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Religious Crisis and Civic Transformation

Kimba Allie Tichenor

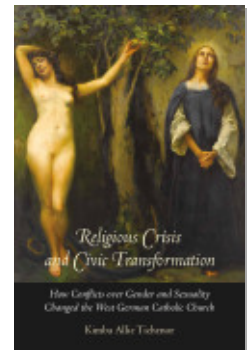
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Notes

INTRODUCTION

1. ZdK, KT-Essen 1968, Presse-Echo, no. 30, "Opas Kirche ist tot," *Stern*, September 22, 1968.
2. ZdK, *Mitten in dieser Welt* (Paderborn: Bonifatius, 1968).
3. Dagmar Herzog, "Christianity, Disability, Abortion: Western Europe, 1960s–1980s," *Archiv für Sozialgeschichte* 51 (2011): 1–40, here 1.
4. Elizabeth D. Heineman, *What Difference Does a Husband Make? Women and Marital Status in Nazi and Postwar Germany* (Berkeley: University of California Press, 1999), 9.
5. Erwin Gatz, *Die katholische Kirche in Deutschland im 20. Jahrhundert* (Freiburg: Herder, 2009), 131.
6. *Ibid.*, 133.
7. *Ibid.*, 134.
8. Uta Poiger, *Jazz, Rock, and Rebels: Cold War Politics and American Culture in a Divided Germany* (Berkeley: University of California Press, 2000), 213.
9. *Ibid.*, 218–219.
10. Letter to the editor, *Frau und Mutter*, August 1952.
11. Franz Gröner, ed., *Kirchliches Handbuch: Amtliches statistisches Jahrbuch der Katholischen Kirche Deutschlands*, vols. 25–26 (Cologne: Bachem, 1962, 1969).
12. Mark Edward Ruff, *The Wayward Flock: Catholic Youth in Postwar West Germany, 1945–1965* (Chapel Hill: University of North Carolina Press, 2005), 66.
13. Gatz, *Die katholische Kirche*, 166.
14. Quoted in John W. O'Malley, *What Happened at Vatican II* (Cambridge, MA: Belknap Press of Harvard University Press, 2008), 98.
15. Gatz, *Die katholische Kirche*, 177.
16. Although the quote's veracity cannot be confirmed, for many Catholics it became emblematic of the new direction taken by Vatican II.
17. "Roman Catholics: Authority under Fire," *Time*, March 19, 1965.
18. Marcel Lefebvre, "A Little Light on the Present Crisis in the Church (March 7, 1968)," in Marcel Lefebvre, *A Bishop Speaks: Writings and Addresses, 1963–1976*, trans. V. S. M. Fraser (Kansas City, MO: Angelus Press, 2007), 43.
19. Yves Congar, *La Crise dans l'Église et Mgr. Lefebvre* (Paris: Cerf, 1976), 50.
20. Sybille Steinbacher, *Wie der Sex nach Deutschland kam: Der Kampf um Sittlichkeit und Anstand in der frühen Bundesrepublik* (Munich: Siedler, 2011), 19–21.
21. Clayton J. Whisnant, *Male Homosexuality in West Germany: Between Persecution and Freedom, 1945–69* (New York: Palgrave Macmillan, 2012), 4.
22. Mark Mazower, *Dark Continent: Europe's Twentieth Century* (New York: Vintage Books, 2000), 85.
23. On the multiple challenges launched by Germans in the 1940s and 1950s, see Steinbacher, *Wie der Sex nach Deutschland kam*.
24. Dagmar Herzog, *Sexuality in Europe: A Twentieth-Century History* (New York: Cambridge University Press, 2011), 134.
25. On different explanations for the sexual revolution, see *ibid.*, 133–134.
26. In 1967, the French government did not provide legal guidelines for the sale and

manufacture of contraceptives; access to contraceptives remained limited until 1972. See Melanie Latham, *Regulating Reproduction: A Century of Conflict in Britain and in France* (New York: Manchester University Press, 2002), 38–39.

27. Herzog, *Sexuality in Europe*, 140–160.

28. Quoted in Konrad Jarausch, *After Hitler: Recivilizing Germans, 1945–1995* (New York: Oxford University Press, 2006), 166.

29. Dagmar Herzog, *Sex after Fascism: Memory and Morality in Twentieth-Century Germany* (Princeton, NJ: Princeton University Press, 2005), 141.

30. Poiger, *Jazz, Rock, and Rebels*, 46.

31. *Ibid.*, 48.

32. On reform efforts in the 1960s and early 1970s, see, e.g., Tim Bush, *Die Deutsche Strafrechtsreform: Ein Rückblick auf die Sechs Reformen des deutschen Strafrechts, 1968–1998* (Baden-Baden: Nomos, 2005); for an account that contrasts the aims of the early reform movement with those of the reform movement in the 1990s, specifically with reference to sexual offenses, see Tatjana Hörnle, “Penal Law and Sexuality: Recent Reforms in German Criminal Law,” *Buffalo Criminal Law Review* 3, no. 2 (2000): 639–685.

33. Quoted in Frederic Spotts, *The Churches and Politics in Germany* (Middleton, CT: Wesleyan University Press, 1973), 159–160.

34. The term “sheepfold” is referred to in *Catechism of the Catholic Church*, 2d. ed., no. 754, as follows: “The Church is, accordingly, a *sheepfold*, the sole and necessary gateway to which is Christ. It is also the flock of which God himself foretold that he would be the shepherd, and whose sheep, even though governed by human shepherds, are unfailingly nourished and led by Christ himself, the Good Shepherd and Prince of Shepherds, who gave his life for his sheep.”

35. Simone Twents, *Frau sein ist mehr: Die Würde der Frau nach Johannes Paul II* (Buttenwiesen: Stella Maris, 2002), 200.

36. Joachim Meisner, “Vorward,” in *ibid.*

37. On the feminization of religion in Europe, see Irmtraud Götz von Olenhusen, ed., *Wunderbare Erscheinungen: Frauen und katholische Frömmigkeit im 19. und 20. Jahrhundert* (Paderborn: Schöningh, 1995); Claude Langlois, *Le catholicisme au féminin: Les congrégations françaises à supérieure Générale au XIXe siècle* (Paris: Cerf, 1984); Caroline Ford, *Divided Houses: Religion and Gender in Modern France* (Ithaca, NY: Cornell University Press, 2005).

38. Sara Elise Wiliarty, *The CDU and the Politics of Gender in Germany: Bringing Women to the Party* (New York: Cambridge University Press, 2010), 42.

39. For works with minimal or no coverage of religion’s role in twentieth-century German debates on gender and sexuality, see Attina Grossmann, *Reforming Sex: The German Movement for Birth Control & Abortion Reform, 1920–1950* (New York: Oxford University Press, 1992); Ute Frevert, *Women in Modern Germany: From Bourgeois Emancipation to Sexual Liberation* (New York: Berg, 1989); Erica Carter, *How German Is She? Postwar West German Reconstruction and the Consuming Woman* (Ann Arbor: University of Michigan Press, 1997); Myra Ferree, *Varieties of Feminism: German Gender Politics in Global Perspective* (Stanford, CA: Stanford University Press, 2012).

40. Ann Taylor Allen, “Religion and Gender in Modern German History: A Historiographical Perspective,” in *Gendering Modern German History: Rewriting Historiography*, ed. Karen Hagemann and Jean H. Quataert (New York: Berghahn Books, 2007), 194.

41. See “Strafrecht: Wahnhafte Beziehung,” *Der Spiegel*, September 9, 1988.

42. See Allen, “Religion and Gender,” 190–207.

43. *Ibid.*, 203.

44. See Herzog, *Sex after Fascism*.
45. Herzog, "Post coitum triste est . . . ? Sexual Politics and Culture in Postunification Germany," *German Politics & Society* 28, no. 1 (2010): 111–140.
46. See Eva-Maria Silies, *Liebe, Lust und Last: Die Pille als weibliche Generationserfahrung in der Bundesrepublik, 1960–1980* (Göttingen: Wallstein, 2010).
47. Mark Ruff, "Review of *Zeitgeschichtliche Katholizismusforschung: Tatsachen, Deutungen, Fragen. Ein Zwischenbilanz*," *Catholic Historical Review* 91, no. 4 (2005): 852.
48. See Rainer M. Lepsius, "Parteiensystem und Sozialstruktur: Zum Problem der Demokratisierung der deutschen Gesellschaft," in *Wirtschaft, Geschichte und Wirtschaftsgeschichte*, ed. William Abel (Stuttgart: Fischer, 1966), 371–393.
49. See Wilfried Loth, *Katholiken im Kaiserreich: Der politische Katholizismus in der Krise des wilhelminischen Deutschlands* (Düsseldorf: Droste, 1984).
50. On the cohesiveness of the milieu during the Imperial, Weimar, and Nazi eras, see Antonius Liedhegener, *Christentum und Urbanisierung: Katholiken und Protestanten in Münster und Bochum, 1830–1930* (Paderborn: Schöningh, 1997); Christoph Kösters, "Fest soll mein Taufbund immer steh'n . . . ' —Demonstrationskatholizismus im Bistum Münster 1933—1945," in *Zwischen Loyalität und Resistenz: Soziale Konflikte und politische Repression während der NS-Herrschaft in Westfalen*, ed. Rudolf Schlögel and Hans-Ulrich Thamer (Münster: Aschendorff, 1996), 158–184; and Christoph Schank, "Kölsch-Katholisch": *Das katholische Milieu in Köln, 1871–1933* (Cologne: Böhlau, 2004); Maria-Anna Zumholz, *Völkfrömmigkeit und katholisches Milieu: Marienerscheinungen im Heede, 1937–1950, im Spannungsfeld von Völkfrömmigkeit, nationalsozialistischem Regime und kirchlicher Hierarchie* (Cloppenburg: Runge, 2004). For studies that identify signs of collapse during the Weimar era, see Oded Heilbronner, *Catholicism, Political Culture, and the Countryside: A Social History of the Nazi Party in South Germany* (Ann Arbor: University of Michigan Press, 1998); Thomas Nipperdey, *Religion im Umbruch: Deutschland, 1870–1918* (Munich: Beck, 1988); Gerhard Paul and Klaus-Michael Mallmann, *Milieus und Widerstand: Eine Verhaltensgeschichte der Gesellschaft im Nationalsozialismus, Widerstand und Verweigerung im Saarland, 1935–1945* (Bonn: Dietz, 1995). For studies that associate the collapse with the post-World War II era, see Wilhelm Damberg, *Abschied vom Milieu? Katholizismus im Bistum Münster und in den Niederlanden, 1945–1980* (Paderborn: Schöningh, 1997), and Mark Ruff, *Wayward Flock*.
51. See Benjamin Ziemann, "Der deutsche Katholizismus im späten 19. und 20. Jahrhundert: Forschungstendenzen auf dem Weg zu sozialgeschichtlicher Fundierung und Erweiterung," *Archiv für Sozialgeschichte* 40 (2000): 402–422.
52. See Benjamin Ziemann, *Katholische Kirche und Sozialwissenschaften, 1945–1975* (Göttingen: Vandenhoeck & Ruprecht, 2007).
53. Mark Ruff, "Integrating Religion into the Historical Mainstream: Recent Literature on Religion in the Federal Republic of Germany," *Central European History* 42 (2009): 328.
54. *Ibid.*
55. *Ibid.*, 329.
56. See Michael Fellner, *Katholische Kirche in Bayern: Religion, Gesellschaft und Modernisierung in der Erzdiözese München und Freising* (Paderborn: Schöningh, 2008), and Christian Schmidtman, *Katholische Studierende, 1945–1973: Ein Beitrag zur Kultur- und Sozialgeschichte der Bundesrepublik Deutschland* (Paderborn: Schöningh, 2006).
57. See Wilhelm Damberg and Frank Bösch, *Soziale Strukturen und Semantiken des Religiösen im Wandel: Transformationen in der Bundesrepublik Deutschland, 1949–1989* (Essen: Klartext, 2011).

58. Mark Ruff, "Conference Report: Catholicism in Germany—Contemporary History and the Present," *Contemporary Church History Quarterly* 19, no. 1 (March 2013), <https://contemporarychurchhistory.org>, accessed February 24, 2015.

59. Ruff, "Review of *Zeitgeschichtliche Katholizismusforschung*," 852.

60. See Derek K. Hastings, "Fears of a Feminized Church: Catholicism, Celibacy, and the Crisis of Masculinity in Wilhelmine Germany," *European History Quarterly* 38 (2008): 34–65, here 34.

61. See David Blackburn, *Marpingen: Apparitions of the Virgin Mary in Nineteenth-Century Germany* (Ithaca, NY: Cornell University Press 1994).

62. See Damberg, *Abschied vom Milieu?*

63. See Lukas Rölli-Alkemper, *Familie im Wiederaufbau: Katholizismus und bürgerliches Familienideal in der Bundesrepublik Deutschland, 1945–1965* (Paderborn: Schöningh, 2000); Petra von der Osten, *Jugend- und Gefährdetenfürsorge im Sozialstaat: Auf dem Weg zum Sozialdienst katholischer Frauen, 1945–1968* (Cologne: Böhlau, 2003); and Ruff, *Wayward Flock*.

64. Gene Burns, *The Frontiers of Catholicism: The Politics of Ideology in a Liberal World* (Berkeley: University of California Press, 1992), 2.

65. See Myeong-Gu Seo and W. E. Douglas Creed, "Institutional Contradictions, Praxis, and Institutional Change: A Dialectical Perspective," *Academy of Management Review* 27, no. 2 (2002): 222–247. On this theoretical shift, see Aaron Smith and Fiona M. Graetz, *Philosophies of Organizational Change* (Northampton, MA: Edward Elgar, 2011), 74–89.

66. Norbert Lüdecke, "Humanae Vitae," in *Erinnerungsorte des Christentums*, ed. Christoph Marksches and Herbert Wolf (Munich: Beck, 2010), 534–546, here 545.

67. *Ibid.*

68. *Ibid.*

69. Donald P. Kommers and Russell A. Miller, *The Constitutional Jurisprudence of the Federal Republic of Germany* (Durham, NC: Duke University Press, 2012), 539.

70. *Ibid.*

71. For the 1917 Code of Canon Law, see Charles Augustine, *A Commentary on the New Code of Canon Law*, 8 vols. (St. Louis Park, MO: Herder, 1918–1923). For the remaining three documents, citations were taken from the website of the Eternal Word Television Network, www.ewtn.com.

72. Listed by language are the Vatican website's documents for which I furnished the English translations. German: Pius XII, *Menti Nostrae*, September 23, 1950. Italian: CCE, *Orientamenti educativi per la formazione al celibato sacerdotale*, April 11, 1974; Paul VI, *Ad Pascendum*, August 15, 1972; Paul VI, *Pontificalis Romani*, June 18, 1968. Spanish: John Paul II, *Discurso a la Asamblea del CELAM*, March 9, 1983; Paul VI, *Ministeria Quadem*, August 15, 1972; Pius XII, *Discurso al Congreso de la Unión Católica Italiana de Obstétricas con la colaboración de la Federación Nacional de Colegios de Comadronas Católicas*, October 29, 1951; Pius XII, *Discurso al VII Congreso de la Sociedad Internacional de Hematología*, September 12, 1958; Pius XII, *Votre Présence*, September 29, 1949.

I. CELIBACY FOR THE KINGDOM OF HEAVEN AND EARTH

1. From the Latin *caelibátus*, "unmarried"; see *Oxford English Dictionary*, 2d ed., www.oxfordamericandictionary.com.

2. *Presbyterorum Ordinis*, December 7, 1965, no. 16.

3. Tina Beattie, *New Catholic Feminism: Theology and Theory* (London: Routledge, 2006), 143.

4. See Anthony K. W. McLaughlin, "The Obligation of Perfect and Perpetual Continence

- and Married Deacons in the Church” (Ph.D. diss., Catholic University of America, 2010), 80.
5. See Thomas Aquinas, *Compendium of Theology*, trans. Cyril Vollert (St. Louis: Herder, 1947), ch. 192.
 6. See *Ibid.*, ch. 191.
 7. See Aquinas, *Summa Theologica* II, part 2, q. 153 a. 2.
 8. Georg Denzler, ed., *Lebensberichte verheirateter Priester: Autobiographische Zeugnisse zum Konflikt zwischen Ehe und Zölibat* (Munich: Piper, 1989), 30.
 9. “Die Freiheit zur Ehe wird es nicht geben: Gespräch mit dem Kölner Weihbischof Dr. Augustin Frotz über den Zölibat,” *Der Spiegel*, January 12, 1970.
 10. Fritz Leist, ed., *Zum Thema Zölibat: Bekenntnisse von Betroffenen* (Munich: Kindler, 1973), 39.
 11. John W. O’Malley, “A History of a Misunderstood Tradition: Some Basics about Celibacy,” *America* 187, no. 13 (2002): 7–11.
 12. Rölli-Alkemper, *Familie im Wiederaufbau*, 39–41.
 13. Herbert Doms, *The Meaning of Marriage*, trans. George Sayer (New York: Sheed & Ward, 1939), 89.
 14. Susan A. Ross, “The Bride of Christ and the Body Politic: Body and Gender in Pre-Vatican II Theology,” *Journal of Religion* 71, no. 3 (1991): 345–361.
 15. *Ibid.*
 16. “Junge Christen befragen die Kirche: Gespräch u.a. mit Weihbischof Walther Kampe, München 1968,” in *Der Zölibat: Geschichte und Gegenwart eines umstrittenen Gesetzes*, ed. Joachim Stephan Hohmann (Frankfurt: Lang, 1993), 308.
 17. Priests in the Eastern rite may marry under the following conditions: (1) no marriage after ordination; (2) required periods of sexual continence; (3) only one marriage prior to ordination, and not to a widower. Priests cannot marry a woman the Church deems unfit. Bishops may not marry.
 18. McLaughlin, “Obligation,” 104–108, 265–268.
 19. Jan Dellepoort, “Einige Gedanken über die europäische Priesterfrage,” *Die Europäische Priesterfrage: Bericht der Internationalen Enquête in Wien, 10.–12. Oktober 1958*, ed. Franz Jachym et al. (Vienna: Internationales katholisches Institut für kirchliche Sozialforschung, 1959), 65–66.
 20. *Ibid.*, 60.
 21. *Catechism of the Catholic Church*, 2d ed., no. 1234.
 22. Richard A. Schoenherr, *Goodbye Father: The Celibate Male Priesthood and the Future of the Catholic Church* (Oxford: Oxford University Press, 2004), 12.
 23. Dellepoort, “Einige Gedanken,” 60–69.
 24. AEK, CRII 13.2, 6/36–37.
 25. AEK, CRII 13.2, 6/38–39.
 26. Jan Dellepoort, Norbert Greinacher, and Walter Menges, eds., *Die deutsche Priesterfrage* (Mainz: Matthias-Grünwald, 1962), 88, 137.
 27. Leist, ed., *Zum Thema Zölibat*, 12.
 28. *Ibid.*, 33.
 29. See *Optatam Totius*, October 28, 1965, sec. 10; Paul VI, *Sacerdotalis Caelibatus*, June 24, 1967, secs. 62–63. CCE, *Orientamenti educativi per la formazione al celibato sacerdotale*, April 11, 1974.
 30. “Roman Catholics against Celibacy,” *Time*, August 28, 1964.
 31. John XXIII, *Sacerdotii Nostri Primordia*, August 1, 1959.
 32. O’Malley, *What Happened at Vatican II*, 270–271.

