

SUBMISSION FOR: 2022 ACS Constitutional Law Scholars Forum

TITLE: Bread or Beer in post-WWII Occupied Bavaria: A Tale of Competing Nourishment Norms

ABSTRACT:

This paper addresses the opportunity and dread that occurred in Occupied Bavaria as a result of the Occupiers, through occupation law, prioritizing grain for bread rather than for beer production.

At this time, due to the absence of Bavarian grain for bread, the US almost exclusively provided all of the grain for Bavarians' bread rations. The four Occupiers of Germany (the Soviet Union, France, the UK, and the US), organized as the "Control Council," had issued law imposing steep taxes on beer as a means of fiscally encouraging grains to be used for bread for the undernourished population, rather than for beer. In addition, the US Occupiers of Bavaria had issued occupation law closing all breweries in Bavaria, except for the breweries that were producing beer for US troops.

Male members of the Bavarian Pre-Parliament contended the Occupiers did not understand that beer was "nourishment" and sought to change the beer laws of the Occupiers through direct conversations with the US military government as well as through a formal resolution on beer. Their arguments included:

- beer is vital to reconstruction of Bavaria, as it would incentivize construction workers to work (in this immediate post-war period, most Germans were unemployed and undernourished);
- beer absence causes grown workers to drink milk and thereby deprives others of the milk (the infant mortality rate was at an all-time high);
- beer is a substitute for milk (a concern was expressed that terminated imported foodstuffs for milk-producing cows would result in a diminished number of milk-producing cows);
- beer breweries are sources of employment; and
- beer hops is an export item for Bavaria.

Throughout, this paper addresses whether post-conflict externally imposed laws crystallize culture.

KEY WORDS: Occupied Bavaria, beer, culture, imposed laws, occupation law

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Colombia's Escuela Superior de Guerra).