

# National socialist family law : the influence of national socialism on marriage and divorce law in Germany and the Netherlands

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# National Socialist Family Law

The influence of National Socialism on marriage  
and divorce law in Germany and the Netherlands  
door Mariken Lenaerts

1. Marriage and divorce law in Germany, Austria and the Netherlands have been influenced by National Socialism, but have not become 'National Socialist Family Law.'
2. Although secretary-general of Justice J.J. Schrieke has certainly been inspired by the German *Ehegesetz* of 1938, his main aim when drafting a revision of Dutch divorce law was to end the so-called 'Big Lie' (i.e. alleged adultery, either confessed or not contradicted by the alleged adulterer).
3. Although the number of grounds for divorce has been extended in Germany by the Nazis, this has not changed the concept of divorce as such as the guilt principle remained the starting point.
4. The landslide with regard to Austrian marriage and divorce law should not be considered in the light of National Socialism as such, but as a highly necessary modernisation.
5. The fact that the Nuremberg Laws were never as such enforced in Netherlands only proves that Seyss-Inquart was afraid of social upheaval, not that he respected Article 43 of the Hague Regulations.
6. The minutes of the meeting of the Dutch Parliament on 21 November 1935 clearly show that the majority of the Dutch Parliamentarians was well aware of the dangers emanating from National Socialism.
7. Open norms are a danger to legal certainty.
8. Legal education in the Netherlands should be substantially revised to the extent that the Hogescholen educate students to become legal practitioners and Universities educate students to become true academics with a firm knowledge of legal history and legal philosophy.
9. Although memory as such has proven to be an inadequate remedy for evil, history can nevertheless serve as a touchstone for human behaviour.
10. As admiral Von Friedeburg signed for the capitulation of the German troops in North-West Europe on 4 May 1945 and general Blaskowitz signed for the elaborate conditions for capitulation of the German troops in the Netherlands on 6 May 1945, Liberation day in the Netherlands should be celebrated annually either on 4 May or 6 May, but not on 5 May.
11. In the light of this dissertation (re)reading *Harry Potter and the Deathly Hallows* proves to be illuminating.