33. Georg Denzler, *Die Geschichte des Zölibats* (Freiburg: Herder, 1993), 170.
34. O'Malley, *What Happened at Vatican II*, 271.
35. AEK, CR 21.64, 2/136.
36. Letter to the editor, *Der Spiegel*, January 26, 1970.
37. Colleen McDannell, *The Spirit of Vatican II: The History of Catholic Reform in America* (New York: Basic Books, 2001), 304.
38. O'Malley, *What Happened at Vatican II*, 271.
39. See *Lumen Gentium*, November 21, 1964, sec. 42; *Perfectae Caritatis*, October 28, 1965, sec. 12; *Optatam Totius*, October 28, 1965 sec. 10; *Presbyterorum Ordinis*, December 7, 1965, no. 16.
40. See, e.g., Fritz Leist, *Der Sexuelle Notstand und die Kirchen* (Freiburg: Herder, 1972); Leist, ed., *Zum Thema Zölibat*; Hubertus Mynarek, *Eros und Klerus* (Düsseldorf: Econ, 1978); Eugen Drewermann, *Kleriker: Psychogramm eines Ideals* (Olten: Walter, 1989).
41. Pius XII, *Sacra Virginitas*, March 25, 1954, sec. 32.
42. *Presbyterorum Ordinis*, December 7, 1965, no. 16.
43. Michael Schmaus and Rudolf Lange, *Das Priestertum: Sein Wesen und seine Aufgaben: Überlegungen zur kirchlichen Raumplanung* (Bamberg: Otto, 1969).
44. McLaughlin, "Obligation," 157–159.
45. O'Malley, *What Happened at Vatican II*, 175.
46. Ralph M. Wiltgen, *The Inside Story of Vatican II: A Firsthand Account of the Council's Inner Workings* (Charlotte, NC: Tan Books, 2014), 108. This book was first published in 1967 as *The Rhine Flows into the Tiber: A History of Vatican II* by Hawthorne books in New York, New York.
47. The council fathers did not establish any definitive norms for the permanent diaconate. On June 18, 1967, Paul VI issued the motu proprio *Sacrum Diaconatus Ordinem*, which set the age for mature candidates (married or unmarried) at thirty-five. See Paul VI, *Sacrum Diaconatus Ordinem*, June 18, 1967, part III, no. 12. In June 1968, the apostolic constitution, *Pontificalis Romani*, established official rites for diaconal ordination, and in 1972 Paul issued another motu proprio, *Ad Pascendum*, offering further clarification of the rules. With the promulgation of the new Code of Canon Law in 1983, additional regulations went into effect. See Paul VI, *Pontificalis Romani*, Sono approvati i nuovi riti per l'ordinazione dei Diaconi, Presbiteri e Vescovi, June 18, 1968; Paul VI, *Ad Pascendum*, August 15, 1972; and Code of Canon Law (1983), Title VI: Orders, 1008–1054.
48. The celibacy requirement applies to married deacons upon the death of their wife; they may not remarry. See McLaughlin, "Obligation," 232–247.
49. Josef Hernoga, *Das Priestertum: Zur nachkonziliaren Amtstheologie im deutschen Sprachraum* (Frankfurt: Lang, 1997), 15–29.
50. J. Waterworth, ed. and trans., *The Canons and Decrees of the Sacred and Ecumenical Council of Trent* (London: Dolman, 1848), 155.
51. Hernoga, *Das Priestertum*, 15–18.
52. O'Malley, *What Happened at Vatican II*, 50.
53. See *Presbyterorum Ordinis*, no. 2.
54. O'Malley, *What Happened at Vatican II*, 245.
55. Hernoga, *Das Priestertum*, December 7, 1965, 60–63.
56. Elizabeth McEnroy, *Guests in Their Own House: The Women of Vatican II* (New York: Crossroad, 1996), 34–35.
57. *Ibid.*, 126–127.
58. *Gaudium et Spes*, December 7, 1965, sec. 29.

59. IMWAC, "Manifesto of the International Movement We Are Church," <http://www.we-are-church.org>, accessed March 10, 2012.

60. Walter Goddijn, quoted in "Massenflucht aus dem Joch Christus," *Der Spiegel*, October 18, 1971.

61. See Pierre de Locht, "Conjugal Spirituality, 1930–1960," *Concilium* (1976): 34–37. The author describes how, as part of the Catholic Action Movement, some French priests began questioning their celibacy after extensive contact with families; however, at this point, no public challenge to the celibacy requirement developed.

62. Denzler, *Die Geschichte des Zölibats*, 110–115.

63. Pius XII, *Menti Nostrae*, September 23, 1950, no. 141.

64. O'Malley, *What Happened at Vatican II*, 188.

65. *Ibid.*, 246.

66. See Gerhard Schmidtchen, *Zwischen Kirche und Gesellschaft: Forschungsbericht über die Umfrage zur Gemeinsamen Synode der Bistümer in der Bundesrepublik Deutschland* (Freiburg: Herder, 1972), 184.

67. See Edward Schillebeeckx and Catharina Halkes, *Mary: Yesterday, Today and Tomorrow* (New York: Crossroad, 1993), and Uta Ranke-Heinemann, *Eunuchs for the Kingdom of Heaven: Women, Sexuality and the Catholic Church*, trans. Peter Heinegg (New York: Doubleday, 1990).

68. Giuseppe Alberigo, ed., *The Council and the Transition: The Fourth Period and the End of the Council, September 1965–December 1965*, vol. 5 of *A History of Vatican II*, trans. Matthew J. O'Connell (Maryknoll, NY: Orbis, 2006), 234–235.

69. The encyclical addressed only clerical celibacy, and not the vow of chastity taken by consecrated religious. *Sacerdotalis Caelibatus*, June 24, 1967, secs. 2–13.

70. Hans Küng, *Disputed Truth: Memoirs*, trans. John Bowden (New York: Continuum, 2007), 36.

71. "Zölibat: Quelle der Freude," *Der Spiegel*, July 10, 1967.

72. Karl Rahner, "Celibacy of the Secular Priest," *Furrow* 19, no. 2 (1968): 60.

73. *Ibid.*, 61–62.

74. *Ibid.*, 62.

75. *Ibid.*, 64.

76. *Ibid.*, 72.

77. "Zölibat: Quelle der Freude."

78. Denzler, *Die Geschichte des Zölibats*, 85.

79. Thomas Sartory and Gertrude Sartory, *Strukturkrise einer Kirche: Vor und nach der Enzyklika "Humanae Vitae"* (Munich: Deutscher Taschenbuch, 1969), 141–143.

80. "Wort der deutschen Bischöfe zur seelsorglichen Lage nach dem Erscheinen der Enzyklika 'Humanae Vitae,'" *Nachkonziliare Dokumentation*, vol. 14 (Trier: Paulinus, 1968).

81. Franz-Maria Elsner, "Essen war anders," in *Mitten in dieser Welt: 82nd Deutscher Katholikentag Essen 1968*, ed. ZdK (Bonn: Bonifatius, 1968), 15.

82. "Opas Kirche ist tot."

83. ZdK, KT-Essen 1968, *Presse-Echo*, no. 11, "3000 Katholiken fordern Revision des Pillen-Verbots," *Hamburger Abendblatt*, September 7, 1968; ZdK, KT-Essen 1968, *Presse-Echo*, no. 11, Heinz Schweden, "Gewissen gegen Gehorsam," *Rheinische Post*, September 5, 1968.

84. Elsner, "Essen war anders," 16.

85. ZdK, KT-Essen 1968, *Presse-Echo*, no. 9, Vilma Sturm, "Wir sind die linken Frommen: Die Opposition auf dem Katholikentag in Essen," *FAZ*, September 5, 1968.

86. ZdK, KT-Essen 1968, *Presse-Echo*, no. 9, Ulrich Schwarz, "Der Priester darf kein Patriarch mehr sein," *Ruhr-Nachrichten*, September 15, 1968.

87. ZdK, KT-Essen 1968, Presse-Echo, no. 9, Günter Streich, "Kritischen Katholiken künd den Aktionen an: Prof. Rahner versuchte Brückenschlag zwischen Konservativen und 'Rebellen,'" *Neue Rheinzeitung*, September 5, 1968.
88. ZdK, KT-Essen 1968, Presse-Echo, no. 9, Hans Schulte, "Hochwürden muß gehen: Priester nicht mehr heilige Außenseiter," *Düsseldorfer Nachrichten*, September 5, 1968.
89. Schweden, "Gewissen gegen Gehorsam."
90. Letter to the editor, *Der Spiegel*, January 26, 1970.
91. JHD, Würzburger Synode—ZDF Postfach Synode, 2.1/012–037.
92. Ibid.
93. Schmidtchen, *Zwischen Kirche und Gesellschaft*, 132.
94. Gerhard Schmidtchen, *Priester in Deutschland: Forschungsbericht über die im Auftrag der Deutschen Bischofskonferenz durchgeführte Umfrage unter allen Welt- und Ordenspriestern in der Bundesrepublik Deutschland* (Freiburg: Herder, 1973), 69.
95. Thomas G. Feuchtmann, "'Uncoupling' Celibacy: Dutch Pastoral Council V," *America*, January 31, 1970.
96. Georg Denzler, *Das Papsttum und der Amtszölibat*, vol. 2. (Stuttgart: Hiersemann, 1976), 355.
97. See "Zölibat: Zerrütete Ehe," *Der Spiegel*, January 26, 1970.
98. Küng, *Disputed Truth*, 93.
99. Denzler, *Die Geschichte des Zölibats*, 137.
100. "Eingabe des Vereins katholischer deutscher Lehrerinnen (VkdL) an die Deutsche Bischofskonferenz in Essen-Heidhausen zur Frage des Religionsunterrichts und zur Zölibatsfrage von 7.2.1970," in *Der Zölibat*, ed. Hohmann, 323.
101. Denzler, *Die Geschichte des Zölibats*, 137.
102. AEK, CR11 13.2, 6/64–65.
103. Denzler, *Das Papsttum und der Amtszölibat*, vol. 2, 358–359.
104. Hans Urs von Balthasar, ed., *Bischofssynode 1971: Das Priesteramt* (Einsiedeln: Johannes, 1972), 74.
105. Ibid., 77.
106. See JHD, Würzburger Synode, 2.61012–033, Westdeutscher Rundfunk, "Erwartungen an die westdeutsche Pastoralynode (II)," Sendung: Sonntag, den 10 August 1969, 19.00–19.30 Uhr II. Programm; Westdeutscher Rundfunk, "Erwägungen zur westdeutschen Pastoralynode. Christliche Gedanken zu unserer Zeit," Sendung: Donnerstag, den 23. Oktober. 1969, 19.45–20.00 Uhr, II. Programm; Norddeutscher Rundfunk, "Synode '72: Aufbruch zu einer neuen Kirche?," Sendung: 11. April 1970, 18.00–18.30 Uhr, 2. Programm.
107. JHD, Würzburger Synode, 2.11012–061, Ergebnisprotokoll der 7. Sitzung der K VII "Charismen, Dienste, Ämter" von 9.12 bis 10.12.71, Anlage 2: Protokoll AG 2.
108. JHD, Würzburger Synode, 2.11012–061, Ergebnisprotokoll der 9. Sitzung der K VII "Charismen, Dienste, Ämter" vom 13.3 bis 14.3.72.
109. JHD, Würzburger Synode, 2.11012–061, Ergebnisprotokoll der 4. Sitzung der K VII "Charismen, Dienste, Ämter" vom 30.6.71 bis 1.7.71.
110. AEK, Archiv der DBK, Würzburger Synode, 291, Letter from Gustav Vogel, contact person for *Priester ohne Amt*, to Bishop Tenhumberg.
111. AEK, Archiv der DBK, Würzburger Synode 539, Ergebnisprotokoll der 10. Sitzung der KVII vom 12.6 bis 13.6.1972.
112. AEK, Archiv der DBK, Würzburger Synode, 289, "Überlegungen zum priesterlichen Dienst in der Kirche."
113. Schmidtchen, *Zwischen Kirche und Gesellschaft*, 127.

114. AEK, Archiv der DBK, Würzburger Synode 290, Protokollauszug der Aprilsitzung 1972 der Deutschen Bischofskonferenz in Essen.

115. Ibid.

116. L. Bertsch et al., eds., *Gemeinsame Synode der Bistümer in der Bundesrepublik Deutschland*, vol. 1 (Freiburg: Herder, 1976), 591.

117. Hubertus Mynarek, "Der Ausstieg oder Opportunisten haben es leichter," in *Lebensberichte verheirateter Priester: Autobiographische Zeugnisse zum Konflikt zwischen Ehe und Zölibat*, ed. Georg Denzler (Munich: Piper, 1989), 99–112.

118. "Kirchenaustritt: Küß mich, Priester," *Der Spiegel*, November 13, 1972.

119. Mynarek, "Der Ausstieg oder Opportunisten haben es leichter," 100.

120. "Priester: Totale Tröstung," *Der Spiegel*, February 20, 1978.

121. "Der Spiegel berichtete," *Der Spiegel*, January 15, 1979.

122. "Reformation durch Schlüsselloch," *Die Zeit*, January 25, 1974.

123. "Immer mehr ein Zentrum der Unordnung," *Der Spiegel*, October 8, 1973.

124. Ibid.

125. "Negative Polizei," *Der Spiegel*, October 8, 1973; "Ungeschickter Gesandter," *Die Zeit*, October 12, 1973.

126. ZdK, 2103, 1854, no. 1, Josef Altrogge's letter protesting the statement of solidarity issued by the ZdK in support of Bishop Kempf on October 17, 1973; letter from Bernhard Vogel, ZdK president, to Cardinal Döpfner reiterating the organization's solidarity with the German bishops and with Bishop Kempf in particular, October 19, 1973.

127. See "Negative Polizei"; "Ungeschickter Gesandter."

128. AEK, Archiv der DBK, Würzburger Synode, 289, Helmut Link, "Zur Situation der ehemaligen Priester und Ordensleute in der BRD." The paper was made available to members of Subcommission VII of the Würzburg Synod. In the report, the author noted the lack of comprehensive data on clerical defections. Efforts by Subcommission VII to obtain statistical data from the CDF on the number of priests in the world Church and in Germany who left office because of the celibacy requirement met with failure. On June 20, 1973, Hanspeter Heinz, secretary of Subcommission VII, received word from a friend working for the CDF that access had been denied. See letter from Hermann Schwedt to Hanspeter Heinz, AEK, Archiv der DBK, 289. Estimates of the total number of departures from the priesthood during Paul VI's papacy range as high as 46,000. See George Weigel, *God's Choice: Pope Benedict XVI and the Future of the Catholic Church* (New York: HarperCollins, 2005), 52.

129. CDF, *Letter to All Local Ordinaries and General Moderators of Clerical Religious Communities Regarding the Dispensation of Priests from Celibacy*, October 14, 1970, no. 5.

130. Anne Lueg, *Wenn Frauen Priester lieben: Der Zölibat und seine Folgen* (Munich: Kösel, 1994), 17–21.

131. For a contemporary account of women's ghettoization in a male-dominated Church, see Teresa Bock, "Aufgaben und Mitarbeit der Frauen in der Kirche," in *Die Frau in Gesellschaft und Kirche: Analysen und Perspektiven*, ed. Anton Rauscher (Berlin: Duncker & Humblot, 1986), 202–211. On the suppression of female theologians in the 1960s, 1970s, and 1980s, see Iris Müller, "Katholische Theologinnen: Unterdrückt, aber dennoch angepaßt und ergeben," in *Zur Priesterin berufen: Gott sieht nicht auf das Geschlecht. Zeugnisse römischer-katholischer Frauen*, ed. Ida Raming et al. (Thaur: Dr.-und-Verl.-Haus Thau, 1998), 43–52.

132. kfd-1175, Gesprächskreis zwischen Vertreterinnen der katholischen Frauenverbände und Mitgliedern der Pastoralkommission, February 4, 1984.

2. WOMEN'S ORDINATION

1. Catholic theologians trace this metaphor to the covenantal relationship between Yahweh and Israel, as well as to New Testament writings in Ephesians and Revelations. On this point, Catholic theologians who support women's ordination and those who reject it agree.

2. Manfred Hauke, *Women in the Priesthood? A Systematic Analysis in the Light of the Order of Creation and Redemption*, trans. David Kipp (San Francisco: Ignatius Press, 1988), 115.

3. CDF, *Inter Insigniores*, October 15, 1976, par. 30–31.

4. Beattie, *New Catholic Feminism*, 131.

5. On medieval arguments against women's ordination, see Bernard Cooke and Gary Macy, *Ordination of Women in the Medieval Context* (New York: Lexington Books, 2002).

