). On these ideas, see also VEM: RMG 2.620: Missionarskonferenzen im Hereroland: Referate, 1899-1910: unnumbered: J. Irle, Referat über Polygamie, 1902.

48 Tamara Frey, »Strengste Verschwiegenheit Auf Manneswort«: Eine Analyse von Heiratsannoncen im Kaiserreich, PhD, University of Göttingen, 2016; Marion Kaplan, For Love or Money. The Marriage Strategies of Jews in Imperial Germany, in: Leo Baeck Institute Year Book 28 (1983), pp. 263-300; Karin Hausen, Die Ehe in Angebot und Nachfrage: Heiratsanzeigen historisch durchmustert, in: Ingrid Bauer/Christa Hämmerle/Gabriella Hauch (eds.), Liebe und Widerstand: Ambivalenzen historischer Geschlechterbeziehungen, Vienna 2005, pp. 428-448; Tyler Carrington, Love at Last Sight: Dating, Intimacy, and Risk in Turn-of-the-Century Berlin, New York 2019, pp. 120-134.

loving mother and father and their children.⁴⁹ Breaches of these ideals were therefore scandalized and contributed to a specific genre about fallen women, broken homes and divorce, encapsulated by Theodor Fontane's *Effi Briest* (1894-5). The timing of *Effi Briest* was significant: it coincided perfectly with the movement to reform German civil law, which in 1900 resulted in a new civil code that threw up questions about the easy availability of divorce, the status of »illegitimate« children, and the rights of individuals within marriage – let alone questions about the rights of young people to choose their spouses without parental involvement.

Meanwhile, new sex reform movements at the fin de siècle advocated »free love« and other experiments with family forms and sexuality, while social-scientific investigators such as Magnus Hirschfeld shed light on homosexuality and problematized its criminalization. Not least, the growth in domestic and international migration was linked to opportunities for Germans to find new love, either by requesting divorces and effectively becoming »serial polygamists«,⁵⁰ or seeking bigamous unions to escape their current marriages. For Germans at home in the metropole, monogamy constantly came into question. Within the sex reform and broader life reform movements, as Edward Ross Dickinson points out, there was a general consensus that monogamy led to the repression of untamed sexuality and the consequent stabilization of the social order. While conservative Christians might claim this as a strength of monogamy, reformers sought to overturn just this aspect. Some reformers, like Helene Stöcker of the League for the Protection of Mothers, argued that the current familial order should be transformed to ensure equality for women in marriage – rather than to undo monogamy. Others, like the sexologist Iwan Bloch, argued that sex reform was not about casting off monogamy in order to embrace »free sex«, but rather about promoting »free love« to ensure that marriages were genuinely companionate. The 1909 conference of the League therefore declared its support for marriage as a founding principle of society. Nonetheless, a growing minority argued that love and sexual relations outside marriage should also be recognized as legitimate.⁵¹ Meanwhile, for some on the outer fringes of the life reform movement, such as Max Schacke, monogamy as the basis of marriage instead needed to be rethought entirely. As Schacke argued, there needed to be »more happy marriages«, yet there were a number of problems standing in their way. One was the oversupply of women, and another was the fact that women have only a limited amount of love to bestow upon their family, resulting in their exhaustion. As a solution, he looked to Islam and suggested that each man take two wives. As such, each wife could have a claim to »spiritual love« in the relationship and avoid the pitfalls of love outside marriage, which might result in prostitution and sexually transmitted diseases such as syphilis. For Schacke, this form of polygamy could result in newfound

49 For biographical snapshots of these values and expectations, as well as an overview on the history of marriage, see Monika Wienfort, *Verliebt, Verlobt, Verheiratet: Eine Geschichte der Ehe seit der Romantik*, Munich 2014. See also Weber-Kellermann, *Die deutsche Familie*, pp. 102-118.

50 On the relationship between polygamy and marital customs in European contexts, see Dominique Legros, *Mainstream Polygamy: The Non-Marital Child Paradox in the West*, New York 2014.

