German History in Documents and Images

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Gabriele Tergit, “Paragraph 218: A Modern Gretchen Tragedy” (1926)

Journalist Gabriele Tergit (whose real name was Elise Hirschmann; 1894-1982) started working as a court reporter for the *Berliner Tageblatt* in 1925. In this article from November 1926, she covered the trial of four people charged with breaking the law prohibiting abortion (Paragraph 218). Generally speaking, Tergit mostly reported on the trials of people who had broken this law out of poverty or distress. In her reporting, Tergit went beyond descriptive accounts of individual trial proceedings and offered thoughtful and critical commentary on larger matters concerning jurisdiction and the legal system. She even openly criticized Paragraph 218 as inhumane. Later, her outspoken criticism of the National Socialist justice system forced her and her family to flee Germany in March 1933, shortly after Hitler came to power. They escaped first to Palestine and eventually settled in London.

A Modern Gretchen Tragedy

Yesterday negotiations over Paragraph 218 lasted from morning late into the evening; but then, it is a matter of human beings.

The defendants: the girl; the lover; the doctor; the midwife. The girl’s testimony contradicts that of the others. She is on one side, alone, fighting the last fight about and against the man. She is a robust, big girl with broad hips; she has a broad, red face, was originally a playful, innocent thing, capable and quick; comes from a good home, the foster child of academics. Her name is Lotte and she calls herself Mara. Her family name is Hister, her parents’ Hilmer; she calls herself Hister-Hilmer. She is a mere teenage girl, who must now suffer the eternally constant, bitter fate of woman.

In 1923, barely seventeen, she met “him” in a cafe, a beautiful, blond boy. First they became friends, then “it” happened. The consequence is visible. She would like to keep it. “I will marry you, if the consequence disappears,” says he, “otherwise it’s over.” And so begins the path, more bitter than any pill, to the doctors and women. Finally, one is found. She tells her parents she’s taking a trip to Silesia. To make it believable, she travels to Frankfurt on the Oder to mail a postcard from the train station. This postcard cost the two of them thirty marks. She arrived, says the girl, completely healthy at the doctor’s; eight days later she arrived back home, sick and ruined for life. And as she lies in a fever, the lover comes and says it has to end, he has to marry a rich girl. She wants to kill herself. Then he sends a friend to her with a love letter, to check whether she is still alive. Meanwhile the parents have taken it all in and so the poor father

delivers an ultimatum. All right, then, they will become engaged. The guests have already been invited when he refuses a second time, over the telephone: “I don’t love you anymore.” And so the poor father goes there again and asks, and the girl begs, and the young man condescends—not to marriage, but to continued friendship. He is no longer welcome at the house, but she loves him and agrees.

Meanwhile, she has lost her good position at the bank because of her illness. Times have gotten harder; she winds up in a lowly bar, degrades herself. After another year it is finally over. A girlfriend registered the complaint.

He had absolutely no notion what was supposed to happen at the doctor’s. He thought it was an illness, otherwise he would never have allowed it. But he nevertheless paid for the illness!

But then the girlfriend came forward, the one who made the complaint. Stenotypist; she has left her parents.

Judge: “Why did you register the complaint?”

Witness: “Lotte wanted it herself.” General surprise.

Defendant: “I must confess. I wasn’t sober and was so desperate, away from home, in the bar, my life ruined. I can’t love anyone else. Kurt shouldn’t just get away with it, I thought. It wasn’t thought out.”

The girlfriend warned her. She is full of life and insolent to the judge and prosecutor; beautiful, wrapped in an expensive fur.

And the way the two girls stand there, they are the two poles of womanhood. The one cool, clever, superior, and skeptical; love does not happen to her: “She was just crazy,” she says of the other one. Lovely, smiling, and elegant, the born mistress, the victor. And the other, warm, foolish, impulsive, and gullible, who can only love one and wants it that way, her whole life; not pretty, ruined by tears, broken.

We will not speak of the medical aspects. The girls’ allegations certainly had an internal plausibility; the doctor’s statements on the other hand were unclear. But both Professor Strauch and the medical commissioner Dyrenfurth pronounced a *non liquet* [not proven].

The prosecutor demanded a six-month term for each of the defendants, three months for the midwife.

The girl remained true to her testimony: “I am guilty,” she said, “and I want to pay the penalty. But I have spoken the truth.”

The court, too, essentially believed her.

The guilt of the doctor and the midwife could not be proven; they were therefore released. The contempt anyone with proper sensitivities has to feel for the shabby behavior of the young man was expressed in the young judge's verdict and reasoning.

The girl did it because she was promised marriage if she did. But the man consciously put her life at risk. The court is of the opinion that he only wanted to avoid the alimony.

The girl was punished with a two weeks' sentence, suspended to probation.

The man got two months in jail, which will be served.

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