6. Joseph Mausbach, *Die Stellung der Frau im Menschheitsleben: Eine Anwendung katholischer Grundsätze auf die Frauenfrage* (Munich: Zentralstelle des Volksvereins für das katholische Deutschland, 1906), 59.

7. On women's ordination in the Church of Sweden, see Christina Odenberg, "Ordination and Consecration of Women in the Church of Sweden," in *Women and Ordination in the Christian Churches: International Perspectives*, ed. Ian Jones, Janet Wootton, and Kirsty Thorpe (New York: T & T Clark, 2008), 113–122.

8. In 1964, the Synod of Thuringia decided that women pastors "could be used only in private services for women, children, and the handicapped." This law remained in effect until 1978, when at least on paper women pastors were accorded the same rights as male pastors. However, in Bavaria, as a concession to opponents of women's ordination, men were given veto power—meaning a male pastor could veto the installation of a female pastor in his parish; this provision remained in effect until 1998. Today, women hold an estimated one-third of all ministerial positions in the EKD and account for approximately one-half of all theological students. See www.ekd.de, accessed January 25, 2014.

9. Deborah Halter, *The Papal 'No': A Comprehensive Guide to the Vatican's Rejection of Women's Ordination* (New York: Crossroad, 2004), 67–73.

10. For a brief history of the WOC, see Michele Dillon, *Catholic Identity: Balancing Reason, Faith and Power* (Cambridge: Cambridge University Press, 1999), 77–114.

11. For a history of women's ordination in the Anglican Communion in England, see Clare Walsh, *Gender and Discourse: Language and Power in Politics, the Church and Organizations* (New York: Longman, 2001), 164–209.

12. John XXIII, *Pacem in Terris*, April 11, 1963, no. 41.

13. Richard L. Camp, "From Passive Subordination to Complementary Partnership," *Catholic Historical Review* 76, no. 3 (1990): 512.

14. The 1917 Code of Canon Law (Canon 813, Paragraph 2) prohibited female altar servers; however, if no man was available, a woman could assist if she "answers from a distance and does not approach the altar." See C. Augustine, *On the Sacraments (Except Matrimony) and Sacramentals*, vol. 4 of *Commentary*, 150–151. Canon 118 reserved major and minor orders for men. See C. Augustine, *Clergy and Hierarchy*, vol. 2 of *Commentary*, 56–58.

15. Anthony K. W. McLaughlin, "The Obligation of Perfect and Perpetual Continence and Married Deacons in the Church" (Ph.D. diss., Catholic University of America, 2010), 132.

16. C. Augustine, *Administrative Law*, vol. 6 of *Commentary*, 205.

17. Gertrud Heinzelmann, "Woman and the Council—Hopes and Expectations: A Petition Addressed to the Preparatory Commission of Vatican Council II Concerning the Place of Woman in the Roman Catholic Church," in *Wir schweigen nicht länger! Frauen äußern sich zum II Vatikanischen Konzil*, ed. Gertrud Heinzelmann (Zurich: Interfeminas, 1964), 79. The text

includes Gertrud Heinzelmänn's petition in German and in English. Citations are taken from the English text.

18. *Ibid.*, 87.

19. *Ibid.*

20. *Ibid.*, 92.

21. *Ibid.*, 97.

22. Iris Müller and Ida Raming, "Kritische Auseinandersetzung mit den Gründen der katholischen Theologie betreffend den Ausschluß der Frau vom sakramentalen Priestertum," in *Wir schweigen nicht länger!*, ed. Heinzelmänn, 61.

23. *Ibid.*, 66.

24. *Ibid.*

25. Josefa Theresia Münch, "My Letters to the Pope," *Catholic Citizen: Journal of St. Joan's International Alliance* 72, no. 1 (1991): 18–29, www.womenpriests.org, accessed February 5, 2015.

26. *Ibid.*

27. *Ibid.*

28. *Ibid.*

29. Gino Concetti, "Die Frau und das Priestertum," *L'Osservatore Romano*, November 8–12, 1965, reprinted in Iris Müller and Ida Raming, *Unser Leben im Einsatz für Menschenrechte in der römisch-katholischen Kirche* (Münster: LIT, 2007), 183.

30. *Ibid.*

31. kfd-273, Statistische Auswertung der Umfrage unter kfd-Mitgliedern zur Liturgiereform, 1960/61; kfd-618, Leserzuschriften mit Anregungen für die Konzilseingabe "Wünsche katholischer Frauen . . ."; kfd-633, Leservorschläge für die Konzilseingabe, 1961; Marianne Dirks and Anneliese Lissner, "Wünsche katholischer Frauen, Mütter und Ehepaare an das Konzil," in *Konkrete Wünsche an das Konzil*, ed. Viktor Schurr (Kevelaer: Butzon & Becker, 1961), 57–93.

32. Ida Friederike Görres attacked the motives of the contributors to *Wir schweigen nicht länger!* in the German Catholic journal *Der Christliche Sonntag*. A heated debate ensued between Friederike Görres and Josefa Theresia Münch. See Ida Friederike Görres, "Über die Weihe von Frauen zu Priestern," *Der Christliche Sonntag*, June 20, 1965; Josefa Theresia Münch, "Sollen Frauen in der Kirche schweigen sein?," *Der Christliche Sonntag*, August 15, 1965; Münch, "Katholische Priesterinnen?," *Der Christliche Sonntag*, October 10, 1965.

33. For an excerpt, see Gertrud Heinzelmänn, *Die getrennten Schwester: Frauen nach dem Konzil* (Zurich: Interfeminas, 1967), 78–79.

34. McDannell, *Spirit of Vatican II*, 108–109.

35. *Gaudium et Spes*, December 7, 1965, no. 29.

36. Jean Galot, *Theology of the Priesthood*, trans. Roger Balducelli (San Francisco: Ignatius Press, 1984), 183–187.

37. Richard P. McBrien, ed., *The HarperCollins Encyclopedia of Catholicism*, 6th ed. (New York: HarperCollins, 1995), 866.

38. Paul VI, *Ministeria Quaedam*, August 15, 1972, par. 4 and 6.

39. Proponents and opponents of women's ordination accept that female deacons existed in the early Church but disagree on whether this early office constituted an ordained ministry. For a positive assessment, see John Wijngaards, *The Ordination of Women in the Catholic Church: Unmasking a Cuckoo's Egg Tradition* (London: Darton, Longman & Todd, 2001), 138–155; Peter Hünemann, ed., *Diakonat: Ein Amt für Frauen in der Kirche—Ein frauengerechtes Amt?* (Ostfildern: Schwabenverlag, 1999); for a negative assessment, see Hauke, *Women in the Priest-*

hood?, 440–444; and Aimé-Georges Martimort, *Deaconesses: An Historical Study*, trans. K. D. Whitehead (San Francisco: Ignatius Press, 1986).

40. kfd-767, Marianne Dirks, "Status und Aufgabe" (1967), 5.

41. Hildegard Harmsen, *Die Frau heute: Fragen an die Kirche* (Frankfurt: Kafke, 1967), 85.

42. 1983 Code of Canon Law, Canon 230, Paragraph 3.

43. Opponents and supporters of altar girls interpreted the omission differently. Opponents noted that Canon 2 stated that any law not specifically abrogated remained in effect. Supporters argued that Canon 203, Paragraph 2 implied that females could receive temporary deputation to act as altar servers. See John P. Beal, James A. Coriden, and Thomas J. Green, *New Commentary on the Code of Canon Law* (New York: Paulist Press, 2000), 1103.

44. kfd-730, Marianne Dirks, "Forderungen der Gegenwart an die Frauen- und Müttergemeinschaften" (November 24, 1953), 13.

45. kfd-612, Marianne Dirks, "Die Frau als Trägerin und Vermittlerin des eucharistischen Lebens" (lecture transcript), Eucharist World Congress (Munich, 1960), 2.

46. kfd-737, Marianne Dirks, "Priester und Frau" (lecture manuscript), Königstein, 1967.

47. kfd-592, Marianne Dirks, "Gedanken zur apostolischen und fürsorgerischen Arbeit in Kirche und Gesellschaft," *Korrespondenzblatt* (March 1965): 54–68.

48. kfd-742, Letter of Marianne Dirks to Rusche, February 10, 1969; kfd-767, "Status und Aufgabe der Frau und Kirche heute" (lecture manuscript), 2.

49. Heinzelmann, *Schwester*, 39.

50. *Ibid.*, 20–21.

51. kfd-737, Marianne Dirks, "Zur Situation der Frau in der Kirche" (manuscript), *Diakonia* (May 1967): 4.

52. kfd-737, Marianne Dirks, "Priester und Frau" (lecture manuscript), Königstein, 1967.

53. kfd-1127, Letter of Marianne Dirks to Dr. Hildegard Harmsen, June 15, 1967.

54. kfd-746.1, 2. Europäischer Kongress für das Laienapostolat, 1966.

55. *Ibid.*

56. kfd-1127, Harmsen to Dirks, August 4, 1967.

57. kfd-1127, Dirks to Harmsen, August 7, 1967.

58. AEK, Archiv der DBK, Würzburger Synode 290, Letter from Dr. Barbara Wilk to Bishop Tenhumberg, May 4, 1971.

59. AEK, Archiv der DBK, Würzburger Synode 290, Letter from Bishop Tenhumberg to Dr. Barbara Wilk, May 26, 1971.

60. L. Bertsch et al., eds., *Gemeinsame Synode*, 595.

61. Experts disagreed on whether the New Testament alone substantiated the existence of an ordained female diaconate. Hünermann argued that biblical evidence was inconclusive, but he found the evidence in combination with other early documents of the Church convincing. See Peter Hünermann, "Conclusions Regarding the Female Diaconate," *Theological Studies* 36, no. 2 (June 1975): 326.

62. Bertsch et al., eds., *Gemeinsame Synode*, 595.

63. AEK, Archiv der DBK, Würzburger Synode 289, "Überlegungen zum priesterlichen Dienst in der Kirche," Working paper of Speyer theological students on the priesthood sent to the commission on October 3, 1971, by Leo Zirker on the recommendation of the priest Erich Ramstetter.

64. Müller and Raming, *Unser Leben im Einsatz*, 210.

65. AEK, Archiv der DBK, Würzburger Synode 539, SK VII, Protokoll der AG 3, September 15, 1971.

66. AEK, Archiv der DBK, Würzburger Synode 290, Letter from Barbara Bredlow to Bishop Klaus Hemmerle, November 12, 1972.

67. AEK, Archiv der DBK, Würzburger Synode 539, SK VII, Protokoll der AG 3, September 15, 1971.

68. The survey results were prefaced by the following remarks: "A few months ago, the KDFB conducted a survey on women's role in church and society. The following remarks are indicative of members' response, based on station in life (*Lebensstand*), career, and age." See JHD Do.5.7, 1973–1992, Marianne Pünder, "Die Frau in Kirche und Gesellschaft: Ergebnis einer Umfrage," *Die Christliche Frau* 62, no. 6 (1973): 167–173. In the section "Position in the Church," no distinctions are made except according to age.

69. JHD Do.5.7, 1973–1992, Marianne Pünder, 171.

70. Letter to the editor, *Frau und Mutter*, September 1973.

71. Ingebourg Rocholl-Gärtner, ed., *Anwalt der Frauen: Hermann Klens, Leben und Werk* (Düsseldorf: Klens, 1978), 93–95.

72. The 1920s secular women's movement in Germany addressed women's ordination. Works by Catholic authors supporting women's ordination include Ilse von Stach, *Die Frauen von Korinth: Dialoge* (Breslau: Bergstadt, 1929), and Engelbert Krebs, "Vom Priestertum der Frau," *Hochland* 19 (1922): 196–215. The 1920s women's ordination movement in Germany ended with Hitler's rise to power. For a brief history, see Ida Raming, *Frauenbewegung und Kirche: Bilanz eines 25-jährigen Kampfes für Gleichberechtigung und Befreiung der Frau seit dem 2. Vatikanischen Konzil* (Weinheim: Deutscher Studien, 1989), 38–39, and Hauke, *Women in the Priesthood?*, 60–61.

73. E. F. Sheridan, ed., *Love Kindness! The Social Teachings of the Canadian Bishops (1958–1989)—A Second Collection* (Sherbrooke: Éditions Paulines and the Jesuit Centre for Social Faith and Justice, 1991), 499.

74. Permanent Committee for International Congresses of the Lay Apostolate, *Man Today: Proceedings of the Third World Congress for the Lay Apostolate*, vol. 2 (Rome: Permanent Committee for International Congresses of the Lay Apostolate, 1968), 229–230. Hauke, *Women in the Priesthood?*, 72.

75. Betty Friedan, *It Changed My Life: Writings on the Women's Movement* (New York: Random House, 1976), 370.

76. *Ibid.*, 292.

77. *Ibid.*

78. *Ibid.*, 297.

79. *Ibid.*

80. *Ibid.*

81. Paul VI, *Address to the General Secretary of the "International Women's Year,"* November 6, 1974.

82. *Inter Insigniores*, October 15, 1976, par. 28.

83. Pirjo Markkola, "Patriarchy and Women's Emancipation," in *World Christianities, c. 1914–c. 2000*, ed. Hugh McLeod (New York: Cambridge University Press, 2006), 561–562.

84. Paula D. Nesbitt, *Feminization of the Clergy in America: Occupational and Organizational Perspectives* (New York: Oxford University Press, 1999), 30–32.

85. Halter, *The Papal 'No,'* 69–73.

86. Correspondence between Canterbury and Rome, first letter of Donald Coggan to Paul VI, July 9, 1975, <http://www.womenpriests.org>, accessed December 12, 2012.

87. Paul VI to Donald Coggan, November 25, 1975, <http://www.womenpriests.org>, accessed December 12, 2012.

88. Mary J. Henold, *Catholic and Feminist: The Surprising History of the American Catholic Feminist Movement* (Chapel Hill: University of North Carolina Press, 2008), 120.
89. *Ibid.*, 121.
90. Raming, *Frauenbewegung und Kirche*, 100. See also "Ich tue mich schwer, meinen Papst zu lieben," *Der Spiegel*, July 30, 1984.
91. Henold, *Catholic and Feminist*, 123.
92. *Ibid.*, 123–124.
93. *Ibid.*, 124.
94. *Ibid.*, 125.
95. *Ibid.*, 136.
96. Pontifical Bible Commission, "Report: Can Women Be Priests?" *Origins* 6, no. 6 (July 1976): 92.
97. Leonard Swidler, "Introduction: Roma Locuta, Causa Finita?," in *Women Priests: A Catholic Commentary on the Vatican Declaration*, ed. Leonard and Arlene Swidler (New York: Paulist Press, 1976), 3.
98. Karl-Heinz Weger, "Endgültig keine Ordination der Frau?" *Orientierung* 41, no. 6 (1977): 64.
99. *Inter Insigniores*, October 15, 1976, par. 4.
100. *Ibid.*, par. 5.
101. *Ibid.*, par. 6.
102. *Ibid.*
103. *Ibid.*
104. *Ibid.*, par. 10.
105. *Ibid.*
106. *Ibid.*, par. 13.
107. *Ibid.*, par. 17.
108. *Ibid.*, par. 21.
109. *Ibid.*, par. 27.
110. *Ibid.*, par. 28.
111. *Ibid.*, par. 31.
112. Raimondo Spiazzi, "The Advancement of Women according to the Church," *L'Osservatore Romano*, February 10, 1977.
113. *Ibid.*
114. Numerous scholars have underscored Balthasar's influence on John Paul II's "theology of the body." See, e.g., Susan Rakoczy, "Mixed Messages: John Paul II's Writings on Women," in *The Vision of John Paul II: Assessing His Thought and Influence*, ed. Gerard Mannion (Collegeville, MN: Liturgical Press, 2008), 159–183; Agneta Sutton, "Complementarity of the Sexes: Karl Barth, Hans Urs von Balthasar, and John Paul II," *New Blackfriars* 87, no. 1010 (2006): 418–433; Brendan Leahy, "John Paul II and Hans Urs von Balthasar," in *The Legacy of John Paul II*, ed. Gerald O'Collins and Michael A. Hays (New York: Burns & Oates, 2008), 31–50.
115. Hans Urs von Balthasar, "The Uninterrupted Tradition of the Church," *L'Osservatore Romano*, February 24, 1977.
116. *Ibid.*
117. *Ibid.*
118. Albert Ebnetter, "Keine Frauen im Priesteramt." *Orientierung*, no. 1 (1977): 26.
119. *Ibid.*
120. *Ibid.*

121. Hans Küng and Gerhard Lohfink, "Keine Priestertum der Frau?," *Theologische Quartalschrift*, no. 157 (1977): 146.
122. Karl Rahner, "Priestertum der Frau?," *Stimmen der Zeit*, no. 195 (1977): 293.
123. Ibid.
124. Carroll Stuhlmueller, "Internal Indecisiveness," in *Women Priests: A Catholic Commentary on the Vatican Declaration*, ed. Leonard Swidler and Arlene Swidler (New York: Paulist Press, 1977), 23.
125. Ibid.
126. *Inter Insigniores*, October 15, 1976, par. 8.
127. Heinzelmann, ed., *Wir schweigen nicht länger!*, 84.
128. "Orientierungs- und Arbeitsprogramm der kfd 1979," *Frau und Mutter*, no. 9, 1979.
129. Wilhelm Kempf, "Frauen in der christlichen Kirche," *Frau und Mutter*, no. 7–8, 1981.
130. CDWDS, *Inaestimabile Donum*, April 3, 1980, no. 18, <http://www.ewtn.com>, accessed April 2, 2012.
131. kfd-1335, Messedienerinnen-Aktion, Reader responses, June 1980–June 1981.
132. Ibid.
133. kfd-1335, Messedienerinnen-Aktion, Reader responses, October 1980.
134. kfd-1335, Messedienerinnen-Aktion, Letter from Anneliese Lissner to Cardinal Höffner, June 13, 1980.
135. Letter to the editor, *Frau und Mutter*, September 1983.
136. Hildegard Lünig, "Frauen verändern die Gotteslehre," *Orientierung* 44, no. 14/15 (1980): 150.
137. kfd-1175, Letter from the Kreis katholischer Frauen im Heliand-Bund to kfd President, Irmgard Jalowy, November 1987.
138. kfd-1335, Messedienerinnen-Aktion, Reader responses, June 1980–June 1981.
139. The Traditionalisten-Bewegung, later renamed the Liga katholischer Traditionalisten, was founded in 1965 in France; Elisabeth Gerster launched the German chapter in 1967. The guiding principle was that "the Church needed no reform." See Elisabeth Gerster, *Die katholische Traditionalisten-Bewegung: Eine Selbstdarstellung* (Cologne: Benziger, 1970), 9. Hans Milch, Walter Hoeres, and Fritz Feuling founded Bewegung für Papst und Kirche in 1969 in protest against Vatican II theological innovations; the group supported priestly celibacy and *Humanae Vitae*. Marienkinder (Children of Mary)—established in 1983 in Augsburg, Germany—focused on Marian devotion. The group made headlines in 1985 when its founders were excommunicated after conducting a Corpus Christi procession at the same time as the official diocesan procession. In 1996, one of the group's founders, Joseph Zanker, received a three-year prison sentence after being found guilty of twenty-one counts of coercion and assault against youth members. In 2009, the group regained its status as an official Catholic organization. On the excommunication and later rehabilitation of the group, see Barbara Hans, "Bishop Mixa buhlt um Sektierer," *Der Spiegel*, March 6, 2009; and Stefan Mayr, "Mixa holt Sektierer in die Kirche," *SZ*, March 4, 2009. For a brief account of the other groups, see Barbara Hans and Christian Wiesel, "Christlicher Fundamentalismus: Kirche der Extreme," *Spiegel Online*, February 5, 2009, <http://www.spiegel.de>, accessed March 12, 2013.
140. Hanna-Renate Laurien, "Die Frau als mündiger Christ," *Orientierung* 45, no. 3 (1981): 33.
141. kfd-1335, Letter from Auxiliary Bishop Walther Kampe to Cardinal Höffner, June 10, 1980.
142. Ibid.
143. Ibid.