51 Quoted in Dickinson, *Sex, Freedom, and Power*, p. 208; see also pp. 204-208 for discussions about monogamy within the movement.

freedoms – freedom in love, and from illness, exhaustion as well as the potential penury and indignity associated with prostitution.⁵²

While Stöcker, Schacke and others reflected on what marriage should look like, and whether love (or at least sex) could legitimately thrive outside marriage, a number of Germans at this time cast off the constraint of monogamy altogether by entering bigamous unions as well as adulterous relationships. This is an issue which Andrea Griesebner and Margareth Lanzinger elaborate further, for an earlier period, in their contribution to this volume. The legal position on bigamy was clear: in Imperial Germany, as earlier in German law, it was a crime and came under the criminal code. As one legal commentator noted, bigamy could only be a crime in a monogamous society; in countries that practiced polygamy, the idea of bigamy did not make sense. However, he claimed, bigamy was not just a matter of breaching the sanctity of monogamy; it was a breach against the concept of marriage itself. In explaining why spouses could not engage in prostitution (or procure their children to that end), he clarified this rationale: »due to the essence of marriage as [an] undivided life partnership (*Lebensgemeinschaft*) [...] for both married people, [there is] a legal obligation not only to provide mutual assistance and a united life, but also and especially marital loyalty.«⁵³ On the same grounds, adultery was regarded by the law of some German states, including Bavaria, as a breach of the marital contract. More generally, it was seen as a form of »damage to a moral institution that should be protected.«⁵⁴ These legal arguments against bigamy drew on ancient Roman law as well as on medieval Germanic law, where it was treated as an offence similar to adultery – a crime of a serious, but slightly lesser order. However, they also suggested that bigamy was an affront to Christian civilization and familial norms, as »the law of Christian civilized peoples (*Kulturvölker*) [...] protects the monogamous character of marriage, in that bigamy is threatened with a severe penalty.«⁵⁵ Bigamy, then, like polygamy, threatened not just monogamy. It also undermined the Christian understanding of monogamy as the basis for marriage and family that predominated in Imperial Germany and helped to demarcate it as a »civilized« or »modern« country in contrast to other states and societies around the globe.

Despite clear criminal guidelines to protect monogamy by prosecuting bigamy, there were grey areas in which Germans might attempt to enter bigamous relationships legally – especially if they resided in parts of the globe where polygamy was allowed. In order to stave off this threat, authorities were keen to ensure that Germans abroad posted banns in their last place of residence in Germany.⁵⁶ However, as one commentator noted, the »danger of such foreign double marriages was not very threatening« because Germany had consular courts in most non-Christian states, which meant that local Germans were subjected to German civil and criminal law, and

52 Max Schacke, *Die Deutschen als Kulturvolk der Zukunft: Vorschläge zur Lösung des Liebes-, Ehe-, Familien- und Völkerglückes und der Völker-Befreiung vom Sklavenjoch wirtschaftlicher, politischer und ethischer Bevormundung*, Leipzig 1916, pp. 19-20 and 23.

53 August Mainzer, *Die Ehe im deutschen Reichstrafrecht*, Würzburg 1894, pp. 12-15 and 41.

54 Cohn, *Das Problem der Bestrafung des Ehebruchs*, p. 29.

55 von Hertling, *Recht, Staat und Gesellschaft*, p. 112.

56 See, for example: Hauptstaatsarchiv (HStA) Stuttgart E40/76: BÜ336: unnumbered: 11 Nov. 1913: Royal German Viceconsulate at Jaffa, 11.11.1913 to the Royal Württemberg Ministry of Foreign Affairs in Stuttgart.

local criminal law fell away – as was the case in the Ottoman Empire. For example, a Prussian man abandoned his wife in 1857 in Germany and left for India, returning to Bonn in 1875 after having married another woman while he was abroad. Upon return to Germany, he was tried for bigamy – even though his first wife was now deceased! He only won his case because he had lost his Prussian citizenship due to his long absence from his homeland; yet, two years later, the verdict was overturned on the grounds that he had entered the second marriage while still technically Prussian. As a consequence, he was sentenced to two years in prison in 1877.⁵⁷ In the case of Friedrich Wilhelm Arnd, a Bavarian who converted to Islam and took on Ottoman citizenship, considerations regarding bigamy were even more ambiguous. Arnd divorced his first wife unilaterally through *talaq* (divorce by repudiation under *sharia* law) and married his former student while in the Ottoman Empire. The new couple then returned to live in Munich. Courts battled for years over the validity of the divorce – and the status of his second marriage – before deciding that the new marriage and divorce were valid.⁵⁸ These cases were unusual, however, as instances of bigamy involving Germans abroad generally saw clearer verdicts in the first instance. For example, the carpenter Ferdinand Müller was convicted in Dessau after having abandoned a wife in Philadelphia, USA, in order to enter into a bigamous second marriage in Germany.⁵⁹

These cases concerning and discussions about bigamy were fraught with consternation not only because bigamy, like polygamy, undermined the monogamous principle of marriage that was so stridently articulated by legal professionals, legislators and other social critics in the *Kaiserreich*. Bigamy was also based on a lie. Unlike polygamy, in which one spouse was married to multiple people at the same time and generally lived in the same household, bigamy was inherently duplicitous; it meant having two separate households, with individuals who had no knowledge of each other. In this sense, bigamy undermined the essence of monogamous marriage. It was not consensual, as the spouses involved remained ignorant of each other's existence. Moreover, in setting up two households, which entailed allegiances to two different families as well as the financial burdens that accompanied them, bigamous unions also undermined the mutually supportive principle of monogamy that was the presumed normative basis of marriage in Imperial Germany.