144. CDWDS, "Vatican Communication on Female Altar Servers," March 15, 1994, no. 4, <http://www.etwn.com>, accessed January 13, 2013.
145. "SPD-Frauen: Lob für Bischöfe, Kritik am ZdK": KNA, October 29, 1981.
146. Ibid.
147. kfd-1170, Letter from the kfd central office to Cardinal Höffner, DBK chair, November 26, 1981.
148. Ibid.
149. "Ich hoffe, daß nicht noch mehr Frauen aus der Kirche ausziehen," BDKJ-Informationsdienst, December 19, 1984.
150. kfd-1188, Letter from Anneliese Lissner to a local kfd chapter, April 9, 1984.
151. Letter from T.S. of Weener/Ems to Secretary-General of the kfd, Anneliese Lissner, May 21, 1984.
152. "BDKJ Münster: Offener Brief an den Papst," BDKJ-Informationsdienst, June 15, 1987.
153. "Päpstin mit Recht auf Heirat," *Der Spiegel*, December 21, 1992.
154. In 1970, Ida Raming completed her habilitation, "Der Ausschluß der Frau vom priesterlichen Amt—gottgewollte Tradition oder Diskriminierung?," under Karl Rahner. However, it was not published until 1973.
155. Raming, *Frauenbewegung und Kirche*, 92–93. See also Angelika Strotmann, "Arbeitsgemeinschaft Feminismus und Kirchen," in *Handbuch Feministische Theologie*, ed. Christine Schamberger and Monika Maaßen (Münster: Morgana, 1986), 158; Magdalene Bußmann, "Männer, Mitren und Macht," in *Beten allein genügt nicht: Briefe an den Papst*, ed. Thomas Seitterlich (Hamburg: Rowolt, 1987), 105.
156. J. M. Potter in *New Woman—New Church* 7, no. 2 (April 1974): 5, cited in Raming, *Frauenbewegung und Kirche*, 95.
157. Raming, *Frauenbewegung und Kirche*, 94.
158. Ibid., 97.
159. For a brief organization history, see the website of Maria von Magdala: Initiative Gleichberechtigung der Frauen in der Kirche, "Die Chronik," <http://www.mariavonmagdala.de>, accessed December 12, 2012.
160. Ibid.
161. "Papst und Päpstin," *Die Zeit*, February 3, 1989.
162. See Ida Raming, "Relevanz und Stellenwert des Kirchenrechts in der feministischen Theologie," in *Theologiefeministisch: Disziplinen, Schwerpunkte, Richtungen* (Düsseldorf: Patmos, 1988), 120–121. For the ecumenical approach, see, e.g., Luise Schottroff, Silvia Schroer, and Marie-Theres Wacker, eds., *Feministische Exegese: Forschungserträge zur Bibel aus der Perspektive von Frauen* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1995); Renate Jost and Eveline Valtink, eds., *Ihr aber, für wen haltet ihr mich? Auf dem Weg zu einer feministisch-befreiungstheologischen Revision von Christologie* (Gütersloh: Kaiser, 1996); Michael N. Ebertz, a sociologist of religion, reached a similar conclusion in 2006, noting that many women in the Catholic Church stayed active in the Church by creating "spaces within the Church free of patriarchal structures" or by finding "a place within Catholic organizations, particularly those oriented towards women, where they can vent their frustrations." See Michael N. Ebertz, "Exodus? Frauen und die katholische Kirche in Deutschland," in *Katholiken in den USA und Deutschland: Kirche, Gesellschaft und Politik*, ed. Wilhelm Damberg and Antonius Liedhegener (Münster: Aschendorff, 2006), 269.
163. Rosemary Radford Ruether, "Should Women Want Women Priests or Women-Church?," *Feminist Theology* 20, no. 63 (2011): 68.
164. Mary Hunter, cited in *ibid.*

165. Ulrike Wagner-Rau, *Zwischen Vaterwelt und Feminismus: Eine Studie zur pastoralen Identität von Frauen* (Gütersloh: Gütersloher Verlagshaus, 1992), 202–205.

166. *Ibid.*, 164–169.

167. kfd-1175, “Die Bischöfe und die Frauen: Man kommt sich näher,” KNA, July 16, 1987.

168. Of the 103 Episcopal conferences represented, 34 were from Africa, 24 from America, 24 from Europe, 17 from Asia, and 4 from Oceania. Also present were 23 heads of dicasteries of the Roman Curia and leaders of various *movimenti*, such as Opus Dei, the Emmanuelites, Focolare, and Charismatics.

169. Roberto Suro, “Pope Opens Synod of Bishops on Role of the Laity,” *NYT*, October 2, 1987.

170. Ludwig Kaufmann, “Bischofssynode: Die verdrängte Frauenfrage—Dritter Bericht zur Bischofssynode,” *Orientierung* 51, no. 21 (1987): 226.

171. *Ibid.*

172. John Paul II, *Christifideles Laici*, December 30, 1988, no. 49.

173. “Katholische Frauengemeinschaft Deutschlands: Pressemitteilung,” KNA, November 5, 1987.

174. John Paul II, *Mulieris Dignitatem*, August 15, 1988, no. 1, par. 3.

175. See, e.g., Kimberly A. Kennedy, “*Totus Tuus Sum*, Maria: Pope John Paul II’s Framing of the Feminine Genius,” in *The Rhetoric of Pope John Paul II*, ed. Joseph R. Blaney and Joseph P. Zompetti (New York: Lexington Books, 2009), 103–150.

176. *Mulieris Dignitatem*, August 15, 1988, no. 3, par. 4.

177. *Ibid.*, no. 4, par. 1.

178. *Ibid.*, no. 11, par. 6.

179. *Ibid.*, no. 10, par. 4.

180. *Ibid.*, no. 7, par. 8.

181. *Ibid.*, no. 6, par. 5; emphasis in original.

182. In *Evangelium Vitae*, John Paul II cited *Mulieris Dignitatem* twice. He did so the first time to establish the coresponsibility of the father for the child. He made the second reference to *Mulieris Dignitatem* when he reasserted woman’s primary contribution to church and society as mother; through motherhood, she taught humanity the authenticity of human relations. See John Paul II, *Evangelium Vitae*, March 25, 1995, nn. 55, 134.

183. “New feminists” supported John Paul’s II’s views on women’s place in the Church; they did not champion gender equality.

184. See, e.g., Prudence Allen, “*Mulieris Dignitatem* Twenty Years Later: An Overview of the Document and Challenges,” *Ave Maria Law Review* 13, no. 8 (2007): 13–47; Michele M. Schumaker, “John Paul II’s Theology of the Body on Trial: Responding to the Accusation of the Biological Reduction of Women,” *Nova et Vetera* (Engl. ed.) 10, no. 2 (2012): 463–484.

185. *Mulieris Dignitatem*, August 15, 1988, no. 7, par. 1.

186. *Ibid.*, no. 6, par. 1.

187. *Ibid.*, no. 21, par. 3.

188. *Ibid.*, no. 20, par. 5.

189. *Ibid.*, no. 25, par. 5; emphasis in original.

190. *Ibid.*, no. 25, par. 4.

191. *Ibid.*, no. 25, par. 6 and no. 26, par. 1; emphasis in original.

192. Gregory Baum, “Bulletin: The Apostolic Letter *Mulieris Dignitatem*,” *Concilium* 206 (1989): 147.

193. *Ibid.*

194. *Ibid.*

195. Elisabeth Gössmann, "Kommentar," in *Die Zeit der Frau: Apostolisches Schreiben "Mulieris Dignitatem"* (Freiburg: Herder, 1988), 145–146. Like the feminist theologian Elisabeth Schüssler-Fiorenza, Gössmann had difficulty securing a university teaching post in West Germany. From 1956 to 1989, she taught in Japan; since 1990, she has been an extraordinary professor in the Faculty of Philosophy, Philosophy of Science and Religious Studies at the Ludwig Maximilian University in Munich. See her curriculum vitae at <http://www.philosophie.uni-muenchen.de>, accessed April 10, 2015.

196. Irene Willig, KNA, October 4, 1988, cited in *ibid.*, 146.

197. Maria von Magdala, "'Gleiche Würde'—aber keine gleichen Rechte: Stellungnahme der Frauengruppe Maria von Magdala zum Apostolisches Schreiben Johannes Pauls II. *Mulieris Dignitatem*," cited in Raming, *Frauenbewegung und Kirche*, 99. In 1995, Monika Kringels-Kemen also made the comparison. See Monika Kringels-Kemen, "Wider die Apartheid am Altar," in *Nennt uns nicht Brüder: Frauen in der Kirche durchbrechen das Schweigen*, ed. Norbert Sommer (Stuttgart: Kreuz, 1985), 221–228.

198. Susan A. Ross, "The Bridegroom and the Bride: The Theological Anthropology of John Paul II and Its Relation to the Bible and Homosexuality," in *Sexual Diversity and Catholicism: Toward the Development of Moral Theology*, ed. Patricia Beattie Jung and Joseph Andrew Coray (Collegeville, MN: Liturgical Press, 1989), 53.

199. Beattie, *New Catholic Feminism*, 110.

200. *Ibid.*, 111.

201. *Ibid.*, 13.

202. *Ibid.*, 105.

203. In fact, the kfd editorial staff declined to make any claims about the percentage of supporters and opponents for this very reason. See Letter to the editor, *Frau und Mutter*, July–August 1989.

204. Letter to the editor, *Frau und Mutter*, July–August 1989.

205. kfd-1170, Reader responses concerning *Mulieris Dignitatem*, January 23, 1990.

206. Letter to the editor, *Frau und Mutter*, March 1989.

207. kfd-1170, *Frauen und Kirche*, 1993 Allensbach survey commissioned by the DBK.

208. John Paul II, *Veritatis Splendor*, August 6, 1993, no. 67.

209. *Ibid.*, no. 116.

210. John Paul II, *Sacerdotalis Ordinatio*, May 22, 1994, no. 4, par. 2.

211. Thomas J. Reese, *Inside the Vatican: The Politics and Organization of the Catholic Church* (Cambridge, MA: Harvard University Press, 1996), 276.

212. Commission on Woman in the Church created by the Belgian Bishops' Conference, "Who May Dwell within Your Tent?" (Wie Mag Toeven Binnen Uw Tent?), translated from the Flemish by John Wijngaards and reprinted with permission of the commission on the website Women Can Be Priests: The International Catholic Online Authority on Women Ministries, <http://www.womenpriests.org>, accessed December 12, 2012.

213. CDF, "Responsum ad Propositum Dubium Concerning the Teaching Contained in *Ordinatio Sacerdotalis*," October 28, 1995.

214. "Päpstin mit Recht auf Heirat," *Der Spiegel*, December 21, 1992.

215. John Paul II, "Address to the German Bishops on the Occasion of their *ad Limina* Visit," November 20, 1999, no. 10, par. 1. *Ad limina* visit refers to the visit to Rome that bishops make every five years to report on their dioceses.

216. Halter, *The Papal 'No'*, 146.

217. See, e.g., Sophie de Ravinel, "Sept Femmes 'ordonnées' prêtre sur le Danube," *Le Figaro*, July 2, 2002; Kate Connolly and Philip Willan, "Vatican Casts Out 'Ordained' Women:

Excommunicated Danube Seven Remain Defiant in the Name of Religious Equal Rights,” *Guardian* (London), August 6, 2002; Matthias Stolz, “Sieben Tage mit Ida Raming,” *Die Zeit*, August 15, 2002.

218. Halter, *The Papal ‘No,’* 147. For an extensive list of irregularly ordained Catholic women, see the website of the international organization Roman Catholic Womenpriests, <http://www.romancatholicwomenpriests.org>, accessed December 11, 2012.

219. Halter, *The Papal ‘No,’* 106. McEnroy sued for breach of contract. The Indiana State Supreme Court ruled that it lacked jurisdiction because of the First Amendment’s guarantee of religious freedom. A copy of the decision can be found at <http://law.justia.com>, accessed December 11, 2012.

220. Manfred Hauke, *God or Goddess? Feminist Theology: What Is it? Where Does It Lead?*, trans. David Kipp (San Francisco: Ignatius Press, 1995), 116.

221. *Ibid.*, 115.

222. Donna Steichen, *Ungodly Rage: The Hidden Face of Catholic Feminism* (San Francisco: Ignatius Press, 1991), 371.

3. ARTIFICIAL CONTRACEPTION

1. For a comprehensive history of Catholic theological discourses on contraception from 50 AD to 1965, see John T. Noonan, Jr., *Contraception: A History of Its Treatment by the Catholic Theologians and Canonists* (Cambridge, MA: Belknap Press of Harvard University Press, 1965).

2. Herzog, *Sexuality in Europe*, 98.

3. *Ibid.*, 96–106.

4. The pros and cons of a smaller Catholic Church became the subject of heated Catholic debate under John Paul II and Benedict XVI. See Ian Fisher, “Benedict XVI and the Church That May Shrink or May Not,” *NYT*, May 29, 2005, <http://www.nytimes.com>, accessed May 14, 2012.

5. Pius XII, *Discurso al Congreso de la Union Católica Italiana de Obstétricas con la colaboración de la Federación Nacional de Colegios de Comadronas Católicas*, October 29, 1951. In his 1930 encyclical *Casti Connubii*, Pius XI noted that sexual relations between married couples during the “sterile time” was lawful so long as the intention was procreation. However, he did not address the deliberate use of these days as a means of limiting family size; this omission led to conflicting theological interpretations. See Pius XI, *Casti Connubii* December 31, 1930, no 59.

6. Noonan, *Contraception*, 446.

7. Lynch quoted in *ibid.*, 446–447.

8. See, e.g., Augustine, *Of the Good of Marriage*, no. 1, www.newadvent.org, accessed October 28, 2011, and Thomas Aquinas, *On Love and Charity: Commentary on the Sentences of Peter Lombard*, trans. Peter A. Kwasniewski, Thomas Bolin, and Joseph Bolin (Washington, DC: Catholic University of America Press, 2008), 4.31.1.1.

9. Noonan, *Contraception*, 495.

10. Herbert Doms, *The Meaning of Marriage*, trans. George Sayer (New York: Sheed & Ward, 1939), 185–189.

11. *Ibid.*, 165–197.

12. Rölli-Alkemper, *Familie im Wiederaufbau*, 132.

13. See *Casti Connubii*, December 31, 1930, no. 7.

14. *Ibid.*, no. 55.

15. *Ibid.*, no. 56.

16. *Ibid.*, no. 57.

17. *Ibid.*, no. 61.