Conclusions

Although relatively rare, as administrative checks as well as public pressure ensured that many bigamous unions could be snuffed out, bigamy, like polygamy, was the subject of scandal, juridical treatises and official debate in Imperial Germany. This discourse was able to thrive, in part, because the nature of marriage itself was subject to constant questioning during this period of rising divorce rates, single (as well as married) women declaring their emancipation and out-of-wedlock children gaining new rights. As individuals called for the freedom to live their family lives as they wished,

57 Karl Stange, *Beiträge zur Lehre von der Bigamie*, Göttingen 1893, p. 22.

58 Details of the case are in Bayerisches Hauptstaatsarchiv (BayHStA): MA 98984.

59 BArch R901/22833: unnumbered: 9 Apr. 1913: Duchy of Anhalt State Ministry in Dessau to Chancellor Bethmann Hollweg.

the guiding principles behind monogamous marriage – including its implicit liberal basis in mutual consent and support – were shaken. Nonetheless, the monogamous family ideal – and the precepts about modernity and Christianity on which it was founded – not only remained in place after the collapse of the German Empire. In fact, it was exalted. After the dramatic social upheaval of the First World War and the social experimentation of the Weimar Republic, the image of the monogamous family would become central to National Socialist propaganda and policy.⁶⁰ It would also assume pride of place in Germany in the wake of the Second World War, when the Federal Republic's new *Grundgesetz* (Basic law) declared that marriage and the family would receive special protection, and popular culture extolled the image of the wife and mother who supported and was supported by the husband and father of the family.⁶¹

In this sense, monogamy has been a leitmotif of the history of the family (and romantic relationships more generally) throughout different periods of German history. Due to experiences with colonial Others, mass migration and new entanglements with international law, alongside vast social change at home, including growing demands for women's rights and sexual freedoms, the *Kaiserreich*, in particular, sheds lights on how this concept has proven so central to German history. And yet ideas about and practices of monogamy also, in some ways, eroded over the course of the twentieth century and even in the *Kaiserreich* – through the newfound rights of out-of-wedlock children, co-habitees and the loosening of divorce law. Nonetheless, non-monogamous relationships or lifestyles remain controversial in Germany to the present, as evidenced most recently by a 2019 amendment to Germany's nationality law which prevents those in polygamous unions from naturalizing as German citizens.⁶² The reasoning behind the effective ban on polygamy remains the same as it was in the nineteenth century: it runs counter to German social norms, in particular, because of the presumed inequality for those in the marriage, which is seen as particularly burdensome for women. Moreover, in the context of the 2019 legal change – which came on the heels of mass migration to Germany from the Middle East and North Africa, polygamy has often been linked conceptually with »child marriage«, in which the spouses involved in a polygamous union do not consent equally. In sum, polygamy in contemporary Germany, as a century ago, seems to run against the presumably liberal precepts of monogamous (and implicitly Christian, or at least Judeo-Christian) marriage. In Germany, past and present, monogamy therefore remains central to ideals of the family – at least in theory, if not in practice.

Julia Moses ist Reader in Modern History an der University of Sheffield. Ihre Forschungsinteressen liegen in moderner europäischer Geschichte, insbesondere in Rechtsgeschichte, dem Wohlfahrtstaat und der Familie. Derzeit arbeitet sie an einem Buchprojekt mit dem Titel: *Civilizing Marriage: Nation, State and Family in the German Empire*.

E-Mail: j.moses@sheffield.ac.uk

60 On these issues, see Michelle Mouton, *From Nurturing the Nation to Purifying the Volk: Weimar and Nazi Family Policy, 1918-1945*, Cambridge 2007; Lisa Pine, *Nazi Family Policy, 1933-1945*, Oxford 1997.

61 See for example Robert G. Moeller, *Protected Motherhood: Women and the Family in the Politics of Postwar West Germany*, Berkeley 1993.

62 See »Additional changes to nationality law planned«, press release of the Federal Minister of the Interior, 6 May 2019, <https://www.bmi.bund.de/SharedDocs/pressemitteilungen/EN/2019/05/aenderung-staatsangehoerigkeitsrecht.html> (accessed 5 July 2020).