18. *Ibid.*, no. 26. Pius XI did place limits on the woman's subordination to her husband. He held that subordination could not compromise the dignity owing a woman as a human being.
19. Quoted in Heineman, *What Difference Does a Husband Make?*, 128.
20. Quoted in *ibid.*
21. *Ibid.*
22. *Ibid.*, 130.
23. Silies, *Liebe, Lust und Last*, 40.
24. Heineman, *What Difference Does a Husband Make?*, 128–130. For a more in-depth account of West Germans' embrace of alternative family forms in the late 1940s, see Robert G. Moeller, *Protecting Motherhood: Women and the Family in the Politics of Postwar West Germany* (Berkeley: University of California Press, 1993); Silies, *Liebe, Lust und Last*, 36–45.
25. Herzog, *Sex after Fascism*, 103.
26. See Silies, *Liebe, Lust und Last*, 40, and Heineman, *What Difference Does a Husband Make?*, 136.
27. "Die Mutter-die Seele der Familie," *Frau und Mutter*, January 1951.
28. CDU draft quoted in Heineman, *What Difference Does a Husband Make?*, 143.
29. *Ibid.*, 148.
30. Moeller, *Protecting Motherhood*, 102.
31. Maria D. Mitchell, *The Origins of Christian Democracy: Politics and Confession in Modern Germany* (Ann Arbor: University of Michigan Press), 171–173.
32. Heineman, *What Difference Does a Husband Make?*, 147–150.
33. Moeller, *Protecting Motherhood*, 137.
34. Hanna Schissler, "German and American Women between Domesticity and the Workplace," in *The United States and Germany in the Era of the Cold War 1945–1968: A Handbook*, vol. 1, ed. Detlev Junker (Cambridge: Cambridge University Press, 2004), 564.
35. Heineman, *What Difference Does a Husband Make?*, 157–158.
36. *Ibid.*, 158.
37. Moeller, *Protecting Motherhood*, 138.
38. Ludwig Erhard, *Deutsche Wirtschaftspolitik: Der Weg der sozialen Marktwirtschaft* (Düsseldorf: Econ, 1962).
39. Erica Carter, *How German Is She? Postwar Reconstruction and the Consuming Woman* (Ann Arbor: University of Michigan Press, 1997), 43.
40. *Ibid.*, 59–65.
41. Moeller, *Protecting Womanhood*, 140.
42. Quoted in Mitchell, *Origins of Christian Democracy*, 109.
43. *Ibid.*
44. *Ibid.*, 82.
45. Moeller, *Protecting Motherhood*, 43–44.
46. Silies, *Liebe, Lust und Last*, 42.
47. Christine von Oertzen, *The Pleasure of a Surplus Income: Part-time Work, Gender Politics, and Social Change in West Germany, 1955–1969*, trans. Pamela Selwyn (New York: Berghahn Books, 2007), 4.
48. *Ibid.*, 47–48.
49. Silies, *Liebe, Lust und Last*, 56–57.
50. Herzog, *Sex after Fascism*, 101.
51. Elizabeth Heineman, *Before Porn Was Legal: The Erotic Empire of Beate Uhse* (Chicago: University of Chicago Press, 2011), 61–86.
52. "Wenige aber gute . . . und die Antwort," *Frau und Mutter*, February 1951.

53. Idamarie Solltman, "Zum großen Frauentag," *Frau und Mutter*, August 1954.
54. See Georg Volk, ". . . und was sagt der Arzt dazu?," *Frau und Mutter*, February 1951; Georg Volk, ". . . und was sagt der Arzt dazu?," *Frau und Mutter*, June 1951.
55. Letter to the editor, *Frau und Mutter*, August 1959.
56. Anneliese Lissner, "Probleme der Ehemoral," *Frau und Mutter*, April 1965.
57. B189/6180–71, *Rheinische Merkur*, May 19, 1975.
58. Gertrud von Le Fort, *Die ewige Frau; Die Frau in der Zeit; Die zeitlose Frau* (Munich: Josef Kösel & Friedrich Pustet, 1934).
59. *Ibid.*, 84–95.
60. E. R. Maexie, *Die Frau vor der Zukunft* (Vienna: Herold, 1961), 95–96.
61. Hans March, "Zur Sexual-Ethik," *Stimmen der Zeit: Monatsschrift für das Geistesleben der Gegenwart* 157, no. 19 (1954–1955): 289–301.
62. See Marina Warner, *Alone of All Her Sex: The Myth and the Cult of the Virgin Mary* (New York: Alfred A. Knopf, 1976), 58.
63. *Ibid.*, 337.
64. ZdK, *Arbeitstagung Freiburg*, April 10–14, 1962 (Paderborn: Bonifatius Press, 1962), 32. Prior to 1966, ZdK publications called the biennial congresses "workshops" (*Arbeitstagung*). The eighty-first meeting in 1966 was the first to be designated a Catholic congress (Katholikentag).
65. Australian public resistance amounted to two Catholic doctors. See Sabine Sieg, "Anovlar': Die erste europäische Pille: Zur Geschichte eines Medikaments," in *Die Pille: Von der Lust und von der Liebe*, ed. Gisela Staupe and Lisa Vieth (Berlin: Rowohlt, 1996), 139.
66. *Ibid.*, 138–140.
67. Anne-Marie Durand-Wever, "Eine Pille reguliert die Fruchtbarkeit." *Stern*, June 20, 1961.
68. Silies, *Liebe, Lust und Last*, 80.
69. *Ibid.*
70. On theological disapproval prior to 1968, see Noonan, *Contraception*, and Ambroggio Valsecchi, *Controversy: The Birth Control Debate, 1958–1968*, trans. Dorothy White (Washington, DC: Corpus Books, 1968).
71. According to this doctrine, a harmful action is permissible if it is the side effect (i.e., the "double effect") of an action that produces a greater good. The harmful effect may be a foreseen effect, but the person may not will the bad act as a means of pursuing a greater good.
72. Pius XII, *Discurso al VII Congreso de la Sociedad Internacional de Hematología*, September 12, 1958.
73. Valsecchi, *Controversy*, 28.
74. Lambruschini, quoted in *ibid.*, 29.
75. Prior to 1963, both Häring and Böckle endorsed the use of progestational drugs for therapeutic purposes only. See Bernhard Häring, "Verantwortete Elternschaft: Aber wie?," *Theologischer Digest* 2 (1959): 153–159; Franz Böckle, "Die sittliche Beurteilung sterilisierender Medikamente," *Herder Korrespondenz* 16 (1962): 354–371.
76. Doms supported using the rhythm method if serious reasons existed for not having a child. See Doms, *Meaning of Marriage*, 196.
77. J. M. Reuss, "Eheliche Hingabe und Zeugung: Ein Diskussionsbeitrag zu einem differenzierten Problem," *Tübinger Theologische Quartalschrift* 143 (1963): 454–476.
78. See Dietrich von Hildebrand, *Das trojanische Pferd in der Stadt Gottes* (Regensburg: Habel, 1968). Hildebrand left Germany for the United States in 1941 but remained an active participant in German theological debates during the postwar era.
79. Wiltgen, *Inside Story*, 305–306. The commission was composed of members of the

Theological Commission and the Commission of the Lay Apostolate. This “mixed” commission was formed in 1962 after the council fathers rejected the schema on the Church drafted by the Preparatory Commission. Each subcommission of the “mixed” commission was assigned responsibility for revising one chapter of the schema.

80. *Ibid.*, 306–307.

81. *Lumen Gentium*, November 21, 1964, no. 31; see also *Apostolicam Actuositatem*, November 18, 1965, no. 2; *Presbyterorum Ordinis*, December 7, 1965, no. 9; *Ad Gentes*, December 7, 1965, no. 21.

82. Ottaviani quoted in Wiltgen, *Inside Story*, 307.

83. Thomas Fox, *Sexuality and Catholicism* (New York: George Braziller, 1995), 46–48.

84. Peter Hebblethwaite, *Paul VI: The First Modern Pope* (London: HarperCollins, 1993), 443.

85. Published first in John C. Ford and J. J. Lynch, “Contraception: A Matter of Practical Doubt,” *Homiletic and Pastoral Review* (April 1968): 563, reprinted in Hebblethwaite, *Paul VI*, 444.

86. Bernhard Häring, *My Witness for the Church*, trans. Leonard Swidler (New York: Paulist Press, 1992), 67.

87. Hebblethwaite, *Paul VI*, 445.

88. *Gaudium et Spes*, December 7, 1965, pt. II, ch. 1, n. 14.

89. On Vatican I, see John M. Bellito, *The General Councils: A History of Twenty-one Councils from Nicaea to Vatican II* (New York: Paulist Press, 2002), 117–125.

90. The *HarperCollins Encyclopedia of Catholicism* noted that the two documents contained fifteen references to episcopal governance as “collegial” and thirty-seven references to the hierarchy being united as a “collegium.” See McBrien, ed., *HarperCollins Encyclopedia of Catholicism*, 330. See also *Lumen Gentium*, November 21, 1964, no. 22.

91. M. T. Litonjua, *Creative Fractures: Sociology and Theology* (Bloomington, IN: Author House, 2011), 237.

92. The commission initially consisted of six members; by its final meeting in May 1966, it had seventy-five members. See Kaiser, *Politics of Sex*, 46–47.

93. *Ibid.*, 46–56.

94. *Casti Connubii*, December 31, 1930, no. 5.

95. Auxiliary Bishop Reuss of Mainz in a letter to Pope Paul VI, January 1965, quoted in Kaiser, *Politics of Sex*, 76.

96. *Ibid.*, 69–76.

97. Hebblethwaite, *Paul VI*, 468.

98. *Ibid.*, 469.

99. “Majority Papal Commission Report,” 162.

100. Hebblethwaite, *Paul VI*, 487.

101. B189/1176–6. In a letter to Käte Strobel, the minister of Family (SPD), dated January 2, 1970, a West German man accused the minister of being “deeply influenced by the papal encyclical.” The man believed that papal influence had been the reason Strobel had not supported making oral contraception available over the counter.

102. B189/1178–223, “Die Pille ist noch kein Geschäft,” *Handelsblatt*, October 22, 1964.

103. B189/1178–132, “Deutsche Frauen an dritter Stelle im Antibabypillen-Verbrauch?,” *Deutsche Presse-Agentur*, August 1968.

104. Silies, *Liebe, Lust und Last*, 103.

105. Roughly 40 percent of “thalidomide babies” died before their first birthday; those who did live had severe defects, including missing limbs and internal organs. See *Webster’s New World Medical Dictionary*, 3d ed. (New York: Wiley, 2008), 420.

106. B189/11766–197–98, Letter from Dr. Bernhardt, Federal Ministry of Health to M.S., September 21, 1962.
107. Sieg, “Anovlar,” 132.
108. Katholischen Sozialwissenschaftlichen Zentralstelle Mönchengladbach, ed., “Religion ohne Kirche? Eine Herausforderung für Glaube und Kirche,” *Kirche und Gesellschaft*, no. 30 (1977): 13.
109. Dagmar Herzog, “Between Secularization, Postfascism, and the Rise of Liberation Theology,” in *Die Gegenwart Gottes in der modernen Gesellschaft: Transzendenz und religiöse Vergemeinschaftung in Deutschland*, ed. Michael Geyer and Lucian Hölscher (Göttingen: Wallstein, 2006), 433.
110. Quoted in Jarausch, *After Hitler*, 166.
111. Julius Döpfner, “Instruction to the Confessors of the Munich Archdiocese (1965),” in *The Church and Contraception*, ed. John T. Noonan, Jr. (New York: Paulist Press, 1967), 74.
112. Letter to the editor, *Der Spiegel*, August 12, 1968.
113. Walter Dirks, “Der Papst gegen die Kirche,” *Frankfurter Hefte* 23, no. 9 (1968): 625.
114. Sartory and Sartory, *Strukturkrise einer Kirche*, 139.
115. *Ibid.*, 147–148.
116. ZdK, 2103–1864, Letter from Karl Furst zu Löwenstein to Cardinal Döpfner, August 12, 1968.
117. Jaeger quoted in Sartory and Sartory, *Strukturkrise einer Kirche*, 143–144.
118. DBK, *Wort der deutschen Bischöfe zur seelsorglichen Lage nach dem Erscheinen der Enzyklika “Humanae Vitae,”* www.dbk.de, accessed May 12, 2011.
119. ZdK, KT-Essen 1968, Presse-Echo, no. 8. See, e.g., “Heftige Opposition auf dem 82. Katholikentag,” *Nordwest Zeitung Oldenburg*, September 4, 1968; “Radikale Katholiken: Papst soll Abtreten!” *Fränkische Landeszeitung* (Ansbach), September 5, 1968.
120. ZdK, KT-Essen 1968, Presse-Echo, no. 10, “Auf der Empore knipst die politische Polizei,” *Schwäbisches Tagblatt*, September 6, 1968.
121. ZdK, KT-Essen 1968, Presse-Echo, no. 10, Wilhelm Kirchner, “APO ist gefährlicher als NPD,” *WAZ*, September 6, 1968.
122. ZdK, KT-Essen 1968, Presse-Echo, no. 9, Reinhold Noll, “Was muß der gute Katholik tun?,” *Fränkische Nachrichten*, September 5, 1968. Heinz Schweden, editor of the *Rheinische Post*, reached the same conclusion. See ZdK, KT-Essen, 1968, Presse-Echo, no. 11, Heinz Schweden, “Gewissen gegen Gehorsam,” *Rheinische Post*, September 7, 1968.
123. ZdK, KT-Essen 1968, Presse-Echo, no. 11. “Ehe = 2 × 1—sonst nichts?,” *Schwäbische Donau Zeitung*, September 7, 1968.
124. See, e.g., the “Postfach Synode” results: Catholics identified celibacy as the most critical issue, and interconfessional marriage was a distant second. JHD, Würzburger Synode: ZDF Postfach Synode, 2.1/012–037.
125. “Halbe Wahrheit,” *Der Spiegel*, March 6, 1972.
126. ZdK 2103, 1854, no. 2, Präsidium Generalsekretariat—Pres. Bernhard Vogel, Letter from a pariah priest to Bernhard Vogel, June 5, 1974.
127. B189/2820–0026, Katholische Ärztarbeit Deutschlands, Ärztliche Stellungnahme zu medizinischen Fragen der Enzyklika ‘Humanae Vitae.’
128. B189/2819–0124–125, Protokoll über die 5. Zusammenkunft zur Erörterung von Grundsatzfragen der Geschlechterziehung und Familienplanung am 2. Oktober 1968 in Bundesministerium für Familie und Jugend.
129. B189/6180–12, Gertrud Zimmermann, Internal memo concerning *Stellungnahme des*

Deutschen Caritasverbandes zum 'Bericht der Kommission zur Auswertung der Erfahrungen mit dem reformierten § 218 StGB (entspr. 24./25.06.1980), July 23, 1980.

130. kfd-746, World Union of Catholic Women's Organizations (WUCWO) meeting, October 31–November 5, 1968.

131. kfd-1914, Geschichte der Katholischen Frauengemeinschaft Deutschlands.

132. See Katholische Frauengemeinschaft Deutschlands, *Auf dem Weg in die Zukunft: Orientierungs- und Arbeitsprogramm 1979*, <http://www.kfd-bundesverband.de>, accessed November 4, 2014.

133. kfd-1332, Anneliese Lissner, "Feministische Theologie als Befreiungstheologie," 1980 Catholic Congress in Berlin.

134. kfd-1170, Papal visit to Germany, November 1980.

135. kfd-1170, Letter from H.K. to the kfd central office, December 14, 1980.

136. kfd-1170, Letter from the St. Maria Magdalena Rheinbreitbach chapter to the kfd central office, December 16, 1980.

137. 1985 Allensbach survey, quoted in "Eine 'dramatische' Abkehr junger Frauen von der Kirche," *Frau und Mutter*, April 1986.

138. ZdK, KT-78, 82, and 84, 8000/1077, "Berichterstattung: 'Frauen: Kinder, Küche, Kirche,'" *Die Zeit*, September 10, 1982.

139. ZdK, KT-Aachen 1986, Zeitungsausschnitte, box 1, Harald Biskup, "Höffner verlangt Glaubensgehorsam," *Kölner Stadt-Anzeiger*, September 28–29, 1985.

140. Alois Rummel, "Familienplanung ohne Besserwisseri: Joseph Kardinal Höffner definiert die Königsteiner Erklärung der deutschen Bischöfe," *Rheinische Merkur/Christ und Welt*, February 8, 1986.

141. kfd-842.1, Letter from Ria Pechel to Joseph Höffner, February 17, 1986.

142. kfd-842.1, Letter from Irma Jalowy to Joseph Höffner, February 21, 1986.

143. kfd-1175, "Protokollauszug: Sitzung der Pastoralkommission am 7./8. Juli 1987."

4. THE ABORTION DEBATE

1. On shifts in canon law, see Sabine Demel, *Abtreibung zwischen Straffreiheit und Exkommunikation: Weltliches und kirchliches Strafrecht auf dem Prüfstand* (Stuttgart: Kohlhammer, 1995).

2. Exod. 21:21–22 (New American Bible, 1970).

3. Fox, *Sexuality and Catholicism*, 91–95.

4. Demel, *Abtreibung zwischen Straffreiheit*, 80–81, 86–88.

5. Fox, *Sexuality and Catholicism*, 94.

6. See Thomas Aquinas, *Summa Theologica*, q. 78, art. 1. On early Church fathers' views on delayed hominization, see David Albert Jones, *The Soul of the Embryo: An Inquiry into the Status of the Human Embryo in the Christian Tradition* (New York: Continuum, 2004).

7. Jones, *Soul of the Embryo*, 171–193.

8. Ranke-Heinemann, *Eunuchs for the Kingdom*, 304.

9. Sister Margaret McBride's excommunication received widespread coverage in the American press. See, e.g., "Sister Margaret McBride: Don't Confess," *National Public Radio*, May 21, 2012, <http://www.npr.org>. See also Catholic News Service, "Arizona Mercy Nun reinstated," *Dialog*, <http://thedialog.org>, both accessed May 12, 2012.

10. The Brazilian excommunications received international press coverage. See, e.g., Gary Duffy, "Abortion Row Shakes Brazilian Opinion," *BBC News*, April 2, 2009, <http://news.bbc.co.uk>; "Katholische Kirche exkommuniziert Mutter von vergewaltigter Neunjähriger," *Der Spiegel*, March 5, 2009, www.spiegel.de; "L'Avortement d'une fillette de 9 ans bouleverse le Brésil," *Le Figaro*, March 9, 2009, <http://www.lefigaro.fr>; and Andrew Downie, "Nine-Year-Old's

Abortion Outrages Brazil's Catholic Church," *Time*, March 6, 2009, time.com; all accessed May 12, 2012.

11. Demel, *Abtreibung zwischen Straffreiheit*, 94–100.
12. CDF, *On Procured Abortions*, November 18, 1974, no. 13.
13. McBrien, ed., *HarperCollins Encyclopedia of Catholicism*, 5–7.
14. Ranke-Heinemann, *Eunuchs for the Kingdom*, 300. In 1970, she became the first woman to hold a Catholic teaching chair in Germany. In 1987, she lost the chair for having rejected the virgin birth of Mary; during a live television debate, she described it as insulting to ordinary women.
15. *Ibid.*
16. Bernhard Häring, *Das Gesetz Christi: Moralthologie*, vol. 3 (Freiburg: Wewel, 1961), 225.
17. *Ibid.*
18. Ranke-Heinemann, *Eunuchs for the Kingdom*, 299.
19. On the different theological perspectives, see David Smith, "Abortion: A Moral Controversy," *Dialogue: A Journal for Religious Studies and Philosophy*, no. 8 (April 1997): 13–18.
20. Rahner, quoted in Ranke-Heinemann, *Eunuchs for the Kingdom*, 306.
21. Anton Antweiler, "Dürfen Katholiken abtreiben?," *Stern*, July 18, 1971; see also "Kirche: Halbe Wahrheit," *Der Spiegel*, March 6, 1972.
22. D. Smith, "Abortion," 18. Like Antweiler, Böckle was Swiss but taught in West Germany.
23. Bt89/63II-61–62, Horst Hermann, "Achtung statt Achtung: Die Folgen des §218 und das kirchliche Unehelichenrecht," *Publik*, July 9, 1971. Hermann lost his teaching authorization in 1975 due to his outspoken criticism of Catholic doctrine on marriage, as well as his negative comments about the close relationship between church and state in Germany.
24. *Gaudium et Spes*, December 7, 1965, no. 76.
25. For a detailed history, see, e.g., Atina Grossmann, *Reforming Sex: The German Movement for Birth Control and Abortion Reform, 1920–1950* (New York: Oxford University Press, 1992); Michael Gante, § 218 in der Diskussion: Meinungs- und Willensbildung, 1945–1976 (Düsseldorf: Droste, 1991).
26. Grossmann, *Reforming Sex*, 136–166.
27. Articles 1 and 2 of the Basic Law, <http://www.bundestag.de>, accessed March 15, 2015.
28. Herzog, *Sex after Fascism*, 222.
29. For a brief summary of abortion reform efforts in Great Britain, France, Italy, and Belgium in the early 1970s, see *ibid.*, 156–160. For the American abortion debate, see, e.g., David Garrow, *Liberty and Sexuality: The Right to Privacy and the Making of Roe v. Wade* (New York: Macmillan, 1994).
30. On East German abortion policy, see Donna Harsh, "Society, the State, and Abortion in East Germany, 1950–1972," *American Historical Review* 102, no. 1 (1997): 53–84.
31. See Myra Marx Ferree et al., *Shaping Abortion Discourse: Democracy and the Public Sphere in Germany and the United States* (New York: Cambridge University Press, 2002).
32. "Das Gesetz des Staates und die sittliche Ordnung," Joint Statement of the EKD and Catholic Church (1970) reproduced in Harald Pawlowski, *Krieg gegen die Kinder? Für und wider die Abtreibung—Mit einer Dokumentation* (Limburg: Lahn, 1971), 129. See also Simone Mantei, *Na und Ja zur Abtreibung: Die Evangelische Kirche in der Reformdebatte um [Paragraph] 218 StGB, 1970–1976* (Göttingen: Vandenhoeck & Ruprecht, 2004), 62–82.
33. For an excerpt from "Verlautbarung der deutschen Bischöfe zur Strafrechtsreform, insbesondere zum Schutz des werdenden Lebens" released by the DBK on September 24, 1970, and the complete official statement of the BDKJ board of directors of December 3, 1971, see JHD, 218: *Ein Paragraph und seine Probleme* (Düsseldorf: Schriftenreihe des Jugendhauses

Düsseldorf, 1972). For the text of the ZdK declaration of October 30, 1970, see ZdK, "Erklärung des Zentralkomitees der Deutschen Katholiken zum Schutz des werdenden Lebens," *Berichte und Dokumente*, no. 11 (1970): 5–6.

34. "Erklärung des Verbandes der niedergelassenen Ärzte Deutschlands," June 24, 1971, in Pawlowski, *Krieg gegen die Kinder?*, 155.

35. ACDP, VIII-005-040/3, Letter from the Berufsverband der Frauenärzte to Reiner Barzel, February 8, 1973.

36. Rudolf Augstein, "Grundgesetz und 218," *Der Spiegel*, September 13, 1971.

37. *Ibid.*

38. "Wir haben gegen den §218 verstoßen," *Stern*, June 3, 1971. The actual number of illegal abortions in Germany was unknown, with estimates ranging from 100,000 to 1,000,000.

39. Pawlowski, *Krieg gegen die Kinder?*, 19.

40. "Infratest-Politikbarometer" of March–April 1971 in *ibid.*, 146–150.

41. Wiliarty, *CDU and the Politics of Gender*, 82.

42. For a comparative analysis of German and American feminism, see Ferree, *Varieties of Feminism*.

43. "Aktionsprogramm gegen Abtreibung: CAJ und 'Junge Gemeinschaft' wollen Öffentlichkeit informieren," BDKJ-Informationsdienst, July 16, 1971.

44. *Ibid.*

45. The Speyer and the Hildesheim kfd diocesan chapters sent letters to every member of the Bundestag in September 1971; the letters condemned any law allowing abortion except when the mother's life was endangered. See ACDP VIII-005-040/3, Letter from the Diözesanverband Speyer (kfd) to Bundestag members, September 30, 1971, and Letter from the Diözesanverband Hildesheim to Bundestag members, September 24, 1971. In February 1971, the *Deutsche Tagespost* published an exchange of letters between Franz Graf von Magnis, the founder of the German chapter of the Community of the Lady of All Nations, Federal Justice Minister Jahn, and Willy Brandt. See Franz Graf von Magnis, ed., *Pornographie-Ehescheidung-Abtreibung: Gedanken, Analysen, Dokumente* (Aschaffenburg: Pattloch, 1971), 83–88.

46. Jaeger, quoted in Pawlowski, *Krieg gegen die Kinder?*, 92.

47. Pawlowski, *Krieg gegen die Kinder?*, 127.

48. B189/6311–549, "Wortlauf der Stellungnahme," *Die Welt*, February 15, 1972.

49. B189/6311–526, quoted in Horst Schlitter, "Scharfer Angriff des Vatikans gegen Bonn," *Frankfurter Rundschau*, February 13, 1972.

50. B189/6311–549, F. M. Rum, "Wer kommentierte im 'Osservatore' den § 218?," *Die Welt*, February 15, 1972.

51. Otto B. Roegele, "Wächteramt oder Herrschaftsanspruch? Die Bischöfe, der § 218 und die Politik," *Communio: Internationale Katholische Zeitschrift* 3 (1972): 272.

52. *Ibid.*

53. *Ibid.*

54. "Ich bin nicht Zensor von Kardinal," *Der Spiegel*, March 13, 1972.

55. *Ibid.*

56. Roegele, "Wächteramt oder Herrschaftsanspruch?," 277.

57. *Ibid.*, 274–277.

58. "Sowieso allein," *Der Spiegel*, December 11, 1972.

59. Wiliarty, *CDU and the Politics of Gender*, 81.

60. "Das ist geistliche Nötigung."

61. See ZdK, Großkundgebung der Arbeitsgemeinschaft der katholischen Verbände Deutschlands: Für das Leben, 29. September 1973, *Berichte und Dokumente* 20 (1973). The is-

sue was dedicated to the mass rally in Bonn on September 29, 1973, and included all official speeches delivered at the rally.

62. At a ZdK plenary meeting at which the upcoming rally was discussed, Aenne Brauksiepe repeatedly referred to the Nazi parallels drawn by the British doctor. See Aenne Brauksiepe, "Einführung in den Tagesordnungspunkt, 23–24 March 1973," *Berichte und Dokumente* 18 (1973): 39–40. However, at the rally, the two speakers did not. See ZdK, "Zur den Erfahrungen in anderen Ländern," *Berichte und Dokumente* 20, (1973): 23–24. The speakers are not identified by name in the report.

63. See, e.g., the speech of Barbara Schmid-Egger, chair of the BDKJ, "Menschenrechte und Menschenwürde," in ZdK, *Berichte und Dokumente* 20, (1973): 11–15.

64. Karl Rahner, *Strukturwandel der Kirche als Aufgabe und Chance* (Freiburg: Herder, 1971), 29.

65. *Ibid.*, 69.

66. *Ibid.*, 90.

67. *Ibid.*, 74–75.

68. *Ibid.*, 24.

69. ZdK, KT-1974, in Mönchengladbach, *Presseauschnitte*, no. 23, Hannes Burger, "Kirche ohne Konflikte" *Stuttgarter Zeitung*, September 16, 1974.

70. *Ibid.*

71. Mantei, *Na und Ja zur Abtreibung*, 403.

72. Friedrich Karl Fromme, "Kompromiß über den Paragraphen 218 nach dem Ärzte-Konzept?," *FAZ*, May 20, 1974.

73. Mantei, *Na und Ja zur Abtreibung*, 412–413.

74. "Wir nehmen die Herausforderung an: Erklärung des Präsidenten des Zentralkomitees der Katholiken," *KNA*, June 6, 1974.

75. "Noch hat die Fristenregelung keine Gesetzeskraft: Erklärung des Vorsitzenden der Bischofskonferenz, Kardinal Döpfner," *KNA*, June 6, 1974.

76. "Schwieriger Test," *Die Zeit*, June 21, 1974.

77. BVerfGE 39, 1—Schwangerschaftsabbruch 39, 1, A I 8.

78. Unlike the U.S. Supreme Court, the German Constitutional Court under Article 93 of the Basic Law can rule on questions of constitutionality without having a case involving litigants who claim to have been injured by the law. In legal parlance, this means that it can determine the constitutionality of a statute "in the abstract." See Kommers and Miller, *Constitutional Jurisprudence*, 374.

79. The 1951 Federal Constitutional Court Act (Article 14, pt. 1, par. 1) gave the First Senate responsibility for reviewing the constitutionality of laws and for resolving constitutional debates arising out of ordinary litigation. The Second Senate had authority over political disputes between branches and levels of government. It could also settle election disputes and rule on the constitutionality of political parties. In 1956, the Bundestag amended the FCCA in order to distribute the caseload between the two courts more evenly. The Second Senate, in addition to political cases, gained jurisdiction over constitutional complaints involving civil and criminal procedures. The First Senate maintained jurisdiction over all cases involving issues of substantive law. See Kommers and Miller, *Constitutional Jurisprudence*, 19.

80. BVerfGE 39, 1—Schwangerschaftsabbruch, A II 2. The CDU also argued that the Bundestag could not act without the concurrence of the Bundesrat. See sec. A, pt. II, no. 1. All translations of the decision are my own.

81. BVerfGE 39, 1, A III 1b and 1c.

82. BVerfGE 39, 1, A, III, 2.

83. Ibid.
84. Ibid.
85. BVerfGE 39, 1, C I 1b.
86. BVerfGE 39, 1, C I 1c.
87. BVerfGE 39, 1, C, II 2.
88. BVerfGE 39, 1, C III 3.
89. BVerfGE 39, 1, C II, 3 and D II 1 and 2a.
90. "218-Protest: Von hinten gegriffen," *Der Spiegel*, February 24, 1975. This protest action took place before the decision's release. The decision had been leaked to the secular press.
91. Ferree, *Varieties of Feminism*, 65.
92. Hans Schueler, "Die Sittenwächter der Nation: Karlsruhe entschied wider die Fristenlösung," *Die Zeit*, February 28, 1975.
93. Roderich Reifenrath, "Die-Karlsruhe Enzyklika," *Frankfurter Rundschau*, February 26, 1975.
94. Rudolph Augstein, "Zuchtmeister für Bonn und Bürger," *Der Spiegel*, March 3, 1975.
95. BVerfGE 39, 1, "Abweichende Meinung der Richterin Rupp-v. Brünneck und des Richters Dr. Simon zum Urteil des Ersten Senats des Bundesverfassungsgerichts vom 25. Februar 1975," B II 2.
96. See BVerfGE 1, 14—Südweststaat, October 23, 1951, no. 27; BVerfGE 3, 225—Gleichberechtigung, December 18, 1953, B II 2b. On the role of natural law in early high court decisions, see James E. Heget, *Contemporary German Legal Philosophy* (Philadelphia: University of Pennsylvania Press, 1996); Samuel Moyn, "Personalism, Community, and the Origins of Human Rights," in *Human Rights in the Twentieth Century*, ed. Stefan-Ludwig Hoffmann (Cambridge: Cambridge University Press, 2011), 85–106. On German legal experts who rejected the revival of Catholic natural law, see Lora Wildenthal, "Rudolf Laun and the Human Rights of Germans in Occupied and Early West Germany," in *Human Rights in the Twentieth Century*, ed. Stefan-Ludwig Hoffmann (Cambridge: Cambridge University Press, 2011), 125–146. For a 1960s German legal study expressing concern about Catholic influence on German law, see Helmut Simon, *Katholisierung des Rechtes? Zum Einfluß katholischen Rechtsdenken auf die gegenwärtige deutsche Gesetzgebung und Rechtsprechung* (Göttingen: Vandenhoeck & Ruprecht, 1962).
97. BGHZ 3, 107 referenced in Simon, *Katholisierung des Rechtes?*, 16.
98. Gottfried Dietze, "Natural Law in Modern European Countries," *Natural Law Forum* 73 (1956): 74–75.
99. On its widespread acceptance in postwar Germany, see Freiherr von der Heydte, "Natural Law Tendencies in Contemporary German Jurisprudence," *Natural Law Forum* (1956): 115–121.
100. At this time, Hans-Christoph Seebohm (Protestant) belonged to the conservative Deutsche Partei. In 1960, he joined the CDU. For a short biography, see "Geschichte der CDU, Konrad-Adenauer-Stiftung," <http://www.kas.de>, accessed March 13, 2015.
101. BVerfGE 39, 1, C I 1d.
102. Gante, § 218 in *der Diskussion*, 54–55.
103. Ferree et al., *Shaping Abortion Discourse*, 154–178.
104. Bernhard Vogel, "Bericht zur Lage in der Vollersammlung des Zentralkomitees der Deutschen Katholiken am 7. März, 1975," in ZDK, *Berichte und Dokumente*, no. 25 (1976): 7.
105. B189/18194, KNA, no. 61, March 13, 1976.
106. DBK, "Empfehlungen für Seelsorger und Religionslehrer nach der Änderung des § 218 StGB," May 7, 1976, <http://www.dbk.de>, accessed March 8, 2013.
107. DBK, "Empfehlungen für Ärzte und medizinische Fachkräfte in Krankenhäusern

nach der Änderung des § 218 StGB,” May 7, 1976, <http://www.dbk-shop.de>, accessed March 15, 2015.

108. Bernhard Vogel was the ZdK president from 1972 to 1976. In March 1976, Hans Maier assumed the presidency.

109. B189/6180, 79–80, Hans-Jochen Vogel, “Zum Wort der Bischöfe erklärt Bundesminister Dr. Hans-Jochen Vogel,” *Das Recht*, May 20, 1976.

110. ZdK, 2103, 1869, Letter from Militia Sanctae Mariae to Bernhard Vogel, May 25, 1976. Militia Sanctae Mariae is the “militant company of the Knights of Our Lady,” an international Catholic confraternity founded in France. In 1968, Bishop Graber of Regensburg established the German chapter. In the 1970s, it actively campaigned against abortion law reform in Germany, France, and Italy. For more information, see its website, www.militia-sanctae-mariae.org, accessed March 12, 2015.

111. ZdK, 2103, 1869, Letter from a Catholic man to Bernhard Vogel, September 6, 1976.

112. ZdK, 2103, 1869, Letter from a parish priest to Bernhard Vogel, November 14, 1975.

113. ZdK-2103, 1869, Letter from a Catholic constituent to Bernhard Vogel, September 5, 1976. Marcel Lefebvre founded the International Society of Saint Pius X (SSPX) in 1970; its mission is the preservation of traditional Catholic values. In 1988, Lefebvre was excommunicated after ordaining four SSPX priests as bishops without papal approval. In September 2011, the Vatican pursued reconciliation with the SSPX, offering it the status of personal prelature (the status held by Opus Dei); in February 2012, the group rejected the reconciliation proposal.

114. kfd-1158, Sitzung des Ständigen Rates in Würzburg, “Erklärung der deutschen Bischöfe zum Jahr des Kindes 1979” (revised draft).

115. B189/6180, “Zum Jahr des Kindes,” *Abendzeitung München*, February 10, 1979. The Cartell-Rupert Mayer, founded in 1946 as the Cartel of Christian Lodges, changed its name in 1954. To this day, it works in conjunction with the Hilfe für Mutter und Kind e. V. to provide women with alternatives to abortion. See the group’s website, <http://cartell-rupert-mayer.de>, accessed May 12, 2012.

116. B189/6180–149, “Für Mord sind Riesensummen da! Regierung—wie belügst du uns!” *Neue Bildpost*, April 15, 1979.

117. This brief list of newspapers covering Höffner’s sermon is by no means exhaustive; see BA 189/6180-144–149.

118. Government statistics indicated that the number of legal abortions increased by almost 30 percent between 1977 and 1978.

119. B189/6180-151–153, Letter from the SPD chair of North Rhineland-Westphalia to Höffner, April 23, 1979.

120. Ibid.

121. ZdK 2103, 1854, no. 1, Letter from Bernhard Vogel to Helmut Kohl, April 11, 1974.

122. ZdK, 2103, 1854, no. 1, Letter from a Catholic woman to Bernhard Vogel, May 7, 1974.

123. Wiliarty, *CDU and the Politics of Gender*, 22.

124. “Die Diskussion um den Paragraphen 218 ist in Deutschland aufs neue entbrannt,” *Die Welt*, August 6, 1979.

125. Ibid.

126. B189/6180–173, Joseph Höffner, “Kein Anspruch auf Schwangerschaft,” reprinted in *Die Welt*, August 6, 1979.

127. Ibid.

128. B189/6180-182, Letter from Hans-Jochen Vogel to Joseph Höffner, September 4, 1979.

129. B189/6180-187–188, Letter from Vogel to Höffner, September 4, 1979.

130. B189/6180-188, Letter from Vogel to Höffner, September 4, 1979.

131. B189/6180-189, Letter from Vogel to Höffner, September 4, 1979.
132. B189/6180-193, Letter from Höffner to Vogel, September 12, 1980.
133. Höffner's intervention received substantial coverage from several major American news outlets. See, e.g., John Vinocur, "Bishops Criticize Schmidt's Policy as Election Nears," *NYT*, September 12, 1980; Elizabeth Pond, "Roman Catholic Church Causes Election Furor in W. Germany," *Christian Science Monitor*, September 18, 1980; John Vinocur, "How Dumb Can Politics Get? In Bonn, They Wonder Aloud," *NYT*, September 21, 1980; Bradley Graham, "Schmidt and Catholics Clash," *Washington Post*, September 26, 1980.
134. "Das ist geistliche Nötigung," *Der Spiegel*, September 22, 1980.
135. *Ibid.*
136. Helmut Schmidt, quoted in "Worte der Woche," *Die Zeit*, September 19, 1980.
137. "Das ist geistliche Nötigung," *Der Spiegel*, September 22, 1980.
138. "Die Herde denkt anders," *Der Spiegel*, September 22, 1980.
139. "Das ist geistliche Nötigung."
140. Hanno Kühnert, "Wie im alten Rom," *Die Zeit*, March 4, 1983.
141. See Frank Bösch, *Macht und Machtverlust: Die Geschichte der CDU* (Munich: DVA, 2002), 240–245, and Petra Holz, *Zwischen Tradition und Emanzipation: Politikerinnen in der CDU in der Zeit von 1945 bis 1957* (Sulzbach-Taunus: Ulrike Helmer, 2004).
142. Wiliarty, *CDU and the Politics of Gender*, 79–108.
143. "Das Fähnlein der Einundfünfzig," *Die Zeit*, December 28, 1984.
144. Margrit Gerste, "Männer in Not," *Die Zeit*, February 17, 1984.
145. See "Tagesprotokoll: 32. Bundesparteitag der Christlichen Demokratischen Union Deutschlands, 10. Mai 1984," 205–208. The protocol is available online via the Konrad-Adenauer Stiftung, www.kas.de, accessed May 12, 2012.
146. See "Tagesprotokoll: 32. Bundesparteitag der Christlichen Demokratischen Union Deutschlands, 10. Mai 1984," 222.
147. Margrit Gerste, "Was will Heiner Geißler? Der Angriff auf Pro Familia war nur ein Vorgefecht," *Die Zeit*, July 20, 1984.
148. See "Tagesprotokoll: 32. Bundesparteitag der Christlichen Demokratischen Union Deutschlands, 10. Mai 1984," 205.
149. See kfd-1169, Letter from Dorothee Wilms to AG aller katholischen Frauenverbände in der Diözese Hildesheim, May 21, 1984.
150. kfd-1831, Letter from W. W. of the Catholic parish office of St. Joseph, Sythen in the Diocese of Münster to the kfd central office, July 11, 1984.
151. "ZdK zur Neuregelung des § 218," *ZdK-Mitteilungen*, no. 221, December 6, 1982.
152. In July, the *Rheinische Merkur/Christ und Welt* published a series on abortion reform and changing German attitudes; the referenced article was the third in the series. JHD, 2.110238-002, "Robben schützen, Menschen töten?," *Rheinische Merkur/Christ und Welt*, February 24, 1984. The *SZ* also prominently featured the results of the study; see Hans Heigert, "Robben ja-Kinder nein," *SZ*, July 16, 1984.
153. Letter to the editor from Helga B., "Kein Zusammenhang mit Robben," *SZ*, July 21, 1984.
154. Hanna-Renate Laurien's speech at the forum addressing women in church and society quoted in "Frauen—von der Kirche nur 'halbherzig' begleitet," *Südkurier Konstanz*, July 10, 1984.
155. ZdK, KT-Aachen 1984, Presseauschnitte, Heidrun Graupner, "Die Frauen setzen neue Signale," *SZ*, July 9, 1984.
156. kfd-1138, Johannes Dyba, "Das Wort des Bischofs," *Bonifatiusbote*, September 3–4, 1988.

157. kfd-1138, Press release, Anneliese Lissner, "Gott schuf die Frau nach seinem Bild—als Frau: Eine Erwiderung auf den Erzbischof von Fulda," September 1, 1988.
158. kfd-1138, Press release, Barbara Leckel and Anneliese Knippenkötter, September 1, 1988.
159. kfd-1138, Letter from the kfd Münster diocesan chapter to Lehmann, September 9, 1988.
160. kfd-1138, Letter from Ursula Männle to Dyba, September 21, 1988.
161. Ibid.
162. kfd-1138, Letter from a kfd local chapter to John Paul II, October 29, 1988.
163. kfd-1342, Protokoll der Sitzung des Hauptausschusses (kfd), Mainz, October 4–5, 1988.
164. kfd-1138, Catholic woman's letter to the editor of *Bonifatiusbote*, September 9, 1988.
165. kfd-1138, Anneliese Lissner, Form letter for positive responses to *Frau & mutter*.
166. kfd-1138, Aktennotiz: Bericht zur Lage des Präsidenten Prof. Maier vor dem Geschäftsführenden Ausschuß ZdK. Following this controversy, the title graphics were changed to *frau und mutter*.
167. kfd-1170, 1993 Allensbach survey, *Frauen und Kirche*.
168. kfd-1175, Aktennotiz für Frau Casel, Frau Dr. Tiemann und Herrn Gordz—über das Gespräch zwischen Vertreterinnen katholischer Frauenverbände und Mitgliedern der DBK am 4. März 1993.
169. Ferree et al., *Shaping Abortion Discourse*, 41.
170. Ibid., 40–43.
171. "Kirche: Mir kann nichts passieren," *Der Spiegel*, January 15, 2001.
172. "Pope Strips Some Authority from German Bishop," *Catholic World News*, March 11, 2002.
173. Enforcement of Vatican stipulations could take extreme forms. For example, in 2008, the bishop of Regensburg would not allow the diocesan choir to sing at the sixtieth birthday party of the CSU Bundestag member Maria Eichhorn because she had donated money to *Donum Vitae*. See "Protest wegen *Donum Vitae*: Kirche verbietet Regensburger Domspatzen das Singen," *Der Spiegel*, September 5, 2008.
174. "'Donum Vitae': Bischöfe untersagen Angestellten Mitarbeit," June 26, 2006, webpage for the diocese of Münster. <http://kirchensite.de>, accessed March 14, 2013.
175. kfd-1170, Allensbach survey, *Frau und Kirche*.

5. ASSISTED REPRODUCTION

1. Johann Wolfgang von Goethe, *The Second Part of Goethe's Faust*, trans. John Anster (London: Routledge, 1886), 90.
2. Hypospadias is a condition in which the urethral opening is on the underside of the penis rather than at the tip. Men with this condition may be able to have sexual intercourse; however, it is less likely that the sperm will be delivered deep enough into the vagina for fertilization to occur. Although many later accounts attributed the injection to Dr. Hunter, the earliest accounts did not. On the growing number of variations on the account, see William Kevin Glover, *Artificial Insemination among Human Beings* (Washington, DC: Catholic University of America Press, 1948), 4–5.
3. Examples of nineteenth- and early-twentieth-century literary treatments include Mary Shelly, *Frankenstein* (1815); Johann Wolfgang von Goethe, *Faust*, part 2 (1832); Jean-Louis Dubut de LaForest, *Le faiseur d'hommes* (1894); and Jules Hoch, *Le faiseur d'hommes et sa formule* (1906). On how French and British literary treatments of AI and sterilization reflected contemporary concerns about the nature and locus of feminine desire and population decline, see Mi-

chael Finn, "Female Sterilization and Artificial Insemination at the French Fin de Siècle: Facts and Fictions," *Journal of the History of Sexuality* 18, no. 1 (2009): 26–43, and Angus McLaren, *Reproduction by Design: Sex, Robots, Trees, and Test Tube Babies in Interwar Britain* (Chicago: University of Chicago Press, 2012).

4. Hermann Rohleder, *Test Tube Babies: A History of Artificial Impregnation of Human Beings*, trans. John Hill (New York: Panurge Press, 1934), 184. Rohleder first broached the topic of AI in 1901 when he published *Vorlesungen über Geschlechtstrieb und gesamtes Geschlechtsleben des Menschen* (Berlin: Fischer, 1901).

5. Glover, *Artificial Insemination*, 45.

6. In his gynecological handbook of 1905, H. Fritsch made one reference to AI, recounting the story of a Parisian doctor who injected the husband's sperm into the woman's uterus; a severe infection resulted. H. Fritsch, *Die Krankheit der Frauen, für Ärzte und Studenten*, 11th ed. (Berlin: Wreden, 1905), 600. Dr. P. Fraenkel reported in 1909 on as yet unverified AI experiments. See P. Fraenkel, "Über künstliche Befruchtung beim Menschen und ihre gerichtsärztliche Beurteilung," *Ärztliche Sachverständigen-Zeitung* 15, no. 9 (1909): 169–175.

7. Paul A. David, "Path-Dependent Learning and the Evolution of Beliefs and Behaviors: Implications of Bayesian Adaptation under Computationally Bounded Rationality," in *The Evolution of Economic Diversity*, ed. Antonio Nicita and Ugo Pagano (New York: Routledge, 2001), 87–88.

8. Rohleder, *Test Tube Babies*, 57–58.

9. *Ibid.*, 113–114.

10. Stoeckel, quoted in Ernst Fromm, "Artifizielle Insemination," in *Die künstliche Befruchtung beim Menschen: Diskussionsbeiträge aus medizinischer, juristischer und theologischer Sicht* (Cologne: Otto Schmidt, 1960), 26.

11. Rohleder, *Test Tube Babies*, 142.

12. Hermann Rohleder, *Künstliche Zeugung und Anthropogenie (Menschwerdung)* (Leipzig: Thieme, 1918), 2.

13. Th. Olshausen, "Künstliche Befruchtung und eheliche Abstammung," *Deutsche Medizinische Wochenschrift* 38, no. 12 (1908): 515.

14. *Ibid.*, 516.

15. J. Schwalbe, "Bemerkungen zu dem vorstehenden Aufsatz," *Deutsche Medizinische Wochenschrift* 38, no. 12 (1908): 516.

16. Traumann, "Künstliche Befruchtung und Vaterschaft," *Das Recht* 13, no. 22 (1909): 765.

17. Rohleder, *Test Tube Babies*, 186.

18. Olshausen, "Das Reichsgericht zur Frage der künstlichen Befruchtung," 1636.

19. Rohleder, *Test Tube Babies*, 186–187.

20. Traumann, "Künstliche Befruchtung und Vaterschaft," 765.

21. Schwalbe, "Bemerkungen zu dem vorstehenden Aufsatz," 516.

22. Rohleder, *Test Tube Babies*, 166–167.

23. *Ibid.*, 172.

24. On the German medical profession's struggle for autonomy, see Charles E. McClelland, *The German Experience of Professionalization: Modern Learned Professions and Their Organization from the Early Nineteenth Century to the Hitler Era* (New York: Cambridge University Press, 1991), 131–142.

25. See, e.g., the British author H. P. Marriot Watson's "The Deleterious Effect of Americanisation on Women," *Nineteenth Century and After* (November 1903): 782–792; Émile Zola's novel *Fécondité* (Fruitfulness), first published in 1899, contrasted idyllic images of domestic tranquility with those of selfish couples deliberately limiting family size and the debauched

life of Séraphine; see also Hans Blüher, *Frauenbewegung und Antifeminismus* (Lauenburg/Elbe, 1921). For a brief discussion of the association drawn by Germans authors between the new woman and sterility, see Ute Frevert, *Men of Honour: A Social and Cultural History of the Duel*, trans. Anthony Williams (Cambridge: Polity Press, 1995), 223–224; and Ute Planert, *Antifeminismus im Kaiserreich: Diskurs, soziale Formation und politische Mentalität* (Göttingen: Vandenhoeck & Ruprecht, 1998), 171.

26. Christina Benninghaus, “Great Expectations: German Debates about Artificial Insemination in Humans around 1912,” *Studies in History and Philosophy of Biological and Biomedical Sciences* 38 (2007): 385.

27. *Ibid.*, 384.

28. Hans Meyer-Rügg, “Über künstliche Befruchtung beim Menschen,” *Münchener Medizinische Wochenschrift* 63 (1916): 1416–1418.

29. Some doctors suggested that AI might cure male impotency. See H. W. Meier, “Zur Kasuistik der psychischen Impotenz,” *Münchener Medizinischer Wochenschrift* 63 (1915), 1415–1416; Meyer-Rügg, “Über künstliche Befruchtung beim Menschen,” 1416–1418.

30. Benninghaus, “Great Expectations,” 385.

31. Schwalbe, “Bemerkungen zu dem vorstehenden Aufsatz,” 516.

32. The Belgian theologian Arthur Vermeersch (1858–1936), for example, proposed six methods of sperm collection that he believed were aligned with Catholic doctrine: (1) involuntary nocturnal secretion of semen; (2) sexual relations with a punctured condom; (3) aspiration by needle; (4) prostate/rectal massage; (5) use of a syringe to extract sperm from the vagina after normal sexual relations; and (6) placement of a container in the vagina immediately after intercourse. As an involuntary act, nocturnal emission did not violate the Church’s condemnation of masturbation. The second method—the use of a punctured condom—he argued, was permissible since it did not interfere with the normal means of conception (provided that the hole in the condom was sufficiently large). The third and fourth methods he justified on grounds that, unlike masturbation, they induced pain. Both the fifth and sixth methods presupposed normal intercourse and thus required no special moral disposition. See Dieter Giesen, *Die künstliche Insemination als ethisches und rechtliches Problem* (Bielefeld: Gieseking, 1962), 85–87.

33. Pius XII, *Discurso al Congreso de la Unión Católica Italiana de Obstétricas con la colaboración de la Federación Nacional de Colegios de Comadronas Católicas*, October 29, 1951, pt. IV, par. 9.

34. On European moral theology and its intellectual isolation at the turn of the century, see Charles E. Curran, *Catholic Moral Theology in the United States: A History* (Washington, DC: Georgetown University Press, 2008), 1–34.

35. Holy Office, *Lamentabili Sane Exitu*, July 3, 1907. English translation available at <http://www.papalencyclicals.net>, accessed April 1, 2015; see also Pius X, *Pascendi Dominici Gregis*, September 8, 1907.

36. Joseph Fletcher, *Morals and Medicine: The Moral Problems of the Patient’s Right to Know the Truth, Contraception, Artificial Insemination, Sterilization, and Euthanasia* (Princeton, NJ: Princeton University Press, 1954), xi.

37. Rohleder, *Test Tube Babies*, 162.

38. Giesen, *Die künstliche Insemination*, 234.

39. *Ibid.*, 251.

40. Ute Helling, *Zu den Problemen der künstlichen Insemination unter besonderer Berücksichtigung des § 203 E 1962* (Berlin: Walter de Gruyter, 1970), 145.

41. Manfred Balz, *Heterologe künstliche Samenübertragung beim Menschen: Rechtliche und politische Überlegungen zu einem Vorhaben des Europarats* (Tübingen: Mohr, 1980), 7.

42. "Vorerst gar nichts," *Der Spiegel*, January 17, 1966.
43. Helling, *Zu den Problemen*, 145–146.
44. I have used "German Medical Association" rather than "National Chamber of Doctors" because the Bundesärztekammer uses the former on its English webpage. See <http://www.bun- desaerztekammer.de>, accessed February 12, 2015.
45. Fromm, "Artifizielle Insemination," 31.
46. *Ibid.*, 30.
47. Resolution of the Deutsche Gesellschaft für gerichtliche und soziale Medizin, quoted in *ibid.*, 29.
48. Helling, *Zu den Problemen*, 146.
49. Rolf S. Müller and Axel Jeschke, "Man darf den Souverän Reizen: Spiegel-Gespräch mit dem CDU-Juristen Dr. Max Güde über Sexualstrafrecht," *Der Spiegel*, September 16, 1968.
50. Resolution of the Deutscher Ärztinnenbund from 1955, quoted in Fromm, "Artifizielle Insemination," 26.
51. Wilhelm Geiger, "Rechtsfragen der Insemination," in *Die Künstliche Befruchtung beim Menschen: Diskussionsbeiträge aus medizinischer, juristischer und theologischer Sicht*, ed. Alan F. Guttmacher (Cologne: Schmidt, 1960), 44.
52. *Ibid.*, 46.
53. *Ibid.*, 45.
54. *Ibid.*, 53.
55. *Ibid.*, 53–54.
56. *Ibid.*, 54.
57. See Mitchell, *Origins of Christian Democracy*, 43–46.
58. B189/6320, 46–47, "Zur Strafrechtsreform," attached to a letter addressed to Elisabeth Reichstätter, kfd, May 2, 1963.
59. B189/6320, "Zur Strafrechtsreform," 48–50.
60. See Jerome-Michael Vereb, "Because He Was German!" *Cardinal Bea and the Origins of Roman Catholic Engagement in the Ecumenical Movement* (Grand Rapids, MI: Eerdmans, 2006); and Robert A. Krieg, *Catholic Theologians in Nazi Germany* (New York: Continuum, 2004), 156–160.
61. See Johannes Stelzenberger, "Die moraltheologische Beurteilung der künstliche Insemination," in *Die künstliche Befruchtung beim Menschen: Diskussionsbeiträge aus medizinischer, juristischer, und theologischer Sicht* (Cologne: Schmidt, 1960), 91–118.
62. On the innovative nature of Häring's *Gesetz Christi* and the international acclaim it received, see Kathleen A. Cahalan, *Formed in the Image of Christ: The Sacramental-Moral Theology of Bernhard Häring C.Ss.R.* (Collegeville, MN: Liturgical Press, 2004).
63. Häring, *Gesetz Christi*, vol. 3, 367.
64. *Ibid.*
65. *Ibid.*; emphasis in original.
66. Bernhard Häring, *Medical Ethics*, trans. Gabrielle L. Jean (Slough: St. Paul Publications, 1972), 93.
67. In 1965, Karl Rahner gave a lecture entitled "Experiment Mensch: Theologisches über die Selbstmanipulation des Menschen." Between 1965 and 1967, Rahner revised the text several times. In 1968, *Theological Digest* published the essay as "Experiment Man" (translated by W. Dych). In 1972, the series *Theological Investigations* offered a new translation of the essay. All citations are taken from the 1972 translation. Karl Rahner, "The Experiment with Man: Theological Observations on Man's Self-Manipulation," trans. Graham Harrison, in *Theological Investigations*, vol. 9: *Writings of 1965–1967* (New York: Herder, 1972), 211.

68. Ibid.

69. Like his first essay, the second essay underwent multiple revisions between 1966 and 1967 and appeared in several publications. It was reprinted in 1969 in the edited volume *Menschenzüchtung*. See Karl Rahner, "Zum Problem der genetischen Manipulation aus der Sicht des Theologen," in *Menschenzüchtung: Das Problem der genetischen Manipulierung des Menschen*, ed. Friedrich Wagner (Munich: Beck, 1969), 158.

70. Ibid.

71. Rahner, "Zum Problem der genetischen Manipulation," 159.

72. Ibid., 161.

73. Ibid., 166.

74. Giesen, *Die künstliche Insemination*, 64. The dearth of Protestant articles is also noted in a 1970 issue of *Der Spiegel*. See "Kirche/Künstliche Befruchtung: Der dritte Mann," *Der Spiegel*, March 23, 1970.

75. Other German Protestant theologians and church officials who shared this view include Helmut Thielicke, Guido N. Groeger, the director for the Center of the Evangelical Church in the Rhineland for Issues of Marriage and Family, and Bornikoel. See Helmut Thielicke, "Die künstliche Befruchtung: Ein Modellfall christlicher Ethik," *Sonntagsblatt*, January 19, 1957, 13–14, and January 29, 1957, 15–16. Guido N. Groeger, "Die Verantwortung des Einzelnen," in *Die künstliche Befruchtung beim Menschen*, 137–146, and Bernhard Bornikoel, "Zum Problem der künstlichen Befruchtung," in *Geburtenregelung und Eugenik: Stellungnahmen zu sexual-ethischen Gegenwartsfragen*, ed. Bernhard Bornikoel and Hans Harmsen (Hamburg: Agentur des Rauhen Hauses, 1959), 13–16.

76. Fedde Bloemhof, "Entmenschlichung des Menschen und Mißbrauch der Wissenschaft," in *Die künstliche Befruchtung beim Menschen*, 128.

77. Bishop Otto Dibelius, *Rheinische Post*, December 28, 1949, quoted in Giesen, *Die künstliche Insemination*, 67.

78. Bloemhof, "Entmenschlichung des Menschen," 134–135; Helmut Thielicke, "Die künstliche Befruchtung," Part II, *Sonntagsblatt*, January 20, 1957, 15.

79. On East and West German responses to Americanization, see Uta G. Poiger, *Jazz, Rock, and Rebels*.

80. Michael Geyer, "America in Germany: Power and the Pursuit of Americanization," in *The German–American Encounter: Conflict and Cooperation between Two Cultures, 1800–2000*, ed. Frank Trommler and Elliott Shore (New York: Berghahn Books, 2001), 127–128.

81. Ibid., 129.

82. Michael Geyer, "Cold War Angst: The Case of West-German Opposition to Rearmament and Nuclear Weapons," in *The Miracle Years: A Cultural History of West Germany, 1949–1968*, ed. Hanna Schissler (Princeton, NJ: Princeton University Press, 2001) 393, 407 n. 129.

83. Geyer, "America in Germany," 129.

84. Ibid., 130. On the revitalization of the *Heimat* ideal and its successful deployment in early postwar conservation campaigns, see Sandra Chaney, *Nature of the Miracle Years: Conservation in West Germany, 1945–1975* (New York: Berghahn Books, 2008); on 1950s *Heimat* films that offered German viewers idealized depictions of nature, motherhood and femininity, and German identity, see Elizabeth Boa and Rachel Palfreyman, *Heimat—A German Dream: Regional Loyalties and National Identity in German Culture, 1890–1990* (Oxford: Oxford University Press, 2000), 86–129.

85. Helling, *Zu den Problemen*, 4–6.

86. See "Reagenzglas-Babys: Ehebruch in der Retorte," *Der Spiegel*, November 8, 1950, and "Der anonyme Ehebruch," *Der Spiegel*, February 5, 1958.

87. See, "Reagenglas-Babies: Ehebruch in der Retort," *Der Spiegel*, November 8, 1950, and "Der Anonyme Ehebruch," *Der Spiegel*, February 5, 1958.
88. Johann Wolfgang Goethe, "Künstliche Mensch," *Die Zeit*, December 12, 1949. No author's name is given; only Goethe's name appears in the byline. The introductory remarks allude to the George Bernard Shaw play; they do not explicitly reference Pygmalion's murder by his two creations.
89. Margarethe Albrecht, quoted in Giesen, *Die künstliche Insemination*, 41.
90. B 189/63II, Niederschrift über die 4. Sitzung . . . CDU.
91. "Vaterschaft: Aus der Truhe," *Der Spiegel*, September 25, 1963.
92. Muller received the Nobel Prize in Medicine in 1946 for his research on genetic mutations caused by radiation. For his 1963 lecture, see Hermann J. Muller, "Genetic Progress by Voluntarily Conducted Germinal Choice," in *Man and His Future: A Ciba Foundation Volume*, ed. Gordon Wolstenholme (Boston: Little, Brown, 1963), 247–263.
93. "Vaterschaft," *Der Spiegel*, September 25, 1963.
94. Ibid.
95. Ibid.
96. V. G., "Kinder aus dem Katalog: Elitezüchtung durch künstliche Befruchtung?," *Die Zeit*, October 13, 1961.
97. Eduard Dreher, "Introduction," *German Draft Penal Code E 1962*, trans. Neville Ross (South Hackensack, NJ: Rothman, 1966), 19.
98. Remarks of M. Klein, "Discussion: Eugenics and Genetics," in *Man and His Future*, ed. Wolstenholme, 282.
99. Ciba Foundation, *Das umstrittene Experiment: Der Mensch—27 Wissenschaftler diskutieren die Elemente einer biologischer Revolution*, trans. Klaus Probst (Munich: Desch, 1966). The new title, "The Controversial Experiment: Man—27 Scientists Discuss the Elements of a Biological Revolution," hints at the book's negative reception in Germany. On this reception, see Heike Petermann, "Die biologische Zukunft der Menschheit: Der Kontext des CIBA Symposiums 'Man and His Future' (1962) und seine Rezeption," in *Ursprünge, Arten und Folgen des Konstrukt 'Bevölkerung' vor, im und nach dem 'Dritten Reich': Zur Geschichte der deutschen Bevölkerungswissenschaft*, ed. Rainer Mackensen, Jürgen Reulecke, and Josef Ehmer (Wiesbaden: VS, 2009), 393–414.
100. Friedrich Vogel, "Ist mit einer Manipulierbarkeit auf dem Gebiet der Humangenetik zu rechnen?—Können und dürfen wir Menschen züchten?," *Hippokrates* 38, no. 16 (1967): 642.
101. Friedrich Wagner, "Die Manipulierung des Menschen durch Genwissenschaft: Geschichte, Methoden, Ziele und Folgen," in *Menschenzüchtung*, ed. Wagner, 46; Wilhelm Kütemeyer, "Wissenschaft, Methode und Mensch, von der Medizin aus gesehen," in *Menschenzüchtung*, ed. Wagner, 128.
102. "Kirche/Künstliche Befruchtung: Der dritte Mann," *Der Spiegel*, March 23, 1970.
103. Franz Böckle, "Ethik und Genetik: Podiumsgespräch und Diskussion," *Genetik und Gesellschaft: Marburger Forum Philippinum*, ed. G. Gerhard Wendt (Stuttgart: Wissenschaftliche Verlagsgesellschaft, 1970), 136.
104. Geyer, "America in Germany," 132.
105. Gerd Langguth, *The Green Factor in German Politics: From Protest Movement to Political Party*, trans. Richard Straus (London: Westview Press, 1984), 6.
106. Erwin Chargaff, "Engineering a Molecular Nightmare," *Nature* (May 1987): 199–200, here 199.
107. In the early 1980s, no standard method existed for reporting IVF success rates. On the different standards used, see Douglas T. Carrell and C. Matthew Peterson, ed., *Reproductive*

Endocrinology and Infertility: Integrating Modern Clinical and Laboratory Practice (New York: Springer, 2010), 103. In 1983, one IVF cycle cost approximately 5,000 DM in West Germany. On the costs, see “Kasse und künstliche Zeugung,” *Die Zeit*, September 16, 1983; in 1984, infertility was reclassified as a disease in Germany; most German insurance companies now provide coverage for up to six IVF cycles.

108. Bernhard Gill, *Gentechnik ohne Politik: Wie die Brisanz der Synthetischen Biologie von wissenschaftlichen Institutionen, Ethik- und anderen Kommissionen systematisch verdrängt wird* (Frankfurt: Campus, 1991), 101.

109. Jürgen Hampel et al., “Germany,” in *Biotechnology in the Public Sphere: A European Sourcebook*, ed. John Durant, Martin W. Bauer, and George Gaskell (London: Cromwell, 1998), 65. See also Article 5 of the Basic Law, which specifies, “Arts and sciences, research and teaching shall be free.”

110. Gill, *Gentechnik ohne Politik*, 104.

111. Hampel et al., “Germany,” 67. The authors contend that German media coverage from 1972 to 1984 was not as negative as some authors have argued. However, in compiling their data, they do not differentiate between different types of biotechnology (e.g., genetic manipulation of crops, of livestock, and of humans). Media coverage of IVF, surrogacy, and AID was overwhelmingly negative. A quantitative/qualitative analysis found that 80 percent of German media coverage of NRTs was negative between 1983 and 1990. See Irene Johanna Barnett, “Assisted Reproductive Technology Policy: A Comparative Case Study of Policy Outcomes in Germany and the United States” (Ph.D. diss., Kent State University, 2003), 145–153.

112. “Ein Schritt in Richtung Homunkulus,” *Der Spiegel*, July 31, 1978.

113. “Respektvoll in den Ausguß,” *Die Zeit*, October 8, 1978.

114. Letter to the editor, *Frau und Mutter*, October 1979.

115. B141/49460, 82, Böckle, quoted in “Stellungnahme des Vorsitzenden der Deutschen Bischofskonferenz, Kardinal Joseph Höffner, zum sogenannten ‘Retorten-Baby,’ Pressedienst des Sekretariats der Deutschen Bischofskonferenz, August 10, 1978.

116. B141/49460, 83, Johannes Gründel, “Künstlich, aber nicht unsittlich. In Deutsche Zeitung vom 4. August 1978, note 4 in “Stellungnahme . . . zum sogenannten ‘Retorten-Baby,’” Pressedienst, August 10, 1978.

117. B141/49460, 83–86.

118. Hampel et al., “Germany,” 65.

119. Albin Eser, Hans-Georg Koch, and Thomas Wiesenbart, *Regelungen der Fortpflanzungsmedizin und Humangenetik: Eine international Dokumentation gesetzlicher und berufsständischer Rechtsquellen* (Frankfurt: Campus, 1990), 41–47.

120. *Bericht der gemeinsamen Arbeitsgruppe in-Vitro-Fertilisation, Genomanalyse und Gentherapie* (Benda-Kommission), cited in *ibid.*, 44.

121. Eser, Koch, and Wiesenbart, *Regelungen der Fortpflanzungsmedizin*, 45.

122. See Bundesminister der Justiz, “Diskussionsentwurf eines Gesetzes zum Schutz von Embryonen (Embryonenschutzgesetz-ESchG) vom 29.4.1986,” in *Ibid.*, 90–92.

123. Paragraph 13 of the revised adoption law addressed the surrogacy ban. See the excerpt of Gesetz zur Änderung des Adoptionsvermittlungsgesetzes (1989) in Eser, Koch, and Wiesenbart, *Regelungen der Fortpflanzungsmedizin*, 98.

124. See Embryonenschutzgesetz, in Eser, Koch, and Wiesenbart, *Regelungen der Fortpflanzungsmedizin*, 90.

125. See Nicole Richardt, “A Comparative Analysis of the Embryological Research Debate in Great Britain and Germany,” *Social Politics: International Studies in Gender, State and Society* 10, no. 1 (2003): 86–128, and John A. Robertson, “Reproductive Technology in Germany and

the United States: An Essay in Comparative Law and Bioethics," *Columbia Journal of Transnational Law* 43 (2004): 189–227.

126. Kleinert, quoted in "Strafrecht: Wahnhafte Beziehung," *Der Spiegel*, September 9, 1988.

127. Horst Mewes, "A Brief History of the German Green Party," in *The German Greens: Paradox between Movement and Party*, ed. Margit Mayer and John Ely (Philadelphia: Temple University Press, 1998), 31.

128. "Die Unheimliche Macht der Selbstschützer," *Der Spiegel*, July 31, 1978.

129. Mewes, "Brief History," 33–36.

130. Langguth, *Green Factor*, 13–14.

131. Mewes, "Brief History," 37.

132. Langguth, *Green Factor*, 33.

133. On feminists' rise to power in the Green Party, see Claudia Pinl, "Green Feminism in Parliamentary Politics," in *German Greens*, ed. Mayer and Ely, 128–140.

134. Sara Jansen, "National Report on West Germany," FINNRET/FINRRAGE Conference, July 3–8, 1985, Lund, Sweden, <http://www.finrrage.org>, accessed January 15, 2013.

135. Heidi Hofmann, *Die feministischen Diskurse über Reproduktionstechnologien: Positionen und Kontroversen in der BRD und den USA* (Frankfurt: Campus, 1999), 104.

136. Maria Mies, "Reproduktionstechnik als sexistische und rassistische Bevölkerungspolitik," in *Frauen gegen Gentechnik und Reproduktionstechnik: Dokumentation zum Kongreß vom 19.–21. 4. 1985 in Bonn*, ed. Die Grünen im Bundestag, AK Frauenpolitik & Sozialwissenschaftliche Forschung und Praxis für Frauen (Cologne: Kölner Volksblatt, 1986), 44.

137. Hofmann, *Die feministischen Diskurse*, 103.

138. Erika Hickel, "Menschenwürde statt Männerwürde," in *Frauen gegen Gentechnik*, 38.

139. Dorothy Liers, "Familienpolitik, Gen- und Reproduktionstechnologie," in *Frauen gegen Gentechnik*, 86. See also the presentation of Maria Mies, "Argumente wider den Bio-Krieg," 114–118.

140. Mies, "Reproduktionstechnik als sexistische," 44.

141. *Ibid.*, 45.

142. Marina Steinbach, "Der Mythos der Entscheidungsfreiheit," in *Frauen gegen Gentechnik*, 111.

143. Mies, "Reproduktionstechnik als sexistische," 45.

144. Bundesverfassungsgericht, BVerfGE 39, 1—Schwangerschaftsabbruch I, February 25, 1975.

145. kfd-1177, Letter from Anneliese Lissner to Mechthild Höflich, October 19, 1987.

146. *Ibid.*

147. Mies, "Reproduktionstechnik als sexistische," 44.

148. On the cost-benefit emphasis of the early debate, see Hampel et al., "Germany," 63–76.

149. On Germany's changing relationship to its Nazi past, see Aleida Assmann, *Der lange Schatten der Vergangenheit: Erinnerungskultur und Geschichtspolitik* (Munich: Beck, 2006), and Norbert Frei, *1945 und wir: Das Dritte Reich im Bewusstsein der Deutschen* (Munich: Beck, 2005).

150. Sara Jansen, "National Report on West Germany," FINNRET/FINRRAGE Conference, July 3–8, 1985, Lund, Sweden, <http://www.finrrage.org>, accessed March 15, 2013.

151. Rat der Evangelischen Kirche Deutschland und Sekretariat der Deutschen Bischofskonferenz, *Gott ist ein Freund des Lebens*, November 30, 1989, 11.

152. For the survey and Maier's reaction, see, respectively, Hans Heigert, "Robben ja-Kinder nein," *SZ*, July 16, 1984, and "ZdK: 200.000 Abtreibungen jährlich sind unerträglich: For-

derungskatalog des ZdK an Parteien, Fraktionen und Regierungen," *ZdK-Mitteilungen*, no. 248, November 26, 1984.

153. Deutsche Bischofskonferenz, *Für das Leben: Pastorales Wort zur Schutz der ungeborenen Kinder* (November 24, 1986), 11, <http://www.dbk.de>, accessed August 24, 2015.

154. *Gott ist ein Freund des Lebens*, 100.

155. Richardt, "Comparative Analysis," 101–112.

156. Research using imported stem cells had to meet three criteria: (1) high priority, (2) previous successful results in animal experiments, and (3) detailed explanation of why embryonic stem cells would be required. The law also specified that imported stem cell lines must have been produced prior to May 7, 2007, and that the Central Ethics Commission must approve. See "Gesetz zur Sicherstellung des Embryonenschutzes im Zusammenhang mit Einfuhr und Verwendung menschlicher embryonaler Stammzellen (Stammzellgesetz) StZG," in Manuela Brewe, *Embryonenschutz und Stammzellgesetz: Rechtliche Aspekte der Forschung mit embryonalen Stammzellen* (Berlin: Springer, 2006), 300–306.

157. Kirsten Kullmann, "Genetic Risks: The Implications of Genetic Screening," *Spiegel Online International*, February 8, 2013, <http://www.spiegel.de>, accessed February 12, 2013.

158. On the emergence of differing feminist perspectives in the 1990s, see Kathrin Braun, "Women, Embryos, and the Good Society: Gendering the Bioethics Debate in Germany," in *Gendering the State in the Age of Globalization: Women's Movements and State Feminism in Postindustrial Democracies*, ed. Melissa Haussman and Birgit Sauer (Lanham, MD: Rowman & Littlefield, 2007), 147–168.

159. Kullmann, "Genetic Risks."

EPILOGUE

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